

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
(HEAD OF FOREST FORCE), MAHARASHTRA STATE, NAGPUR

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER,
MAHARASHTRA STATE, NAGPUR,
First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.

Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

Sub:-Proposal for diversion of 8.4771 ha. of forest land for up-gradation and widening from existing 2 lane to 2 lane with Paved Shoulder configuration of Mudked-Bhokar NH-161 A Section from km 22.00 km 43.00 of 21.00 km length in Mudkhed & Bhokar Talukas of Nanded District in the State of Maharashtra.

No. : Desk-17/Nodal/Aurangabad/ID-13753/ 686/2022-23
Nagpur – 440 001, Dated 22/06/2022

To,
The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralaya, Mumbai – 400032

Sir,

The project has been initiated by the Executive Engineer, P.W.Division Bhokar, Dist. Nanded for diversion of 8.4771 ha. forest land for diversion of 8.4771 ha. of forest land for up-gradation and widening from existing 2 lane to 2 lane with Paved Shoulder configuration of Mudked-Bhokar NH-161 A Section from km 22.00 km 43.00 of 21.00 km length in Mudkhed & Bhokar Talukas of Nanded District in the State of Maharashtra. The detailed area statement of forest land is shown as under:- (P-24)

Patch	Chainage	District	Taluka	Village	Compt No.	Gut No.	Length (m)	Width (m)	Area (Sq.m)	Area (Ha)	Legal Status
P-1	5+370 to 5+717	NANDED	BHOKAR	DORLI	404	70	329.1111	18	5923.9998	0.5924	R.F.
		NANDED	BHOKAR	DORLI	404	77	17.5560	18	316.0080	0.0316	R.F.
Total P-1							346.6671		6240.0078	0.6240	
P-2	5+845 to 6+258	NANDED	BHOKAR	DORLI	404	80	65.3889	18	1177.0002	0.1177	R.F.
		NANDED	BHOKAR	DORLI	404	81	309.1667	18	5565.0006	0.5565	R.F.
		NANDED	BHOKAR	DORLI	404	84	38.4444	18	691.9992	0.0692	R.F.
Total P-2							413.0000		7434.0000	0.7434	
P-3	6+258 to 7+081	NANDED	BHOKAR	DORLI	404	82	175.6667	9	1581.0003	0.1581	R.F.
		NANDED	BHOKAR	DORLI	404	84	171.3333	9	1541.9997	0.1542	R.F.
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Total P-3							822.5555		7402.9995	0.7403	
P-4	7+276 to 8+550	NANDED	BHOKAR	DORLI	404	33	616.7778	18	11102.0004	1.1102	R.F.
		NANDED	BHOKAR	DORLI	404	33	237.8333	30	7134.9990	0.7135	R.F.
		NANDED	BHOKAR	DORLI	404	34	419.5556	18	7552.0008	0.7552	R.F.
Total P-4							1274.1667		25789.0002	2.5789	
P-5	8+966 to 9+709	NANDED	BHOKAR	DORLI	405	33	277.6111	18	4996.9998	0.4997	R.F.
		NANDED	BHOKAR	DORLI	405	18	329.0000	18	5922.0000	0.5922	R.F.
		NANDED	BHOKAR	DORLI	405	17	32.3333	18	581.9994	0.0582	R.F.
		NANDED	BHOKAR	DORLI	405	16	30.0000	18	540.0000	0.0540	R.F.
		NANDED	BHOKAR	DORLI	405	15	25.6667	18	462.0006	0.0462	R.F.
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		NANDED	BHOKAR	DORLI	405	13	27.0000	18	486.0000	0.0486	R.F.
Total P-5							742.6111		13366.9998	1.3367	
P-6	12+807 to 13+390	NANDED	BHOKAR	PANDHU RNA	432A	42	400.8333	18	7214.9994	0.7215	R.F.
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P-7	13+390 to 13+930	NANDED	BHOKAR	RITHA	413B, 414	203	177.9000	30	5337.0000	0.5337	R.F.
		NANDED	BHOKAR	RITHA	413B, 414	203	362.4444	18	6523.9992	0.6524	R.F.
Total P-7							540.3444		11860.9992	1.1861	
Total Forest Land (in ha.)									84771.0069	8.4771	

2) Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 and according to Government of India's instructions issued from time to time are enclosed in one copies.

3.1 Prescribed form dated 10/01/2003.

3.2 Certificate regarding minimum demand of forest land for the project,

3.3 Area Statement,

3.4 Index map in suitable scale

3) The total non-forest area involved in the project is 27.37 ha. (P-85) The site inspection report of the Deputy Conservator of Forests, Nanded Forest Division, Nanded is enclosed in the proposal file on page no.46 to 48. Project Note submitted by the Project Authority is enclosed in the file on page no.146 to 148.

4) The User Agency has given justification for locating the project in forest land that Mukhed-Bhokar Road National Highway-161A section from km 22.000 to 43.000 is currently 3.75 m wide road. The road to Bhokar is in bad condition at present. Since Bhokar is close to the Telangana border, the area observes heavy traffic for Nirmal, Mheasa, Adilabad and Kinwat. This traffic is obstructed due to narrow road warranting its up-gradation including improvement of highway geometrics. The National Highway Division has entrusted Public Works Department (PWD), Bhokar with the responsibility of up-gradation and widening of the above road section of NH-161A from km 22.000 to 43.000 of 21 km length. In the 21 km length. In the 21 km project alignment length, 2.80 km length is proposed to be upgraded to 4-lane configuration, 17.40 km to two-lane with paved shoulder configuration and remaining 0.80 km to Cement concrete within the villages. The proposed up-gradation is on the existing carriageway including realignments for improvement of highway geometrics that have been finalized after detailed site investigations, surveys and codal provisions. The requirement of additional area for the proposed up-gradation in some existing and re-alignment portions that are falling on the forest land which could not be avoided has been kept minimum. (P-3)

5) The Deputy Conservator of Forests, Nanded Forest Division, Nanded and the Chief Conservator of Forests (T), Aurangabad have recommended the proposal for diversion of 8.4771 ha. of forest land. (P-144 to 145 and 214/1)

6) **The Deputy Conservator of Forests, Nanded Forest Division, Nanded has certified that:-**

6.1) No suitable alternate non-forest land is available and demand for the forest land is minimum. (P-24)

6.2) Provisions of Forest (Conservation) Act, 1980 and guidelines under its have been violated in the proposed project. The detailed Violation report is enclosed in the file on page no.25 to 38.

6.4) The proposed area belongs to Eco value class-III, Dense Forest having density below 0.04. (P-40)

6.5) There are 1683 trees cutting and felling involved in the project. (P-68)

Girth wise details is as under:- (P-87)

15-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	>150	Total
869	485	198	71	22	15	12	3	5	3	1683

- 6.6) The Painganga Wildlife Sanctuary is at an approximate radial distance of 42.76 km. from area proposed for diversion. (P-69)
- 6.7) Proposed area is not included in National Park, Wild Life Sanctuary or Nature Reserve. (P-66)
- 6.7) Proposed Compensatory Afforestation over 8.4771 ha. Non-Forest land at Village-Gundawal, Tehsil-Mahur, Range-Mahur Survey/Gut No.70.This area is suitable for afforestation and management purpose and also it is free from encroachment.(P-39)
- 6.8) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (P-65)
- 6.9) The project is extremely site-specific and no alternative non-forest land can be used for the propose (P-70)
- 6.9) CA Scheme for Ten years. (P-73 to 81)
- 7) The User Agency has submitted the following undertaking/Certificate/documents:-
- 7.1) Agreed to bear the cost of exploitation of felling of trees and their allied works in forest land. (P-95)
- 7.2) Agreed to bear the cost of Compensatory afforestation. (P-96)
- 7.2) Agreed to bear the cost of Net Present Value. (P-98)
- 7.3) Whatever Penalties will be imposed regarding the violation of the Forest (Conservation) Act, 1980 User Agency is ready to pay the same. (P-97/1)
- 7.4) Agreed to pay the additional amount of NPV, if so, determined as per decision of the Hon'ble Supreme Court. (P-98)
- 7.3) Copy of Administrative approval issued by Government of Maharashtra, Department of Public Works, vide Government Resolution No.PLN-2020/CR(188)/Planning-3, dt.25/02/2020. (P-106 to 110)
- 7.3) Copy of Technical approval issued by the Chief Engineer, PWD, Aurangabad vide letter No.CEA/W-10/2020-21/183, dt.13/01/2021. (P-111 to 114)
- 7.4) User Agency has not submitted the FRA-2006 Certificate, However, submitted the undertaking stating that required certificate will be submitted to Forest Department after received from District Collector, Nanded. (P-123)
- 7.6) The KML file of the proposed diverted area and C.A area is placed in the file at the top.
- 8) **In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions:-**
- 8.1) The legal status of the forest land required will remain unchanged.
- 8.2) Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

- 8.3) Compensatory afforestation shall be taken up by the Forest Department over 8.4771 ha. Non-Forest land at Village-Gundawal, Tehsil-Mahur, Range-Mahur Survey/Gut No.70 at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- 8.4) The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- 8.5) The State Government shall charge the Net Present Value (NPV) for the 8.4771 ha. forest area to be diverted under this proposal from the User Agency as per the Government of India guidelines dated 06/01/2022, 19/01/2022 and 22/03/2022.
- 8.6) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 8.7) For violation of the Forest (Conservation) Act, 1980 the User Agency shall pay 5 times Penal NPV as per para 1.21 of Handbook of guidelines issued vide Central Government letter dated 28/03/2019.
- 8.8) User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 8.9) All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal.
(<http://parivesh.nic.in/>)
- 8.10) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 8.11) User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 8.12) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 8.13) No labour camp shall be established on the forest land.
- 8.14) Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 8.15) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 8.16) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

- 8.17) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 8.18) The forest land shall not be used for any purpose other than that specified in the project proposal.
- 8.19) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 8.20) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 8.21) Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 8.22) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

9.0 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the diversion of 8.4771 ha. of forest land for up-gradation and widening from existing 2 lane to 2 lane with Paved Shoulder configuration of Mudked-Bhokar NH-161 A Section from km 22.00 km 43.00 of 21.00 km length in Mudkhed & Bhokar Talukas of Nanded District in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- (Proposal in 2 copies)

Yours sincerely

(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy forwarded for information to: the Chief Conservator of Forests (T.), Aurangabad.

Copy for information to: The Deputy Conservator of Forests, Nanded Forest Division, Nanded.

Copy forwarded for information to: The Executive Engineer, P.W.Division Bhokar, Dist. Nanded

PART -IV

**(To be filled by Nodal Officer or Principal Chief Conservator of Forests
(Head of Forest Force))**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.- Proposal for diversion of 8.4771 ha. of forest land for up-gradation and widening from existing 2 lane to 2 lane with Paved Shoulder configuration of Mudked-Bhokar NH-161 A Section from km 22.00 km 43.00 of 21.00 km length in Mudkhed & Bhokar Talukas of Nanded District in the State of Maharashtra. The details of land proposed for diversion is as under-

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Total P-5							742.6111		13366.9998	1.3367	
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Total P-7							540.3444		11860.9992	1.1861	
Total Forest Land (in ha.)									84771.0069	8.4771	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no.


22/6/22

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 22/06/2022

Place: Nagpur

18

Proposal for diversion of 8.4771 ha. of forest land for up-gradation and widening from existing 2 lane to 2 lane with Paved Shoulder configuration of Mudked-Bhokar NH-161 A Section from km 22.00 km 43.00 of 21.00 km length in Mudkhed & Bhokar Talukas of Nanded District in the State of Maharashtra.

Specific Recommendation of Principal Chief Conservator of Forests, Maharashtra State (Head of Forest Force) Maharashtra State, Nagpur with regards to acceptance or otherwise of the proposal supported by reasons.

- 1) The project has been initiated by the Executive Engineer, P.W.Division Bhokar, Dist. Nanded for diversion of 8.4771 ha. forest land for diversion of 8.4771 ha. of forest land for up-gradation and widening from existing 2 lane to 2 lane with Paved Shoulder configuration of Mudked-Bhokar NH-161 A Section from km 22.00 km 43.00 of 21.00 km length in Mudkhed & Bhokar Talukas of Nanded District in the State of Maharashtra.
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|-------|-------|-------|-------|-------|--------|---------|---------|---------|------|-------|
| 869 | 485 | 198 | 71 | 22 | 15 | 12 | 3 | 5 | 3 | 1683 |
- 6.6) The Painganga Wildlife Sanctuary is at an approximate radial distance of 42.76 km. from area proposed for diversion. (P-69)
 - 6.7) Proposed area is not included in National Park, Wild Life Sanctuary or Nature Reserve. (P-66)
 - 6.7) Proposed Compensatory Afforestation over 8.4771 ha. Non-Forest land at Village-Gundawal, Tehsil-Mahur, Range-Mahur Survey/Gut No.70. This area is suitable for afforestation and management purpose and also it is free from encroachment. (P-39)

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- 6.8) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (P-65)
 - 6.9) The project is extremely site-specific and no alternative non-forest land can be used for the propose (P-70)
 - 6.9) CA Scheme for Ten years. (P-73 to 81)
 - 7) The User Agency has submitted the following undertaking/Certificate/documents:-
 - 7.1) Agreed to bear the cost of exploitation of felling of trees and their allied works in forest land. (P-95)
 - 7.2) Agreed to bear the cost of Compensatory afforestation. (P-96)
 - 7.2) Agreed to bear the cost of Net Present Value. (P-98)
 - 7.3) Whatever Penalties will be imposed regarding the violation of the Forest (Conservation) Act, 1980 User Agency is ready to pay the same. (P-97/1)
 - 7.4) Agreed to pay the additional amount of NPV, if so, determined as per decision of the Hon'ble Supreme Court. (P-98)
 - 7.3) Copy of Administrative approval issued by Government of Maharashtra, Department of Public Works, vide Government Resolution No.PLN-2020/CR(188)/Planning-3, dt.25/02/2020. (P-106 to 110)
 - 7.3) Copy of Technical approval issued by the Chief Engineer, PWD, Aurangabad vide letter No.CEA/W-10/2020-21/183, dt.13/01/2021. (P-111 to 114)
 - 7.4) User Agency has not submitted the FRA-2006 Certificate, However, submitted the undertaking stating that required certificate will be submitted to Forest Department after received from District Collector, Nanded. (P-123)
 - 7.6) The KML file of the proposed diverted area and C.A area is placed in the file at the top.
 - 8) **In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions:-**
 - 8.1) The legal status of the forest land required will remain unchanged.
 - 8.2) Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
 - 8.3) Compensatory afforestation shall be taken up by the Forest Department over 8.4771 ha. Non-Forest land at Village-Gundawal, Tehsil-Mahur, Range-Mahur Survey/Gut No.70 at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - 8.4) The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and

erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.


- 8.5) The State Government shall charge the Net Present Value (NPV) for the 8.4771 ha. forest area to be diverted under this proposal from the User Agency as per the Government of India guidelines dated 06/01/2022, 19/01/2022 and 22/03/2022.
- 8.6) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 8.7) For violation of the Forest (Conservation) Act, 1980 the User Agency shall pay 5 times Penal NPV as per para 1.21 of Handbook of guidelines issued vide Central Government letter dated 28/03/2019.
- 8.8) User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 8.9) All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in/>)
- 8.10) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 8.11) User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 8.12) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 8.13) No labour camp shall be established on the forest land.
- 8.14) Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 8.15) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 8.16) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 8.17) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.

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- 8.18) The forest land shall not be used for any purpose other than that specified in the project proposal.
- 8.19) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 8.20) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 8.21) Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 8.22) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)


(Dr.Y.L.P Rao)

Principal Chief Conservator of Forests
(Head of Forest Force)

Maharashtra State, Nagpur

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