

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 1.043 in forest land for laying Optical Fiber Cable within RoW of existing Road of Sh-337 and Sh-356 from Nagpur/Bhandara district Border to Chicholi in Bhandara District in the State of Maharashtra (FP/MH/OFC/156907/2022).

The details of land proposed for diversion is as under-

Name of work/ Purpose	Village/ Taluka	Sur/ Gut. No	Comptt No	Length (in Mt)	Width (in Mt)	Sq.mtr	Area (in ha.)	Remarks
laying Optical Fiber Cable within RoW of existing Road of SH-337 and SH-356 from Nagpur/Bhandara district Border to Chicholi in Bhandara District in the State of Maharashtra (FP/MH/OFC/156907/2022)	Bhwanthadi (Old Block)	-	37	1866.58	0.5	933.29	0.0933	Reserved Forest
	Mangarli/ Tumsar	1	-	28.71	0.5	14.36	0.0014	Zudpi Jungle (Revenue deptt.)
		25	33	68.70	0.5	34.35	0.0034	Protected Forest
		27	33	167.72	0.5	83.86	0.0084	
		32	33	217.20	0.5	108.60	0.0109	
		39	33	284.08	0.5	142.04	0.0142	
	Bawanthadi (Old Block)	-	41	4185.69	0.5	2092.84	0.2093	Reserve Forest
		-	47	1071.53	0.5	535.76	0.0536	
		-	48	4228.73	0.5	2114.36	0.2114	
		-	52	4132.24	0.5	2066.12	0.2066	
	Pangado/ Tumsar	41	34	97.55	0.5	48.77	0.0049	Protected Forest
		26	34	18.93	0.5	9.47	0.0009	
		69	34	121.24	0.5	60.62	0.0061	
	Bawanthadi (Old Block)	-	57	2276.04	0.5	1138.02	0.1138	Reserve Forest
	Garra / Tumsar	242	16	220.22	0.5	110.11	0.0110	Protected Forest
		243	16	495.11	0.5	247.55	0.0248	
		317	-	293.20	0.5	146.60	0.0147	Zudpi Jungle (Forest deptt.)
		345	-	227.14	0.5	113.57	0.0114	
		351	-	392.07	0.5	196.04	0.0196	
		383	16	136.32	0.5	68.16	0.0068	Protected Forest
		384	16	67.88	0.5	33.94	0.0034	

	Jogiwada / Tumsar	93	-	261.90	0.5	130.95	0.0131	Bada Jhar ka Jungle (Rev. deptt.)
	Total Forest area (in ha.)						1.0430	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached.

Naresh Zurmure
22/11/22

(Naresh Zurmure)

**Additional Principal Chief Conservator of Forests
& Nodal Officer, Nagpur**

Date: 22/11/2022

Place: Nagpur

Proposal for diversion of 1.043 ha. forest land for laying Optical Fiber Cable within RoW of existing Road of SH-337 and SH-356 from Nagpur/Bhandara district Border to Chicholi in Bhandara District in the State of Maharashtra. (FP/MH/OFC/156907/2022)

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

The Proposal is for diversion of 1.043 ha. forest land for laying Optical Fiber Cable within RoW of existing Road of SH-337 and SH-356 from Nagpur/Bhandara district Border to Chicholi in Bhandara District in the State of Maharashtra.

2.0 The details of the forest land proposed for diversion are as under:-

Name of work/ Purpose	Village/ Taluka	Sur/ Gut. No	Comptt No	Length (in Mt)	Width (in Mt)	Sq.mtr	Area (in ha.)	Remarks
laying Optical Fiber Cable within RoW of existing Road of SH-337 and SH-356 from Nagpur/Bhandara district Border to Chicholi in Bhandara District in the State of Maharashtra(FP/MH/OFC/156907/2022)	Bhwanthadi (Old Block)	-	37	1866.58	0.5	933.29	0.0933	Reserved Forest
	Mangarli/ Tumsar	1	-	28.71	0.5	14.36	0.0014	Zudpi Jungle (Revenue deptt.)
		25	33	68.70	0.5	34.35	0.0034	Protected Forest
		27	33	167.72	0.5	83.86	0.0084	
		32	33	217.20	0.5	108.60	0.0109	
		39	33	284.08	0.5	142.04	0.0142	
	Bawanthadi (Old Block)	-	41	4185.69	0.5	2092.84	0.2093	Reserve Forest
		-	47	1071.53	0.5	535.76	0.0536	
		-	48	4228.73	0.5	2114.36	0.2114	
		-	52	4132.24	0.5	2066.12	0.2066	
	Pangado/ Tumsar	41	34	97.55	0.5	48.77	0.0049	Protected Forest
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		69	34	121.24	0.5	60.62	0.0061	
	Bawanthadi (Old Block)	-	57	2276.04	0.5	1138.02	0.1138	Reserve Forest
		242	16	220.22	0.5	110.11	0.0110	Protected

	Garra / Tumsar	243	16	495.11	0.5	247.55	0.0248	Forest
		317	-	293.20	0.5	146.60	0.0147	Zudpi Jungle (Forest deptt.)
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		384	16	67.88	0.5	33.94	0.0034	
	Jogiwada / Tumsar	93	-	261.90	0.5	130.95	0.0131	Bada Jhar ka Jungle (Rev. deptt.)
	Total Forest area (in ha.)						1.0430	

3.0 The project has been initiated by M/s Reliance Jio Infocomm Ltd, Nagpur for seeking approval under Forest (Conservation) Act, 1980. The proposed project for laying Optical Fiber Cable within RoW of existing Road of SH-337 and SH-356 from Nagpur/Bhandara district Border to Chicholi in Bhandara District in the State of Maharashtra.. The User Agency has highlighted that as per the policy of the Government of India, it is planned to laying Optical Fiber Cable for connectivity can be provided to further remote area in the State of Maharashtra. Basic aim of the project is to provide the people of under developed areas with reliable and high speed media connectivity. In this regard, the User Agency has submitted the proposal for diversion 1.0430 ha forest land under the Forest (Conservation) Act, 1980. The site inspection report of the Deputy Conservator of Forests, Bhandara Forest Division, Bhandara is enclosed file on page no 52 to 53.

4.00 The Deputy Conservator of Forests, Bhandara Forest Division, Bhandara has certified that:-

- 4.1 No suitable alternate land is available and the forest land required is lowest minimum.
- 4.2 The area belongs to Eco-value class-III and having density is below 0.2 (Southern tropical dry deciduous)
- 4.3 There is no cutting and felling of trees involved in this project.
- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. However, laying the proposed Optical Fiber Cable is passing in Pinch point of EVL showing village Mangarli, Rangha, Lendezari, Bagheda and Chicholi in Taluka Tumsar in wildlife Corridor between Pench Tiger Reserve Umred – Karhandla Wildlife Sanctuary and NNTR as per WII Dehradun report and Pinch point map of Tiger Corridor of Eastern Vidarbha Landscape.

However, The PCCF (Wildlife) M.S. vide office note dated 14/9/2022 has offer remarks and informed that wildlife clearance is required. In this context, the user agency has applied form of part I & II for seeking recommendation of Standing Committee of NBWL/SBWL. The copy of the same is enclosed herewith.

- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.6 There is no violation of Forest (Conservation) Act 1980.
- 4.7 The proposed area for the project is beyond 10 km from the boundary of the protected area (Sanctuary and National Park).

5.0 The User Agency has submitted an undertaking that:-

- i) The project is in ROW alongwith the State Highway hence settlement of rights in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not required.
- ii) The copy of the NOC accorded by the Executive Engineer, Government of Maharashtra Office of the Executive Engineer, P.W.Division, Nagpur Public Works Department, Permission for laying utility dated 23/7/2018 is enclosed.

6.00 As per Government of India guideline No. File No.5-3/2011-FC(Vol-I), dated 6/1/2022 mentioned in point No. (xi) laying of underground optical fiber cable- Full exemption provided :

- a) no felling of trees is involved;
- b) area falls outside National Park/Sanctuary.


The proposed project falls in wildlife Corridor between Pench Tiger Reserve Umred-Karhandla Wildlife Sanctuary and NNTR as per WII Dehradun report and Pinch Point map of Tiger Corridor of Eastern Vidarbha Landscape.

But, above guideline issued on 6/1/2022 is silent, on whether to charge NPV or not if the project falls in Tiger Corridors. In this regard, this office is of opinion that the NPV should be recovered from user agency

- 7.00 The Deputy Conservator of Forests, Bhandara Forest Division, Bhandara and Chief Conservator of Forest (T), Nagpur have recommended the proposal for diversion of 1.043 ha. of forest land.
- 8.00 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: –
 - i) The legal status of the land shall remain unchanged.

- ii) As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables (OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.
- iii) NPV:-
 - a) The State Government shall charge the Net Present Value (NPV) for the 1.043 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009, dated 6/1/2022 in this regard.
 - b) 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.
- iii) The Optical Fiber Cable Line will be laid within maximum size of the trench of 2.00 m depth & 1.0 m width with cable line under the PVC Pipeline.
- iv) The land under project will be reclaimed by the user agency for which the agency shall submit a bank guarantee at the rate of Rs. 50/- per running meter and an undertaking to that effect shall also be submitted. If the agency fails to reclaim the land to the satisfaction of Deputy Conservator of Forests concerned, the cost for reclamation will be recovered from the bank guarantee.
- v) If the cable is going to be laid in the formation width of the road, then additional charges in form of bank guarantee shall be given at the rate of Rs.35/- per running mtr. Similarly for reclamation of side drain and for tarred portion, the guarantee will be at the rate of Rs. 300/- per mtr. and Rs.750/- per mtr. respectively. An undertaking shall be obtained from the user agency that it has agreed to make good any loss to Forest/ Environment while laying the cable in the forest area and during maintenance of the same in future. For further maintenance of the project, the agency shall obtain permission from the Forest Department as and when required.
- vi) The forest land shall not be used for any purpose other than specified in the proposal.
- vii) No felling of trees shall done during the implementation of project.

- viii) The user agency will be authorized to lay the Optical Fiber Cable outside the confines of the protected area after compliance of this order. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- ix) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- x) No labour camps shall be established on the forest land.
- xi) The layout plan of the proposal shall not be changed without prior approval of the State Government.
- xii) This sanction is subject to the final clearance by the Department of Information & Technology for the project and concerned PWD/NHAI authorities for the project.
- xiii) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xiv) The User Agency shall obtain permission of NBWL/SBWL before Stage-I approval.
- xv) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be complied with by the User Agency.
- xvi) All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- xvii) The User Agency will make good the land after use/maintenance.


(Y. L. P. Rao)

**Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur**

**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 1.043 ha. forest land for laying Optical
Fiber Cable within RoW of existing Road of SH-337 and SH-356
from Nagpur/Bhandara district Border to Chicholi in Bhandara
District in the State of Maharashtra. (FP/MH/OFC/156907/2022)

No. : Desk-17/Nodal/Nagpur/I.D-14260/2118/2022-23
Nagpur – 440 001, Dated 22/11/2022

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

M/s Reliance Jio Infocomm Limited Nagpur has submitted proposal for diversion of 1.043 in forest land for laying Optical Fiber Cable within RoW of existing Road of Sh-337 and Sh-356 from Nagpur/Bhandara district Border to Chicholi in Bhandara District in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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3.0 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.

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,

4.00 The Deputy Conservator of Forests, Bhandara Forest Division, Bhandara has certified that:-

4.1 No suitable alternate land is available and the forest land required is lowest minimum.

4.2 The area belongs to Eco-value class-III and having density is below 0.2 (Southern tropical dry deciduous)

4.3 There is no cutting and felling of trees involved in this project.

4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. However, laying the proposed Optical Fiber Cable is passing in Pinch point of EVL showing village Mangarli, Rangha, Lendezari, Bagheda and Chicholi in Taluka Tumsar in wildlife Corridor between Pench Tiger Reserve Umred – Karhandla Wildlife Sanctuary and NNTR as per WII Dehradun report and Pinch point map of Tiger Corridor of Eastern Vidarbha Landscape.

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- i) The project is in ROW alongwith the State Highway hence settlement of rights in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not required.
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Full exemption provided :
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- 7.00 The Deputy Conservator of Forests, Bhandara Forest Division, Bhandara and Chief Conservator of Forest (T), Nagpur have recommended the proposal for diversion of 1.043 ha. of forest land.
- 8.00 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: –
- i) The legal status of the land shall remain unchanged.
 - ii) As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables (OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.
 - iii) NPV:-
 - a) The State Government shall charge the Net Present Value (NPV) for the 1.043 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the

Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009, dated 6/1/2022 in this regard.

- b) 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.
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- vi) The forest land shall not be used for any purpose other than specified in the proposal.
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- ix) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- x) No labour camps shall be established on the forest land.
- xi) The layout plan of the proposal shall not be changed without prior approval of the State Government.
- xii) This sanction is subject to the final clearance by the Department of Information & Technology for the project and concerned PWD/NHAI authorities for the project.

- xiii) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xiv) The User Agency shall obtain permission of NBWL/SBWL before Stage-I approval.
- xv) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be complied with by the User Agency.
- xvi) All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- xvii) The User Agency will make good the land after use/maintenance.

9.00 In view of para no. 8 above, it is requested that the Government of Maharashtra may kindly accord general approval for submitted diversion of 1.043 in forest land for laying Optical Fiber Cable within RoW of existing Road of Sh-337 and Sh-356 from Nagpur/Bhandara district Border to Chicholi in Bhandara District in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 1 Copy



(Naresh Zurmure)
Addl. Principal Chief Conservator of Forests
& Nodal Officer, Nagpur

Copy to the Chief Conservator of Forests (Territorial) Nagpur for information.

Copy to the Deputy Conservator of Forests, Bhandara Forest Division, Bhandara for information.

Copy to the M/s. Reliance Jio Infocomm Ltd. 3rd Floor, FIDVI Tower, Opp. Saraf Chember, Mount Road, Sadar, Nagpur for information.