

Office of the Principal Chief Conservator of Forests (Head of Forests Force),

Maharashtra State, Nagpur

Additional Principal Chief Conservator of Forests & Nodal Officer, M.S.Nagpur

1st Floor, B Wing, Van Bhavan, Ramgiri Road, Civil Lines, Nagpur- 440 001

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No. : Desk-17/Nodal/Yavatmal/I.D-14267/3475/2022-23

Nagpur – 440 001, Dated 17/03/2023

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

Sub:- Proposal for diversion of 0.0847 ha. forest land for laying of underground electricity Cable 11 KVH along PWD, Road from route MJP premise to Godhani sub-station, Yavatmal District in the State of Maharashtra.
(FP/MH/Others/153622/2022)

The Maharashtra Jeevan Pradhikaran, Yavatmal has submitted proposal for diversion of 0.0847 ha. forest land for laying of underground electricity Cable 11 KVH along PWD, Road from route MJP premise to Godhani sub-station, Yavatmal District in the State of Maharashtra.

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

Sr. No.	Item	Name of the Village	Compartment No.	Survey No.	Length x Width (in Mtr)	Sq.mt.	Area (in Ha)	Remarks
1	The proposal is for diversion of 0.0847 ha. forest land for laying of underground electricity Cable 11 KVH along PWD, Road from route MJP premise to Godhani sub-station, Yavatmal District in	Umarsara District Yavatmal	513	8/2	847 x 1	847	0.0847	Reserved Forest
Total Forest Area (in ha.)						847	0.0847	

3.00 The project has submitted by Maharashtra Jeevan Pradhikaran, Yavatmal for seeking approval under Forest (Conservation) Act, 1980 diversion of 0.0847 ha. forest land for laying of underground electricity cable 11 KVH along PWD, Road from route MJP premise to Godhani sub-station, Yavatmal District in the State of Maharashtra. The User Agency has the proposed route from 33 KV receiving sub station @ Godhani road bye pass to pure water supply pump in office premises of MJP division Yavatmal is about 6 Km in proposed by MSEDCL in 1.33 % normative

charges. The proposed alignment along PWD road within RoW is passing through forest area is 847 mtrs. Total length of proposed alignment is about 6 Km out of 847 mtr, length is passing from forest area which is barest minimum area. There is no suitable alternate alignment for laying of underground electricity Cable. Pure water lifted from office premises pump to various MBR's to supply water to the beneficiary consumer in Yavatmal city. Lifted of water for various MBR is about 67.00 ML every day. This 67.00 ML pure water will be supplied to the consumer in the total area of yavatmal city.

Due to expansion of city area, demand for pure water supply is day to day increasing. To fulfill this demand , Under Amraut Abhiyan, new scheme of water supply from Bembala Dam project has been implemented. This project is purely public utility project.

4.00 The total non forest land involved in this project is 0.5153 ha. The site inspection report of the Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal is enclosed file on page no 93 to 95.

5.00 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.

- 5.1 Prescribed form dated 10/01/2003.
- 5.2 Certificate regarding minimum demand of forest land for the project,
- 5.3 Area Statement,
- 5.4 Index map in suitable scale,

6.00 The Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal has certified that:-

- 6.1 No suitable alternate non-forest land is available and the forest land required is barest minimum.
- 6.2 The area belongs to Eco-value class-III and having density is less than 0.4 comes under Southern Tropical Dry Deciduous Forests.
- 6.3 There is no cutting & felling of trees involved in the implementation of the Project.
- 6.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 6.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 6.6 There is no violation of Forest (Conservation) Act, 1980.
- 6.7 The proposed area is beyond 65 kms of the boundary of the Protected Area (Sanctuary and National Park.)
- 6.8 The non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the

expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.

- 6.8 After examination the Deputy Conservator of Forests, Yavatmal has come to the conclusion that the alternatives shown (Alt-A1) is the most suitable for forestry point of view.
- 6.9 Proposed Compensatory Afforestation over 1.00 ha degraded Forest land in Comptt No.513 and Gut No.8/2, Village-Umarsara, Tal. Yavatmal Dist. Yavatmal and it is contiguous, suitable for afforestation for raising tree species and management purpose also and it is free from encroachment and an encumbrances.

7.00 The User Agency has submitted undertaking that:-

- 7.1 Agreed to defray the cost of Compensatory Afforestation.
- 7.2 Agreed to defray the cost of Net Present Value of the forest land proposed under diversion.
- 7.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

‘Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval’.

Hence, the user agency has given an undertaking regarding the under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed for diversion will be submitted.

- 7.4 The copy of the administrative approval accorded by the Government of Maharashtra, Department of Urban Development No. amrut-2016/ C.No.145 (9)/nvi-33, dated 27/4/2017.
- 8.00 The Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal and the Conservator of Forests (T), Yavatmal have recommended the proposal for diversion of 0.0847 ha. of Reserved Forest land.
- 9.00 This proposal is for laying of electric cable for running drinking water pipeline and is passing through RoW, as per Government of India, Circular File No. FC-11/165/2019-FC, dated 27/07/2020, there is exemption of Compensatory afforestation. Therefore, Compensatory afforestation may be exempted. But Deputy Conservator of Forests (T) Yavatmal has recommended C.A. to be taken on 1 ha. degraded forest land.

10.00 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 forest land required will remain unchanged.
- ii. Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- iii. **Compensatory Afforestation:-**

- (a) Compensatory afforestation may be taken up by the Forest Department over 1.00 ha degraded Forest land in Comptt No.513 and Gut No.8/2, Village-Umarsara, Tal. Yavatmal Dist. Yavatmal 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.
- (b) 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 provisions for anticipated cost increase for works scheduled for subsequent years.

iv. NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 0.0847 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 and 5-3/2011-FC(Vol-1) dtd.06.01.2022 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.
- v No felling of trees shall be done during the implementation of project.
- vi 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/>)
- vii The electric line shall be laid down 1.5 meter below the ground and after laying down of electric line the ground will be leveled.
- viii The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- ix The layout plan of the proposal shall not be changed without prior approval of Central Government.
- x No labour camp shall be established on the forest land.
- xi Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- xii The boundary of the diverted forestland shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- xiii No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xiv 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.
- xv All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be complied with by the User Agency.

- xvi 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, Guideline F.No.11/42/2017-FC, dated 29/01/2018.
- xvii Any other condition that the Ministry of environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- xviii The compliance report shall be uploaded on e-portal (<http://parivesh.nic.in/>).

9.0 It is therefore, the Government of Maharashtra is being requested for approving the proposal for diversion of 0.0847 ha. forest land for laying of underground electricity Cable 11 KVH along PWD, Road from route MJP premise to Godhani sub-station, Yavatmal District in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 Copies

 17/12/23

(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests & Nodal Officer
Maharashtra State, Nagpur**

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

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

Copy to the Maharashtra Jeevan Pradhikaran Division, Near Anglo Hindi School Yavatmal, Godhani Road, Yavatmal for information.

PART -IV

(To be filled by the Nodal Officer or the 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 0.0847 ha. forest land for laying of underground electricity Cable 11 KVH along PWD, Road from route MJP premise to Godhani sub-station, Yavatmal District in the State of Maharashtra. (FP/MH/Others/153622/2022)

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Specific recommendation of the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur is attached.

Date:- 17 /03/2023

Place:- Nagpur

 17/3/23

(Naresh Zurmure)

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

Proposal for diversion of 0.0847 ha. forest land for laying of underground electricity Cable 11 KVH along PWD, Road from route MJP premise to Godhani sub-station, Yavatmal District in the State of Maharashtra. (FP/MH/Others/153622/2022)

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 0.0847 ha. forest land for laying of underground electricity cable 11 KVH along PWD, Road from route MJP premise to Godhani sub-station, Yavatmal District in the State of Maharashtra. (FP/MH/Others/153622/2022)

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(Y.L.P.Rao)

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