

**PART -IV**

**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.:- Mr. Sandeep Dapke, Sai Enterprises, Sudhagad-Pali, Distt-Raigad, authorized signatory of Shri Kanaji Karamshi Patel & Ors 2, Mumbai as a project authority has submitted the proposal for construction of bungalows, residential buildings, internal roads, parking and other ancillary non forest activities as "White Magic Project" at vill- Jambivali, Tal-Panvel, Distt-Raigad. for which of 9.78 ha restored private forest land required under Section - 2 (ii) of the Forest (Conservation) Act, 1980 has been proposed by user agency. The details of the forest land proposed for diversion is as under :-

Item	Vill, Tal & Distt	Survey No	Area in Ha	Legal Status
Area under Bungalows	Vill-Jambhivali Tal-Panvel Distt-Raigad	121/1A/2	1.0224	Restored Private Forest
Area under Residential Buildings			1.6509	
Area under Parking			0.5182	
Area under Internal Roads			2.2695	
Area under open space of Gardening and Amenities			1.467	
Area under open space of under surrounding of bungalows &			2.8519	
Total			9.7800	

*Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 11A.*

Date : 24 /01 /2019  
Place : Nagpur

  
(G Sai Prakash)  
Additional Principal Chief Conservator of Forests  
& Nodal Officer, Maharashtra State, Nagpur

Proposal for diversion of 9.78 ha Restored Private Forest Land for construction of bungalows and residential buildings and other ancillary non forest activities as "White Magic Project" at Vill-Jambhivali, Tal-Panvel, Distt-Raigad

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

The proposal is for diversion of 9.78 ha. of Restored Private Forest land for construction of bungalows and residential buildings and other ancillary non forest activities as "White Magic Project" at vill-Jambhivali, Tal-Panvel, Distt-Raigad. The details of land proposed for diversion are as under:-

Item	Vill, Tal & Distt	Survey No	Area in Ha	Legal Status
Area under Bungalows	Vill-Jambhivali Tal-Panvel Distt-Raigad	121/1A/2	1.0224	Restored Private Forest
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Area under open space of under surrounding of bungalows &			2.8519	
Total			9.7800	

The proposal has been initiated by Mr Sandeep Dapke, Sai Enterprises, Sudhagad-Pali, Distt-Raigad, authorized signatory of Shri Kanaji Karamshi Patel & Ors 2, Mumbai as a project authority for diversion of 9.78 ha restored private forest land for construction of bungalows, residential buildings, internal roads, parking and other ancillary non forest activities as "White Magic Project" at vill- Jambivali, Tal-Panvel, Distt-Raigad. User agency has submitted that the land has been purchased in 2015 from the then khatedar, The area is restored to the then khatedar Shri Dhau Balya Dhangar in 1985. The restoration of the land is after 25/10/1980. But the permission of restoration has been conveyed by GOI in 1995 vide letter dated 07/07/1995. The user agency has agreed to defray the cost of Compensatory Afforestation and other levies of Government as determined by the Forest Department. This proposal involves 9.78 ha restored land, therefore there is no requirement of non-forest land in lieu of Forest land



required to be diverted. But project authority are ready to give non forest land if Ministry of Environment and Forest is insisted. Therefore, the project authority has submitted the proposal for seeking the permission from the Central Government under Forest (Conservation) Act, 1980.

#### Brief History of Land

A notice u/s 35(3) of IFA 1927 was issued to then village Bamnoli, Gut no.7 area 37.34 acre (15.3578ha) to the then Khatedar Shri.Sitaram Govind Joshi residing at village Apte Tal.Panvel, Dist.Raigad vide notice no.K-3578, dated 13.07.1960. Notification u/s 35(1) of IFA 1927 was issued vide Govt Gazette No PRF-1262/12593/II-J, dated 8.10.1962. The said area was vested with Govt as "deemed RF" from 30.08.1975. As per section 3 of MPFA 1975, Special Land Acquisition Officer (1) Raigad, Alibag made inquiry in respect of total holding of the Khatedar and vide order dated 23.07.1985 restored 12ha. to the owner and 5.77ha. has been vested with Govt. Above restoration order dt 23.07.1985 has been ratified by GOI vide order dt. 7.7.1995. (17.55ha. was shown as land liable to be restored u/s 22A of MPFA-1975) it shows that, the prior permission before restoration was obtained and then area was restored.

The area vested with Govt. i.e. 5.77ha. is at present Jambhivali gut no.121/2 and area restored with owner is 121/A area 11.78ha. 121/B (5.77ha.) is the another part and present case is from the Gut No 121/A.

Out of the restored area 11.78 ha. has been sold on July-2015 by Khatedar Kondhabai Dhau Dhangar to Kanji Karamshi Patel, Viral Kanji Patel, Manthan Kanji Patel.

The entry regarding forest was continued in the land record hence, the purchaser Shri Kanji Karamshi Patel and other 2 filed RTS appeal no.205/2017 before SDO Panvel against mutation no.46, dated 29.4.1998 (regarding ban on non-forestry work without prior approval of GOI under FCA-1980).

The said RTS appeal was decided by SDO-Panvel vide order dt.16.11.2017 in which the SDO specifically mentions that, the land involved in the petition being restored in 1985, i.e. 23.7.1985 the provision of FCA-1980 are applicable for its any non-forestry use of this land.

#### Remarks of APCCF (Conservation) MS Nagpur regarding status of forest land involved:-

1. Area involved is 9.78ha. from village- Jambhivali, Tal.Panvel, Dist.Raigad.
2. A notice u/s 35(3) of IFA 1927 was issued to then village Bamnoli, gut no.7 area 37.34 acre (15.3578ha) to the then Khatedar Shri.Sitaram Govind Joshi residing at village Apte Tal.Panvel, Dist.Raigad vide notice no.K-3578, dated 13.07.1960.

3. Notification u/s 35(1) of IFA 1927 was issued & published vide Govt. Gazette no PRF-1262/12593/II-J, dated 8.10.1962.
4. The said area was vested with Govt. as "deemed RF" from 30.08.1975 under the provisions of MPFA 1975.
5. Special Land Acquisition Officer (1) Raigad, Alibag made inquiry in respect of total holding of Khatedar and vide order dated 23.07.1985 restored 12ha. to the owner and 5.77ha. has been vested with Govt, u/s 22(a) of MPFA 1975. P185
6. Above restoration order dt. 23.07.1985 has been ratified by GOI vide order dt. 7.7.1985. (17.55ha. was shown as land liable to be restored u/s 22 A of MPFA-1975) it shows that, the prior permission before restoration was obtained and then area was restored. P182
7. The area vested with Govt. i.e. 5.77ha. is at present Jambhivali gut no. 121/2 and area restored with owner is 121/A area (11.78ha.) Gut No. 121/B (5.77ha.) is the another part and present case is from the Gut No. 121/A.
8. Out of the restored area 11.78 ha. has been sold on July-2015 by Khatedare Kondhabai Dhau Dhangar to Kanji Karamshi Patel, Viral Kanji Patel, Manthan Kanji Patel.
9. The entry regarding forest was continued in the land record hence, the purchaser Kanji Karamshi Patel and other 2 filed RTS appeal no. 205/2017 before SDO Panvel against mutation no. 46, dated 29.4.1998 ( regarding ban on non-forestry work without prior approval of GOI under FCA-1980).
10. The said RTS appeal was decided by SDO-Panvel vide order dt. 16.11.2017 in which the SDO specifically mentions that, the land involved in the petition being restored in 1985, i.e. 23.7.1985 the provision of FCA-1980 are applicable for any non-forestry use of this land. P187-9
11. Transaction regarding transfer of land from the then Khatedar Shri. Sitaram Govind Joshi to Shri. Dhau Balya Dhangar (Kul) is not available. However, from the order dated 16.11.2017 of SDO Panvel, it is observed that, he was a kul.
12. Since, the status of restored land remains as "forest" and since, the restoration is also ratified by GOI, the 7/12 extract was correctly reflected showing the proper position.
13. The present proposal regarding use of 9.78ha. by Kanji Karamshi Patel for non-forestry activity may be processed keeping the entry as "the provision's of the FCA-1980 are applicable for any non-forestry use of this land"



After going through the project note submitted by user agency and remarks regarding status of forest land involved in diversion, received from APCCF (Conservation) MS Nagpur, it may be further mentioned that according to the letter No. FLD 1006/CR-580/F-10 dated 15/06/2006 of the State Government, restoration and diversion proposals are to be sent together to Government of India for obtaining permission for continued use of forest land for non-forestry purpose under Forest (Conservation) Act, 1980 as well as permission of Government of India for restoration under Maharashtra Private Forests (Acquisition) Act 1975 simultaneously. As the proposed area has been restored after 25/10/1980 and Hence it requires an approval from Government of India.

Ministry of Environment, Forests and Climate Change, New Delhi vide letter dt.31/7/2017 has issued advisory and circulated proceedings of meeting held under the Chairmanship of the Director General of Forest and Special Secretary on 20<sup>th</sup> June, 2017 at Maharashtra Sadan on issue of **Ownership and status of the private forest and its land use and possibility of Sale and transfer of private forests** related to Maharashtra and Goa wherein the decision has been taken on issue, is as under :-

- a) The ownership of the private forest land shall be as per the provisions of the private Forests (Acquisition) Act 1975 and decided by the state government. Those private forest lands, as defined in the Act, which stands acquired and vested with the State Government under section 3 of the private Forest (Acquisition) Act 1975 shall be treated as government forest.
- b) However those private forest lands which remained with the private ownership under the Private Forests (Acquisition) Act 1975 by virtue of application of section 6 and section 22A of the Private Forests (Acquisition) Act 1975 shall be treated as "private forest" for the purpose of Forest Conservation Act and any change in land use for non forestry use after 25/10/1980 shall be as per the provisions of the FC Act, 1980.
- c) The FC Act, 1980 prohibits only the change in land use by the owner (Government or private) having control over the forest land. The FC Act does not prohibits the change in ownership of private forest by way of sale and transfer as per relevant provisions in the state so long there is no change in land use of forest. Any change in land use from forest to non forest after 25/10/1980 shall be as per the provisions of the Forest (Conservation), Act 1980.

Therefore the project authority has submitted the proposal for diversion of 9.78 ha restored private forest land for construction of bungalows, residential buildings, internal roads, parking and other ancillary non forest activities as "White Magic Project" at vill- Jambivali, Tal- Panvel, Distt-Raigad.

The Chief Conservator of Forests (T) Thane vide letter No Desk-10/FCA/CR-58/18-19/OW-508/2018-19 dated 10/09/2018 has submitted the proposal along with following documents as prescribed in Government Circular, Revenue and Forest Department No. FLD-1081/2041(A)/F-3 dated 20/03/1982 as well as per Government of India's instructions issued from time to time :-

- 1) The Deputy Conservator of Forests Alibag has certified that no suitable non forest land is available for the proposal and demand for the required forest land is the lowest minimum demand for the same. P/17
- 2) The Deputy Conservator of Forests Alibag has certified that provisions of the Forest Conservation Act, 1980 and guidelines under it have not been violated. P/21
- 3) The Deputy Conservator of Forests, Alibag has certified that proposed site is not likely to affect any monuments site of cultural, historical, religious archeological or recreational importance. P/22
- 4) The Deputy Conservator of Forests, Alibag has certified that the area involved in project is not included in the area of any National Park, Wildlife Sanctuary and the Nature Reserve and is not Karnala Bird Sanctuary. P/24
- 5) The Deputy Conservator of Forests, Alibag has certified that the the proposed area is within 10 Kms of Karnala Bird Sanctuary, but it is not part of Eco-Sensitive Zone of Karnala Bird Sanctuary and the project will not have any adverse effect on the Wild life within Sanctuary. P/25
- 6) The Deputy Conservator of Forests, Alibag has certified that there are 748 tree felling in the project. Grit wise details of trees is as under :-

Grith in cms										Total
Below 30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136-150	Above 151	
14	201	206	141	82	38	18	01	04	03	748

- 7) The Deputy Conservator of Forests, Alibag has submitted the Site Inspection Report dated 24/08/2018 is enclosed on page No 70-72. P/70-72
- 8) The user agency has submitted the District Collector Raigad certificate dated 20/08/2018 regarding compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006. P/79
- 9) The Deputy Conservator of Forests, Alibag has certified that the project area belongs to Eco-Value class I having density below 0.4. P/27
- 10) The user agency has submitted that the proposal involves 9.78 ha restored land , therefore as per point of view there is no requirement of non forest land. but we are ready to give non forest land if Ministry of Environment and Forest insist. P/19



- 11) The user agency has submitted an undertaking to defray the cost of Net Present Value of the forestland proposed for diversion. p/26
- 12) The Deputy Conservator of Forests, Alibag has recommended the proposal for approval. p/9
- 13) Chief Conservator of Forests (T), Thane recommended the proposal for approval. p/10


As area is restored to the then khatedar Shri Dhau Balya Dhangar in 1985. therefore, the restoration of the land is after 25/10/1980 and the permission of restoration has been conveyed by GOI in 1995 vide letter dated 07/07/1995. Hence diversion of Private Forest land requires approval of GOI for diversion of land for non forestry purpose.

In light of the proceedings of meeting held under the Chairmanship of the Director General of Forest and Special Secretary on 20<sup>th</sup> June, 2017 at Maharashtra Sadan on issue related to Maharashtra and Goa wherein the decision taken regarding **Ownership and status of the private forest and its land use and possibility of Sale and transfer of private forests** and the recommendations of the Deputy Conservator of Forests, Alibag and Chief Conservator of Forests (T), Thane, the proposal is recommended for approval under section - 2 (ii) of **Forest (Conservation) Act, 1980** subject to the following conditions :-

- i) The legal status of the land required will remain unchanged.(restored Private Forest)
- ii) Compensatory afforestation will be raised at the cost of user agency on equivalent non-forest land made available by the user agency or as decided by Govt of India.
- iii) The user agency will defray the cost of Net Present Value of 9.78 Ha. of forest land as per the latest guideline of Government of India.
- iv) The user agency will defray the additional/revised cost of Net Present Value of forest land as per the latest Guidelines of Government of India
- v) The user agency will defray the cost of removal of 748 trees in the area. However, only the required and minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the user agency
- vi) The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area., including forest area and human settlements, adjoining the forest area being diverted for the project.


- vii) The forest land shall not be used for any purpose other than specified in the project ✓
- viii) The user agency will obtain Environmental Clearance from competent authority, if required. ✓
- ix) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work. ✓
- x) All necessary precaution should be taken to protect the forest area from fire. ✓
- 11 xi) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the User Agency. ✓
- xii) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction ✓

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

  
05/01/2019

  
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05/01/2019





**Office of the Principal Chief Conservator of Forests  
(Head of Forest Force)**

**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**

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**Website: [www.mahaforest.gov.in](http://www.mahaforest.gov.in)**

**Sub.:- Proposal for diversion of 9.78 ha Restored  
Private Forest Land for construction of  
bungalows and residential buildings and other  
ancillary non forest activities as "White Magic  
Project" at Vill-Jambhivali, Tal-Panvel, Distt-  
Raigad**

**No. : Desk-17/NC/II/I.D. 12653/(66)/ /2018-19  
Nagpur – 440 001, Dated :**

To,

The Secretary (Forests),  
Revenue and Forests Department,  
Mantralaya, Mumbai

**Ref:- CCF (T), Thane letter No. Desk-10/FCA/CR-58/18-19/OW-508/2018-19 dated  
10/09/2018.**

The proposal is for diversion of 9.78 ha. of Restored Private Forest land for construction of bungalows and residential buildings and other ancillary non forest activities as "White Magic Project" at vill-Jambhivali, Tal-Panvel, Distt-Raigad. The details of land proposed for diversion are as under:-

Item	Vill, Tal & Distt	Survey No	Area in Ha	Legal Status
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Total			9.7800	

The proposal has been initiated by Mr Sandeep Dapke, Sai Enterprises, Sudhagad-Pali, Distt-Raigad, authorized signatory of Shri Kanaji Karamshi Patel & Ors 2 , Mumbai as a project authority for diversion of 9.78 ha restored private forest land for construction of bungalows, residential buildings, internal roads, parking and other ancillary non forest activities as " White Magic Project" at vill- Jambivali, Tal-Panvel, Distt-Raigad.

User agency has submitted that the land has been purchased in 2015 from the then khatedar. The area is restored to the then khatedar Shri Dhau Balya Dhangar in 1985. The restoration of the land is after 25/10/1980. But the permission of restoration has been conveyed by GOI in 1995 vide letter dated 07/07/1995. The user agency has agreed to defray the cost of Compensatory Afforestation and other levies of Government as determined by the Forest Department. This proposal involves 9.78 ha restored land, therefore there is no requirement of non-forest land in lieu of Forest land required to be diverted. But project authority are ready to give non forest land if Ministry of Environment and Forest insist. Therefore, the project authority has submitted the proposal for seeking the permission from the Central Government under Forest (Conservation) Act, 1980.

#### Brief History of Land

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Out of the restored area 11.78 ha. has been sold on July-2015 by Khatedar Kondhabai Dhau Dhangar to Kanji Karamshi Patel, Viral Kanji Patel, Manthan Kanji Patel .

The entry regarding forest was continued in the land record hence, the purchaser Shri Kanji Karamshi Patel and other2 filed RTS appeal no.205/2017 before SDO Panvel against mutation no.46,dated 29.4.1998 ( regarding ban on non-forestry work without prior approval of GOI under FCA-1980).



The said RTS appeal was decided by SDO-Panvel vide order dt.16.11.2017 in which the SDO specifically mentions that, the land involved in the petition being restored in 1985, i.e.23.7.1985 the provision of FCA-1980 are applicable for its any non-forestry use of this land.

**Remarks of APCCF (Conservation) MS Nagpur regarding status of forest land involved:-**

1. Area involved is 9.78ha. from village- Jambhivali, Tal.Panvel, Dist.Raigad.
2. A notice u/s35(3) of IFA 1927 was issued to then village Bamnoli, gut no.7 area 37.34 acre (15.3578ha) to the then Khatedar Shri.Sitaram Govind Joshi residing at village Apte Tal.Panvel, Dist.Raigad vide notice no.K-3578, dated 13.07.1960.
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10. The said RTS appeal was decided by SDO-Panvel vide order dt.16.11.2017 in which the SDO specifically mentions that, the land involved in the petition being restored in 1985, i.e.23.7.1985 the provision of FCA-1980 are applicable for any non-forestry use of this land.

11. Transaction regarding transfer of land from the then Khatedar Shri.Sitaram Govind Joshi to Shri.Dhau Balya Dhangar (Kul) is not available. However, from the order dated 16.11.2017 of SDO Panvel, it is observed that, he was a kul.
12. Since, the status of restored land remains as "forest" and since, the restoration is also ratified by GOI, the 7/12 extract was correctly reflected showing the proper position.
13. The present proposal regarding use of 9.78ha. by Kanji Karamshi Patel for non-forestry activity may be processed keeping the entry as "the provision's of the FCA-1980 are applicable for any non-forestry use of this land".

After going through the project note submitted by user agency and remarks regarding status of forest land involved in diversion, received from APCCF (Conservation) MS Nagpur, it may be further mentioned that according to the letter No. FLD 1006/CR-580/F-10 dated 15/06/2006 of the State Government, restoration and diversion proposals are to be sent together to Government of India for obtaining permission for continued use of forest land for non-forestry purpose under Forest (Conservation) Act, 1980 as well as permission of Government of India for restoration under Maharashtra Private Forests (Acquisition) Act 1975 simultaneously. As the proposed area has been restored after 25/10/1980 and Hence it requires an approval from Government of India.

Ministry of Environment, Forests and Climate Change, New Delhi vide letter dt.31/7/2017 has issued advisory and circulated proceedings of meeting held under the Chairmanship of the Director General of Forest and Special Secretary on 20<sup>th</sup> June, 2017 at Maharashtra Sadan on issue of **Ownership and status of the private forest and its land use and possibility of Sale and transfer of private forests** related to Maharashtra and Goa wherein the decision has been taken on issue, is as under :-

- a) The ownership of the private forest land shall be as per the provisions of the private Forests (Acquisition) Act 1975 and decided by the state government. Those private forest lands, as defined in the Act, which stands acquired and vested with the State Government under section 3 of the private Forest (Acquisition) Act 1975 shall be treated as government forest.
- b) However those private forest lands which remained with the private ownership under the Private Forests (Acquisition) Act 1975 by virtue of application of section 6 and section 22A of the Private Forests (Acquisition) Act 1975 shall be treated as "private forest" for the purpose of Forest Conservation Act and any change in land use for non forestry use after 25/10/1980 shall be as per the provisions of the FC Act, 1980.
- c) The FC Act, 1980 prohibits only the change in land use by the owner (Government or private) having control over the forest land. The FC Act does not prohibits the change in ownership of private forest by way of sale and transfer as per relevant provisions in the state so long there is no change in land use of forest. Any change in land use from forest



to non forest after 25/10/1980 shall be as per the provisions of the Forest (Conservation), Act 1980.

The Chief Conservator of Forests (T) Thane vide letter No Desk-10/FCA/CR-58/18-19/OW-508/2018-19 dated 10/09/2018 has submitted the proposal along with following documents as prescribed in Government Circular, Revenue and Forest Department No. FLD-1081/2041(A)/F-3 dated 20/03/1982 as well as per Government of India's instructions issued from time to time :-

- 1) The Deputy Conservator of Forests Alibag has certified that no suitable non forest land is available for the proposal and demand for the required forest land is the lowest minimum demand for the same .
- 2) The Deputy Conservator of Forests Alibag has certified that provisions of the Forest Conservation Act, 1980 and guidelines under it have not been violated.
- 3) The Deputy Conservator of Forests, Alibag has certified that proposed site is not likely to affect any monuments site of cultural, historical, religious archeological or recreational importance.
- 4) The Deputy Conservator of Forests, Alibag has certified that the area involved in project is not included in the area of any National Park, Wildlife Sanctuary and the Nature Reserve and is not Karnala Bird Sanctuary.
- 5) The Deputy Conservator of Forests, Alibag has certified that the the proposed area is within 10 Kms of Karnala Bird Sanctuary, but it is not part of Eco-Sensitive Zone of Karnala Bird Sanctuary and the project will not have any adverse effect on the Wild life within Sanctuary.
- 6) The Deputy Conservator of Forests, Alibag has certified that there are 748 tree felling in the project. Grit wise details of trees is as under :-

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14	201	206	141	82	38	18	01	04	03	748

- 7) The Deputy Conservator of Forests, Alibag has submitted the Site Inspection Report dated 24/08/2018 is enclosed on page No 70-72.
- 8) The user agency has submitted the District Collector Raigad certificate dated 20/08/2018 regarding compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006.
- 9) The Deputy Conservator of Forests, Alibag has certified that the project area belongs to Eco-Value class I having density below 0.4 .
- 10) The user agency has submitted that the proposal involves 9.78 ha restored land , therefore as per point of view there is no requirement of non forest land. but we

are ready to give non forest land if Ministry of Environment and Forest insist.

- 11) The user agency has submitted an undertaking to defray the cost of Net Present Value of the forestland proposed for diversion.
- 12) The Deputy Conservator of Forests, Alibag has recommended the proposal for approval.
- 13) Chief Conservator of Forests (T), Thane recommended the proposal for approval.

As area is restored to the then khatedar Shri Dhau Balya Dhangar in 1985. therefore, the restoration of the land is after 25/10/1980 and the permission of restoration has been conveyed by GOI in 1995 vide letter dated 07/07/1995. Hence diversion of Private Forest land requires approval of GOI for diversion of land for non forestry purpose.

In light of the proceedings of meeting held under the Chairmanship of the Director General of Forest and Special Secretary on 20<sup>th</sup> June, 2017 at Maharashtra Sadan on issue related to Maharashtra and Goa wherein the decision taken regarding **Ownership and status of the private forest and its land use and possibility of Sale and transfer of private forests** and the recommendations of the Deputy Conservator of Forests, Alibag and Chief Conservator of Forests (T), Thane, **the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-**

- i) The legal status of the land required will remain unchanged.(restored Private Forest)
- ii) Compensatory afforestation will be raised at the cost of user agency on equivalent non-forest land made available by the user agency or as decided by Govt of India.
- iii) The user agency will defray the cost of Net Present Value of 9.78 Ha. of forest land as per the latest guideline of Government of India.
- iv) The user agency will defray the additional/revised cost of Net Present Value of forest land as per the latest Guidelines of Government of India
- v) The user agency will defray the cost of removal of 748 trees in the area. However, only the required and minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the user agency
- vi) The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly



material shall be used in the area., including forest area and human settlements, adjoining the forest area being diverted for the project.

- vii) The forest land shall not be used for any purpose other than specified in the project
- viii) The user agency will obtain Environmental Clearance from competent authority, if required.
- ix) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- x) All necessary precaution should be taken to protect the forest area from fire.
- xi) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.
- xii) All necessary approvals required for the project as per prevailing laws of the land would be obtained by the User Agency before statutory sanction

It is therefore requested that the Government of Maharashtra may kindly be moved to approve of 9.78 ha of Restored Private Forest land for construction of bungalows and residential buildings and other ancillary non forest activities as "White Magic Project" at vill-Jambhivali, Tal-Panvel, Distt-Raigad in favour of Mr. Sandeep Dapke, Sai Enterprises, Sudhagad-Pali, Distt-Raigad under section 2(ii) of the Forest (Conservation) Act, 1980

Encl. :- As above

( G Sai Prakash)

Additional Principal Chief Conservator of Forests  
& Nodal Officer, Maharashtra State, Nagpur

Copy to Chief Conservator of Forests (T), Thane for information.

Copy to Deputy Conservator of Forests, Alibag for information.

Copy to Mr Sandeep Dapke, Sai Enterprises, Sudhagad-Pali, Distt-Raigad,.