



सत्यमेव जयते
महाराष्ट्र शासन

**Office of The Principal Chief Conservator of Forest, (HoFF) Maharashtra State,
Ramgiri Road, Civil Lines, Nagpur 440 001.**

**The Additional Principal Chief Conservator of Forests And Nodal Officer, Maharashtra State,
Ramgiri Road, Civil Lines, Nagpur 440 001.**

0712-2556916

Email: apccfnodal@mahaforest@gov.in

Speed Post/Email

No. Desk-17/Nodal/Nagpur/I.D.13757/ **585** /23-24
Nagpur – 440 001 Dated **25** / 05/2023.

To,
The Principal Secretary (Forests),
Revenue and Forests Department,
Mantralaya, Mumbai-32.

Sub: Proposal for Diversion of 0.34 ha. Forest Land for rehabilitation and up-gradation of Nagpur-Warud National Highway (NH353J) from existing Km 60+100 (End of Katol bypass) to (Warud up to Joint Junction) to two lane with Paved shoulders in the State of Maharashtra-Regarding.

Ref: Chief Conservator of Forests (T) Nagpur letter no.Desk-10/Land/C.R.1136/22-23/1231,
Dtd.10.11.2022.

Proposal is for diversion of 0.34 ha. Protected / Zudpi Forest Area under Forest (Conservation), 1980 for Rehabilitation and up-gradation of Nagpur-Katol-Warud National Highway (NH353J) from existing Km 60+100 (End of Katol bypass) to 101+085 (Warud up to Joint Junction) Two lane with paved shoulders Dist. Nagpur in the State of Maharashtra has been submitted by Chief Conservator of Forests (T) Nagpur vide letter under reference. (FP/MH/Road/115795/2020).

2.00 The proposal has been initiated by The Ministry of Road Transport and Highways (MoRTH) Govt. of India, for seeking approval under Forest (Conservation) Act, 1980. The Ministry of Road Transport and Highways (MoRTH) Govt. of India, has decided to take up the development of Nagpur-Katol-Warud section of NH-353J in the State of Maharashtra for augmentation of capacity for safe and efficient movement of traffic by up-gradation to two lane with paved shoulder configuration based on the traffic demand. The project road starts from End of Katol Bypass Km 60+100 and ends at Warud Km 100+565. The total length is 40.465 Km and proposed Right of Way (PRoW) varies 24-45 m for main carriageway. The alignment passes through Nagpur and Amravati districts of Maharashtra via Katol. The area is predominantly orange producing and will help farmers from Warud, Morshi and Jalakheda.

3.0 The User Agency has certified that the forest land admeasuring 0.34 ha is the minimum demand for the project. Therefore the User Agency has decided to Rehabilitate and up-gradation of Nagpur-Katol-Warud National Highway (NH353J) from existing Km 60+100 (End of Katol bypass) to 101+085 (Warud up to Joint Junction) Two lane with paved shoulders Dist. Nagpur in the State of Maharashtra. The Highway Nagpur-Katol-Warud connects three State Highways i.e. 1. SH 245 Karanja-Mowad-Bangaon, 2. SH 244 Wardha-Pulgaon-Malegaon, 3. MSH 10 Morshi-Pandurna. This National Highway (NH353J) is a link for inter-State connectivity of Maharashtra and Madhya Pradesh.

- The proposed project is rehabilitation and up-gradation of existing road to two lane with paved shoulders configuration.
- There is no suitable alternatives non-forest land to construct the road as the proposed rehabilitation is along the existing road.
- Earthwork cutting and banking is minimum.
- NIL numbers of trees are affected.
- Road gradients are suitable for traffic.

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

Item work purpose	District	Taluka	Name of Village	Survey No.	Comptt. No.	Length & Width	Area in (Sq. Mtr)	Area (in ha)	Legal Status
Nagpur-Katol-Warud National Highway (NH353J) from existing Km 60+100 (End of Katol bypass) to 101+085 (Warud up to Joint Junction)	Nagpur	Katol	Paradsinga	245	46	100 x 26	2600.00	0.26	Protected Forest
		Narkhed	Bharsingi	26	--	31 x 26	800.00	0.08	Zudpi Jungle (Revenue)
		Total						0.34	

3.2 The total non forest involved in project is **48.72 ha**. The site inspection report of the Deputy Conservator of Forests, (T) Nagpur is enclosed on **page no.38 to 39**.

4.00 The Deputy Conservator of Forests (T) Nagpur has certified that:

- No suitable alternate land is available and the forest land required is barest minimum. Pg.44
- The area belongs to Eco-value class-III and having density of forest is 0.4 Open Forest. Pg.38
- The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. Pg.67.
- No felling of Trees in this proposal. Pg.69
- Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance. Pg.66
- There is violation of Forest (Conservation) Act 1980. Violation Report is enclosed on page no.45 to 48.
- The proposed project area for the project is beyond boundary of National Park/ Wildlife Sanctuary. Pg.70
- 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. Pg.65

4.9 The information regarding proposed Compensatory Afforestation over 1.00 ha. is shown below.

Sr. No.	Range	Village	Round	Beat	Survey. No.	Area in Ha.
1	Kondhali	Chakdoh	Chameli	Ringansbodi	10	1.00
Total						1.00

And it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances. Pg.49. Scheme is enclosed on Page 50 to 58

4.10 There is no alternative alignment is possible to avoid or minimize use of forest land and the required forest area is minimum needed for the purpose of proposed project. Pg.71

5.00 **The User Agency has submitted an undertaking that:-**

5.1 To defray the cost of Compensatory Afforestation. Pg.91

5.2 To defray the cost of Net Present Value of the forest land proposed under diversion. Pg.96 &97

5.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 had 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 the 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 compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before formal approval. Pg.103.

5.5 The technical, administrative and financial approval is enclosed on page no.88 to 90.

5.5 The cross section map is enclosed herewith on page no.31 to 33.

6.00 The Deputy Conservator of Forests (T) Nagpur (Page no.39) and Chief Conservator of Forest (T), Nagpur (Page no.16A) have recommended the proposal for diversion of 0.34 ha. of Protected Forest and Zudpi Jungle land for the project.

7.00 **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: –**

7.01 The legal status of the forest land required will remain unchanged.

7.02 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

7.03 **Compensatory Afforestation :-**

Compensatory Afforestation shall be taken up by the Forest Department over 1.00 ha. Zudpi jungle forest land in Survey no.10 Range-Kondhali, Round-Chameli, Beat-Ringanabodi, Village-Chakdoh, taluka Katol, Dist. Nagpur 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.

7.04 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.

7.05 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 0.34 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.
- 7.06 For violation of the FCA, 1980 as penalty, the user agency will defray the cost equal to NPV of forest land per hectare for each year of violation from the dated of actual diversion as reported by the inspecting officer with maximum up to (5) times the NPV plus 12 percent simple interest till the deposit is made in accordance with Government of India advisory number 11-42/2017-FC, dated 29/01/2018.
- 7.07 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.
- 7.08 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/>)
- 7.09 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 7.10 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 7.11 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 7.12 It Shall mandatory to provide underpass for safe crossing of wild animals
- (e) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
 - (f) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
 - (g) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
 - (h) Interval between such underpasses shall not be more than 2.00 km
- 7.12 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.

- 7.13 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 7.14 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.15 No labour camp shall be established on the forest land.
- 7.16 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the laborer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 7.17 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.
- 7.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.19 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.
- 7.20 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 7.21 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.
- 7.22 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.
- 7.23 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.
- 7.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

It is therefore, requested that this recommendation may kindly be forwarded to Govt. of India for approving the Proposal for diversion of 0.34 ha. Protected / Zudpi Forest Area under Forest (Conservation), 1980 for Rehabilitation and up-gradation of Nagpur-Katol-Warud National Highway (NH353J) from existing Km 60+100 (End of Katol bypass) to 101+085 (Warud up to Joint Junction) Two lane with paved shoulders Dist. Nagpur in the State of Maharashtra.

Encl. :- Proposal 2 copies

 25/5/23

(Naresh Zurmure)

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

Copy forwarded to Chief Conservator of Forests (T) Nagpur for information.

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 The details of land proposed for diversion is as under-

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		Total						0.34	

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


25/5/23

(Naresh Zurmure)

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

Date: 25 /05/2023

Place: Nagpur

Proposal for diversion of 0.34 ha. Protected / Zudpi Forest Area under Forest (Conservation), 1980 for Rehabilitation and up-gradation of Nagpur-Katol-Warud National Highway (NH353J) from existing Km 60+100 (End of Katol bypass) to 101+085 (Warud up to Joint Junction) Two lane with paved shoulders Dist. Nagpur in the State of Maharashtra (FP/MH/Road/115795/2020).

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.

1.00 Proposal is for diversion of 0.34 ha. Protected / Zudpi Forest Area under Forest (Conservation), 1980 for Rehabilitation and up-gradation of Nagpur-Katol-Warud National Highway (NH353J) from existing Km 60+100 (End of Katol bypass) to 101+085 (Warud up to Joint Junction) Two lane with paved shoulders Dist. Nagpur in the State of Maharashtra (FP/MH/Road/115795/2020).

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- 4.2 The area belongs to Eco-value class-III and having density of forest is 0.4 Open Forest. Pg.38
- 4.3 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. Pg.67.
- 4.4 No felling of Trees in this proposal. Pg.69
- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance. Pg.66
- 4.6 There is violation of Forest (Conservation) Act 1980. Violation Report is enclosed on page no.45 to 48.
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- a) The State Government shall charge the Net Present Value (NPV) for the 0.34 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.
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- 7.17 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.

- 7.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.19 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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- 7.21 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.
- 7.22 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.
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- 7.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)


(Y.L.P. Rao)

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


17/5/23/End
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