

**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](mailto:apccfnodal@mahaforest.gov.in)

Sub:- Proposal for diversion of 1.5457 ha. forest land for regularization of lease of Forest land (Before 1980) for use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities from survey no. 223/1 at Village-Malcompeth, Tal.- Mahabaleshwar, Dist. Satara in favour of the Central Railway Pune under section 2 (ii) of Forest (Conservation) Act 1980.

No. : Desk-17/Nodal/Kolhapur/(29)/I.D-13267/436/2022-23  
Nagpur - 440 001, Dated 26/05/2022

To,

The Deputy Director General (Central)  
Ministry of Environment, Forests, and Climate Change,  
Regional Office, Ground Floor, East Wing,  
New Secretariat Building,  
Civil Lines, Nagpur-440001

Sir,

Proposal for diversion of 1.5457 ha. forest land for regularization of lease of Forest land (Before 1980) for use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities from survey no. 223/1 at Village-Malcompeth, Tal.- Mahabaleshwar, Dist. Satara in favour of the Central Railway Pune under section 2 (ii) of Forest (Conservation) Act 1980.

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

Item work purpose	District	Taluka	Name of Village	Compt. No.	S.No.	Item of work/Purpose	Area (in ha)	Legal Status
For use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities.	Satara	Mahabaleshwar	Malcompeth	77	223/1	Area under (Quarters) Building	0.1008	RF
						Garden	0.0887	
						Road & Path Parking	0.1218	
						Water Tank & Septic tank	0.0088	
						Water pipeline & Drainage	0.0101	
						Plantation & Open area	1.2155	
Total Forest Land (in ha.)							1.5457	

3.00 Previously, the Govt. of Maharashtra had sanctioned forest land on lease area 2.00 Acre for Holiday Homes & 3.00 Acre Forest land for plantation by Revenue & Forest Department letter no FLD.2078/38- F-3 Dt. 18/2/1979 & 22/2/1980. The process of completion of the lease agreement was completed by Divisional Forest Officer Satara & Sr. Divisional Engineer, Central

Railway, Bombay on 22/01/1985 for the period of 1978 to 1988. The construction of Holiday Homes was completed during the year 1978 to 1982. Accordingly, Railway constructed 4 Suits for officers and 16 Suits for Group 'C' and Group 'D' staff in the year 1982. The Central Railway authority has paid the lease amount to the forest dept as per agreement. After completion of the lease period. Central railway has traded to extend the lease period for further 35 years. In addition to this Central railway has submitted the new proposal for diversion of forest land for regularisation of lease land in Sept. 2007, to the Dy. C.F. Satara. Dy. C.F.Satara has also recommended this proposal for approval, but for this, no further approval was obtained.

4.00 Now the project Authority has submitted a fresh proposal for obtaining clearance from the Central Government under the Forest (Conservation) Act 1980. This project does not involve non-forest land. The Chronology event has been submitted by the User Agency and the same is enclosed in the proposal on page no.62 to 64. The site inspection report of the Deputy Conservator of Forests, Satara Forest Division, Satara is enclosed on page no. 43 to 46.

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 in three 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,

**6.00 The Deputy Conservator of Forest, Satara Forest Division, Satara has certified that:-**

- 6.1 No suitable alternate land is available and the forest land required is lowest minimum.
- 6.2 The area belongs to Eco Value class I, dense forest having density 0.8%.
- 6.3 No tree felling is required for this 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 The work for construction of building of Holiday homes and other amenities has been done as per the lease at S.No.223/1, C.No.77 at village Molcompeth but Project Authority has not applied for extend lease period or not completed the procedure to regularization of leased land. It is true that, the Project authority has submitted proposal under FCA guideline in Year 2007 but due to lack of fulfilment of query raised this proposal had remain pending . Project Authority has submitted online proposal on FCA portal but it's also remain in draft stage for longer time. Project authority had paid the lease rant as per agreement up to 2007-08 As the above condition project Authority has done work in Forest Land, before 1980 but do not completed procedure for extend lease period or proposal for regularization of lease. Hence Violation of Forest (Conservation) Act, 1980 and or its guidelines have been committed. In this project no new construction has been done after expiry of lease period. Certificate for violation of Forest (Conservation) Act, 1980 and Report regarding Violation is enclosed on page no. 57 to 61.
- 6.7 The Project area is about 14 km. away (Arial Distance) from the notified boundary area of Sahyadri tiger reserve and 3 Km. away from the Jor-Jambhali Conservation Reserve. Proposed area is within Mahabaleshwar pachgani Eco Sensitive zone deleared by MoEF&CC vide notification dated 17<sup>th</sup> Jan. 2001 but patch of area which is proposed for diversion has already been constructed within the lease period which was expired in 1988. Proposal does not involve new tree cutting. Hence area is not sensitive. The project area is beyond 10 Km of the boundary of the Protected Area, Wildlife Sanctuary and National Park.
- 6.8 Proposed Compensatory Afforestation over 3.10 ha. degraded Forest land in Gut no. 128/2, S.No.13, Compt.No.775 of Village-Phaltan, Tal.Phaltan, Dist.Satara and it is contiguous,

suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

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

- 7.1 Agreed to defray the cost of compensatory afforestation.
- 7.2 Agreed to defray the cost of Net Present Value for the forest land proposed for diversion and penal NPV for the violation of the Forest (Conservation) Act, 1980.
- 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’.*

Project authority agrees that the certificate of FRA-2006 from the collector will be submitted along with stage-I compliance.

- 8.00 The Deputy Conservator of Forest, Satara Forest Division, Satara and the Chief Conservator of Forest (T.), Kolhapur have recommended the proposal for diversion of 1.5457 ha. of Reserved forest land.
- 9.00 The KML file of the proposed diverted area and C.A area is placed in the file at the top.
- 10.00 **In view of this, the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions:-**
- 10.1 The legal status of the forest land required will remain unchanged.
- 10.2 Compensatory afforestation shall be taken up by the Forest Department over over 3.10 ha. double degraded Forest land in Gut no. 128/2, S.No.13, Compt.No.775 of Village-Phaltan, Tal.Phaltan, Dist.Satara 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.
- 10.3 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.
- 10.4 The State Government shall charge the Net Present Value (NPV) for the 1.5457 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 & 22/03/2022.
- 10.5 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.
- 10.6 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.

- 10.7 No trees shall be felled during implementation of the project. In case tree felling is required the 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.
- 10.8 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/>)
- 10.9 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.
- 10.10 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 10.11 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.
- 10.12 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.
- 10.13 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

9.00 It is therefore, requested that Government of India may kindly be moved for diversion of 1.5457 ha. forest land for regularization of lease of Forest land (Before 1980) for use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities from survey no. 223/1 at Village-Malcompeth, Tal.- Mahabaleshwar, Dist. Satara in favour of the Central Railway Pune under section 2 (ii) of Forest (Conservation) Act 1980.

Encl. :- Proposal in one copy.

Yours sincerely

(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests  
& Nodal Officer**

Copy submitted to the Principal Secretary (Forests), Revenue & Forest Department, Mantralaya, Mumbai- 400032 for information.

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

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

Copy to the Divisional Engineer, Central Railway, Pune. (Email:[punesrdenco@gmail.com](mailto:punesrdenco@gmail.com))

**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 1.5457 ha. forest land for regularization of lease of Forest land (Before 1980) for use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities from survey no. 223/1 at Village-Malcompeth, Tal.- Mahabaleshwar, Dist. Satara in favour of the Central Railway Pune under section 2 (ii) of Forest (Conservation) Act 1980.

Item work purpose	District	Taluka	Name of Village	Compt. No.	S.No.	Item of work/Purpose	Area (in ha)	Legal Status
For use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities.	Satara	Mahabaleshwar	Malcompeth	77	223/1	Area under (Quarters) Building	0.1008	RF
						Garden	0.0887	
						Road & Path Parking	0.1218	
						Water Tank & Septic tank	0.0088	
						Water pipeline & Drainage	0.0101	
						Plantation & Open area	1.2155	
Total Forest Land (in ha.)							1.5457	

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

 26/5/22

(Naresh Zurmure)  
Additional Principal Chief Conservator of Forests  
& Nodal Officer

Date: 26/05/2022  
Place: Nagpur

## PART -V

(To be filled in by the Secretary in charge of the Forest Department or any other authorized officer of the State Government not below the rank of under Secretary)

Sub.:- Proposal for diversion of 1.5457 ha. forest land for regularization of lease of Forest land (Before 1980) for use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities from survey no. 223/1 at Village-Malcompeth, Tal.- Mahabaleshwar, Dist. Satara in favour of the Central Railway Pune under section 2 (ii) of Forest (Conservation) Act 1980.

Item work purpose	District	Taluka	Name of Village	Compt. No.	S.No.	Item of work/Purpose	Area (in ha)	Legal Status
For use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities.	Satara	Mahabaleshwar	Malcompeth	77	223/1	Area under (Quarters) Building	0.1008	RF
						Garden	0.0887	
						Road & Path Parking	0.1218	
						Water Tank & Septic tank	0.0088	
						Water pipeline & Drainage	0.0101	
						Plantation & Open area	1.2155	
Total Forest Land (in ha.)							1.5457	

Recommended:

MoEF, Government of India, vide letter No.5-5/86-FC (Pt) dated 17/4/2000 has suggested to submit proposals for projects in social sector requiring forest area up to 5.00 Ha., directly to Government of India. Accordingly, Government of Maharashtra has delegated the power to the Nodal Officer, Maharashtra State vide No. FLD-1000/CR-187/F-10 dated 10/05/2000 to submit proposals less than 5.00 Ha. (excluding National Parks and Sanctuaries) directly to Regional Office, MoEF, Nagpur.

  
(Naresh Zurmure)

Additional Principal Chief Conservator of Forests  
& Nodal Officer

Date: /05/2022  
Place: Nagpur

**Proposal for diversion of 1.5457 ha. forest land for regularization of lease of Forest land (Before 1980) for use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities from survey no. 223/1 at Village-Malcompeth, Tal.- Mahabaleshwar, Dist. Satara in favour of the Central Railway Pune under section 2 (ii) of Forest (Conservation) Act 1980. (FP/MH/RAIL/40748/2019)**

**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.**

Proposal for diversion of 1.5457 ha. forest land for regularization of lease of Forest land (Before 1980) for use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities from survey no. 223/1 at Village-Malcompeth, Tal.- Mahabaleshwar, Dist. Satara in favour of the Central Railway Pune under section 2 (ii) of Forest (Conservation) Act 1980.

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

Item work purpose	District	Taluka	Name of Village	Compt. No.	S.No.	Item of work/Purpose	Area (in ha)	Legal Status
For use of Holiday Homes with drinking water pipeline, water tank, electricity, internal road, parking & other amenities.	Satara	Mahabaleshwar	Malcompeth	77	223/1	Area under (Quarters) Building	0.1008	RF
						Garden	0.0887	
						Road & Path Parking	0.1218	
						Water Tank & Septic tank	0.0088	
						Water pipeline & Drainage	0.0101	
						Plantation & Open area	1.2155	
Total Forest Land (in ha.)							1.5457	

3.00 Previously, the Govt. of Maharashtra had sanctioned forest land on lease area 2.00 Acre for Holiday Homes & 3.00 Acre Forest land for plantation by Revenue & Forest Department letter no FLD.2078/38- F-3 Dt. 18/2/1979 & 22/2/1980. The process of completion of the lease agreement was completed by Divisional Forest Officer Satara. & Sr. Divisional Engineer, Central Railway, Bombay on 22/01/1985 for the period of 1978 to 1988.

4.00 The construction of Holiday Homes was completed during the year 1978 to 1982. Accordingly, Railway constructed 4 Suits for officers and 16 Suits for Group 'C' and Group 'D' staff in the year 1982. The Central Railway authority has paid the lease amount to the forest dept as per agreement. After completion of the lease period. Central railway has traded to extend the lease period for further 35 years. In addition to this Central railway has submitted the new proposal for diversion of forest land for regularisation of lease land in Sept. 2007, to the Dy. C.F. Satara. Dy. C.F. Satara has also recommended this proposal for approval, but for this, no further approval was obtained.

5.00 Now the project Authority has submitted a fresh proposal for obtaining clearance from the Central Government under the Forest (Conservation) Act 1980. This project does not involve non-forest land. The Chronology event has been submitted by the User Agency and the same is enclosed in the proposal on page no.62 to 64. The site inspection report of the Deputy Conservator of Forests, Satara Forest Division, Satara is enclosed on page no. 43 to 46.

**6.00 The Deputy Conservator of Forest, Satara Forest Division, Satara has certified that:-**

- 6.1 No suitable alternate land is available and the forest land required is lowest minimum.
- 6.2 The area belongs to Eco Value class I, dense forest having density 0.8%.
- 6.3 No tree felling is required for this 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 The work for construction of building of Holiday homes and other amenities has been done as per the lease at S.No.223/1, C.No.77 at village Molcompeth but Project Authority has not applied for extend lease period or not completed the procedur to regularization of leased land. It is true that, the Project authority has submitted proposal under FCA guideline in Year 2007 but due to lack of fulfilment of query raised this proposal had remain pending . Project Authority has submitted online proposal on FCA portal but it's also remain in draft stage for longer time. Project authority had paid the lease rant as per agreement up to 2007-08 As the above condition project Authority has done work in Forest Land, before 1980 but do not completed procedure for extend lease period or proposal for regularization of lease. Hence Violation of Forest (Conservation) Act, 1980 and or its guidelines have been committed. In this project no new construction has been done after expiry of lease period. Certificate for violation of Forest (Conservation) Act, 1980 and Report regarding Violation is enclosed on page no. 57 to 61.
- 6.7 The Project area is about 14 km. away (Arial Distance) from the notified boundary area of Sahyadri tiger reserve and 3 Km. away from the Jor-Jambhali Conservation Reserve. Proposed area is within Mahabaleshwar pachgani Eco Sensitive zone declaired by MoEF&CC vide notification dated 17<sup>th</sup> Jan. 2001 but patch of area which is proposed for diversion has already been constructed within the lease period which was expired in 1988. Proposal does not involve new tree cutting. Hence area is not sensitive. The project area is beyond 10 Km of the boundary of the Protected Area, Wildlife Sanctuary and National Park.
- 6.8 Proposed Compensatory Afforestation over 3.10 ha. degraded Forest land in Gut no. 128/2, S.No.13, Compt.No.775 of Village-Phaltan, Tal.Phaltan, Dist.Satara and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

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

- 7.1 Agreed to defray the cost of compensatory afforestation.
- 7.2 Agreed to defray the cost of Net Present Value for the forest land proposed for diversion and penal NPV for the violation of the Forest (Conservation) Act, 1980.
- 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'.*

Project authority agrees that the certificate of FRA-2006 from the collector will be submitted along with stage-I compliance.

- 8.00 The Deputy Conservator of Forest, Satara Forest Division, Satara and the Chief Conservator of Forest (T.), Kolhapur have recommended the proposal for diversion of 1.5457 ha. of Reserved forest land.
- 9.00 The KML file of the proposed diverted area and C.A area is placed in the file at the top.
- 10.00 **In view of this, the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions:-**
- 10.1 The legal status of the forest land required will remain unchanged.
- 10.2 Compensatory afforestation shall be taken up by the Forest Department over over 3.10 ha. double degraded Forest land in Gut no. 128/2, S.No.13, Compt.No.775 of Village-Phaltan, Tal.Phaltan, Dist.Satara 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.
- 10.3 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.
- 10.4 The State Government shall charge the Net Present Value (NPV) for the 1.5457 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 & 22/03/2022.
- 10.5 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.
- 10.6 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.
- 10.7 No trees shall be felled during implementation of the project. In case tree felling is required the 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.
- 10.8 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/>)
- 10.9 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.

- 10.10 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 10.11 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.
- 10.12 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.
- 10.13 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**