

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 14.979 ha. forest land for Rehabilitation and Up gradation of Amravati-Nandgaon-Morshi-Warud-Pandhurna National Highway from existing [Design km0.00 to km 43.00] (Package-I) and existing Km Maharashtra/ Maharashtra Pradesh State Border upto Wardha River Bridge [design 43000 to 95.390 km] (Package-II) to two lane with paved shoulders in the State of Maharashtra has been initiated by the Executive Engineer, NH Division, Amravati for seeking approval under Forest (Conservation) Act, 1980. (FP/MH/Road/24710/2017).

No. : Desk-17/Nodal/Amravati /I.D-12695/297/2023-24
Nagpur – 440 001, Dated 26/04/2023

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

The Executive Engineer National Highway Division Amravati has submitted proposal is for diversion of 14.979 ha. forest land for Rehabilitation and Up-gradation of Amravati-Nandgaon-Morshi-Warud-Pandhurna National Highway from existing [Design km0.00 to km 43.00] (Package-I) and existing Km Maharashtra/ Maharashtra Pradesh State Border upto Wardha River Bridge [design 43000 to 95.390 km] (Package-II) to two lane with paved shoulders in the State of Maharashtra

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

Sr. No	Item work purpose	Compt. No.		Name of Village	Sur/Gut No.	Distanc e in Km	Propose d Width	Area (in ha)	Status
		Old	New						
1	Rehabilitation and up-gradation of	442	744	Sawarkhed	370,297	0.455	23.00	1.047	RF
2		312b	715	Daryapur	24& 25	0.146	11.50	0.168	RF
3		318b	546	Yerla	2	0.175	11.50	0.201	RF

D:/Amravti Circle/14.979 ha.

4	Amravati – Nandgaon- Morshi-Warud- Pandurna National Highway in the State of Maharashtra	378	584	Maiwadi	57	0.074	11.50	0.085	RF
5		361	1104	Kekattwada	57& 58	0.494	23.00	1.136	RF
6		427	1088	Pusla	420,415, 421,423, 412, 410	1.048	23.00	2.410	RF
		426	1087		184,164,16 3,161,162	1.140	23.00	2.622	
7		426	1087	Pandhari	139,138	0.321	23.00	0.738	PF
		408	1013		125,126,12 8	0.162	23.00	0.373	PF
		106	1020		134,128	0.131	11.50	0.151	PF
		104a	1033		80,78,49	0.329	23.00	0.757	PF
		104a	1032		43,42,41,4 0	1.823	11.50	2.096	PF
		102b	1012		Mahendri	70,82,36	1.456	11.50	1.674
8		103b	1031	11,69		0.571	23.00	1.313	PF
		390	1017	70,63		0.090	23.00	0.207	PF
Total Forest Area (in ha.)								14.979	

- 3) The proposed road for Up-gradation of Nandgaonpeth- Morshi-Warud-Pandhurna Road upto State Border NH No.353 K existing highway, there will be overall development of the project area in terms of transportation of agriculture produces, easy access to education, health marked etc. Improved access to tourist places, higher education facilities and modern health facilities. Strengthening of both rural & urban economic scenario of the state. Improved road connectivity helps in better implementation and management of government schemes. The project stretch is very important National Highway connecting MP border. The project road is located entirely in district Amravati so the entire population of district will be benefited in addition to nearest State Madhya Pradesh. These populations are directly benefited in addition to thousand of tourist/ travelers and freight etc. Hence. User Agency has submitted proposal under Forest (Conservation) Act, 1980 prior approval by the Central. Government. The site inspection report of the Deputy Conservator of Forests, Amravati Forest Division, Amravati
- 4) The Cross section map is enclosed .

- 5) The total non forest involved in project is 12.888 ha. page no 132,158The copy of the Administrative approval accorded by the Government of India vide letter No. NH-12014/49/2015-MHR(P-6).
- 6) The copy of the technical approval accorded by the Executive Engineer, National Highway Division, Akola vide dated 20/04/2018.

7) **The Deputy Conservator of Forests, Amravati Forest Division, Amravati has certified that:-**

- 7.1 No alternate alignment is possible and the forest land required is lowest minimum.
- 7.2 The area belongs to Eco-value class-III having density is 0.4 (Tropical Dry Deciduous Forests).
- 7.3 There are 2239 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm									
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136 Above	Total
917	261	265	249	204	120	88	35	100	2239

- 7.4 The area involved in the project does not form part of any existing National Park Wildlife Sanctuary, Nature Reserve etc.
- 7.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 7.6 Proposed project is beyond 10 kms from National Park/Wildlife Sanctuary.
- 7.7 CompartmentNo.1101at Village-Molvihir,Taluka Warud Dist.Amravati in Amravati Forest Division, Warud Range, Dhanodi Beat, it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 7.8 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.
- 7.9 No any identified forest land to be transferred to the forest department as Alternate land.
- 8.0 There is violation of Forest (Conservation) Act, 1980. The details violation report is enclosed The User Agency i.e. Executive Engineer, National Highway Authority of India, has carried out the works such as excavation, trench cutting, tree felling DLC, PQC,HPC,RCC Drain and tree felling on forest land without any formal approval from the Central Government. Hence the violations are dealt as per the provision mention in the

D:/Amravti Circle/14.979 ha.

section 3A and 3B of the guidelines dated 29th January, 2018 issued by Ministry of Environment forest and Climate Change.

- Admeasuring area of 1.312 Ha Reserve Forest is involved in violation. A penalty of Rs.10,60,763/- has been imposed on the User Agency vide this office letter no Survey/Forest conservation 1980/proposal 1932, dt.23/02/2019 for compensation to the loss caused due to violation.
- Chief Conservator of Forest(T), Amravati has issued vide letter no 510(1)/4982 dated 20.2.2019 to Chief Engineer Public Works Department, Amravati to initiate disciplinary action against Shri. Zalate, Executive Engineer, NHAI Akola who has executed the work without prior approval from Central Government. A Departmental Enquiry is also in progress against the then RFO, Warud for not preventing and negligence in timely reporting the violation to this superior authority.

Action taken before the lower court against the violation

- The Forest Department has issued PORs against the Executive Engineer, NHAI Akola and others for illegal trees felling and mining in forest area. The details of PORs registered are as follows: POR No.5/8 dated 5.03.2018, 6/5 dated 10.03.2018, 13/2 dated 10.03.2018, 3/13 dated 27.03.2018, 9/13 dated 7.04.2018, and 16/1 dated 10.09.2018 under section 26(1) (d), 26(1) (h) of Indian Forest Act,1927 and Section 2, 3A and 3B of Forest Conservation Act,1980. The Range Forests Officer Warud has filed the complaint before the Judicial Magistrate First Class, Warud vide Regular Criminal case No.130/2019. The Judicial Magistrate First Class, Warud on 2.7.2019 directing issuance of summons against accused.
- Accused Vaibhav Pathak and others challenged summon dated 2.7.2019 before the Hon'ble Additional Session Judge, Amravati by filling the Criminal Revision Application No.18/2020. The Hon'ble Additional Session Judge; Amravati delivered the judgment on dated 29.11.2021 in which it allowed the Criminal Revision Application filed by the applicants. Further it set aside the summons issued by the lower court, remanded to take appropriate order. The copy of judgment delivered by the Additional Session judge, Amravati in Criminal

Revision Application No.18/2020 dated 29.11.2021 is enclosed herewith for ready reference. **(Annexure-10)**

- The Judicial Magistrate First Class, Warud in RCC No.130/2019 vide order dated 4.10.2022 whereby disposed of the matter and further set aside the bailable warrant and matter be kept for the stage of verification of the Complainant. The copy of order dated 4.10.2022 is enclosed herewith **(Annexure-11)** for ready reference. As per the e-court status this matter is disposed of. Now this matter is registered before the Judicial Magistrate First Class, Warud with a new no. as Regular Criminal case No.333/2022 filling dated 10.10.2022. This matter is on the stage of verification of the Complainant. The next date of hearing is fixed on dated 7.11.2022. The copy of e-court status is annexed herewith as **(Annexure-12)** for ready reference.
- The office of Executive Engineer, national Highway Authority of India, Akola Division vide letter dated 17.10.2022 has submitted the undertaking for the payment of the penalty amount of Rs.10,60,763/- in due course of time. The copy of letter is enclosed herewith as **(Annexure-13)** for ready reference.

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

- 9.1 The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 9.2 The User Agency has submitted an undertaking to defray the cost of Net Present Value.
- 9.3 The User Agency submitted an undertaking to defray the as per wildlife institute of India, dehradun Eco friendly measures to mitigates impacts of linear infrastructure on wild life will be taken by user agency as per suggestion of forest department.
- 9.4 The User Agency has submitted 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 as per Government of India vide letter No.11-43/2013-FC, dt 3/12/2018.
- 9.5 The Deputy Conservator of Forests, Amravati Forest Division, Amravati and Chief Conservator of Forest (T), Amravati have recommended the proposal for diversion of 14.979 ha. of Reserved Forest land.

10. A Public Interest Litigation No.29/2019 has been filed by Shri. Umesh Ambadas Hiwarale. In this context, the status of the court matter shown are as under:-

- A public Interest Litigation No.29/2019 was filed by Shri.Umesh Ambadas Hiwarale before the Hon'ble Bombay High Court, Nagpur Bench. There were 5 different issues raised by the petitioner in the said PIL. The issue no.5 is related to Nandgaon-Morshi-Warud-Pandhurna National Highway. Certain patches of Nandgaon-Morshi-Warud-Pandhurna road involve forest area of Morshi and Warud Range. The road construction work was executed during the month of March and April 2018. The Executive Engineer, National Highway Authority of India, Akola and Nagpur Division started execution of works on Forest land without any formal approval from the Central Government. The Forest Department took cognizance and registered the PORs against the User Agency under section 26(1) (d), 26(1) (h) of Indian Forest Act, 1927 and section 2, 3A and 3B of Forest (Conservation) Act, 1980.
- In the said PIL the petitioner prayed to the Hon'ble High Court to take criminal proceedings against officials violating the provisions of the Forest Conservation Act, 1980 in Nandgaon-Morshi-Warud-Pandhurna National Highway.
- The pare wise reply was submitted to the Government of Maharashtra through proper channel. After getting the approval from the Government of Maharashtra, the affidavit was filed before the Hon'ble Bombay High Court, Nagpur Bench on dated 11th March 2020. The copy of affidavit in PIL No.29/2019 is enclosed herewith (**Annexure-1**)
- The details of hearing before the Hon'ble Bombay High Court Nagpur Bench are enclosed herewith (**Annexure-2**)
- Shri.V.A. thakre Assistant Government Pleader of Bombay High Court Nagpur Bench perusing the matter.
- As per the official website of Bombay High Court, Nagpur Bench the last date of hearing was on 24.11.2021. At present this matter is pending before the Registrar (Judicial) Bombay High Court, Nagpur Bench. (**Annexure -3**)

11.00 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: -

- 11.1 The legal status of the forest land required will remain unchanged.
- 11.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

11.3 Compensatory Afforestation :-

- a) Compensatory afforestation shall be taken up by the Forest Department over 13.935 ha. degraded forest land in Gut No.577 at Village-Pandharewadi, Taluka Daund, Dist. Pune 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.
- 11.4 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.

11.5 NPV:-

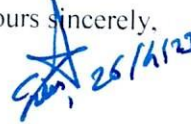
- a) The State Government shall charge the Net Present Value (NPV) for the 6.9675 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) 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 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.
- 11.6 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.
- 11.7 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/>)

- 11.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 11.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 11.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 11.11 It Shall mandatory to provide underpass for safe crossing of wild animals
- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
- (b) 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.
- (c) 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.
- (d) Interval between such underpasses shall not be more than 2.00 km
- 11.12 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 11.13 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 11.14 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 11.15 No labour camp shall be established on the forest land.
- 11.16 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.
- 11.17 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.
- 11.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

- 11.19 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.
- 11.20 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 11.21 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.
- 11.22 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.
- 11.23 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.
- 11.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

Encl: (Proposal in two copy)

Yours sincerely,



(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy forwarded for information to:-

1. The Conservator of Forests (T.), Amravati.
2. The Deputy Conservator of Forests, Amravati Forest Division, Amravati
3. Executive Engineer National Highway Division, Amravati Bandhkam Bhavan Camp Amravati

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 proposal is for diversion of 14.979 ha. forest land for Rehabilitation and Up-gradation of Amravati-Nandgaon-Morshi-Warud-Pandhurna National Highway from existing [Design km0.00 to km 43.00] (Package-I) and existing Km Maharashtra/ Maharashtra Pradesh State Border upto Wardha River Bridge [design 43000 to 95.390 km] (Package-II) to two lane with paved shoulders in the State of Maharashtra has been initiated by the Executive Engineer, NH Division, Amravati for seeking approval under Forest (Conservation) Act, 1980. (FP/MH/Road/24710/2017).

The details of land proposed for diversion is as under-

Sr. No.	Item work purpose	Compt. No.		Name of Village	Sur/Gut No.	Distance in Km	Proposed Width	Area (in ha)	Status
		Old	New						
1	Rehabilitation and up-gradation of Amravati – Nandgaon-Morshi-Warud-Pandurna National Highway in the State of Maharashtra	442	744	Sawarkhed	370,297	0.455	23.00	1.047	RF
2		312b	715	Daryapur	24& 25	0.146	11.50	0.168	RF
3		318b	546	Yerla	2	0.175	11.50	0.201	RF
4		378	584	Maiwadi	57	0.074	11.50	0.085	RF
5		361	1104	Kekattwada	57& 58	0.494	23.00	1.136	RF
6		427	1088	Pusla	420,415, 421,423, 412, 410	1.048	23.00	2.410	RF
		426	1087		184,164,16 3,161,162	1.140	23.00	2.622	
7		426	1087	Pandhari	139,138	0.321	23.00	0.738	
		408	1013		125,126,12 8	0.162	23.00	0.373	PF
		106	1020		134,128	0.131	11.50	0.151	PF
		104a	1033		80,78,49	0.329	23.00	0.757	PF
		104a	1032		43,42,41,40	1.823	11.50	2.096	PF
		8	102b	1012	Mahendri	70,82,36	1.456	11.50	1.674
		103b	1031	11,69		0.571	23.00	1.313	PF
		390	1017	70,63		0.090	23.00	0.207	PF
Total Forest Area (in ha.)								14.979	

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



(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 26/4/2023

Place: Nagpur

D/Amravati Circle/14.979

Proposal for diversion of 14.979 ha. forest land for Rehabilitation and Up-gradation of Amravati-Nandgaon-Morshi-Warud-Pandhurna National Highway from existing [Design km0.00 to km 43.00] (Package-I) and existing Km Maharashtra/ Maharashtra Pradesh State Border upto Wardha River Bridge [design 43000 to 95.390 km] (Package-II) to two lane with paved shoulders in the State of Maharashtra (FP/MH/ROAD/24710/2017).

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) The proposal is for diversion of 14.979 ha. forest land for Rehabilitation and Up-gradation of Amravati-Nandgaon-Morshi-Warud-Pandhurna National Highway from existing [Design km0.00 to km 43.00] (Package-I) and existing Km Maharashtra/ Maharashtra Pradesh State Border upto Wardha River Bridge [design 43000 to 95.390 km] (Package-II) to two lane with paved shoulders in the State of Maharashtra has been initiated by the Executive Engineer, NH Division, Amravati for seeking approval under Forest (Conservation) Act, 1980. (FP/MH/Road/24710/2017).
- 2.0 The details of the forest land proposed for diversion are as under:-

Sr. No.	Item work purpose	Compt. No.		Name of Village	Sur/Gut No.	Distanc e in Km	Propose d Width	Area (in ha)	Status
		Old	New						
1	Rehabilitation and up-gradation of Amravati – Nandgaon-Morshi-Warud-Pandurna National Highway in the State of Maharashtra	442	744	Sawarkhed	370,297	0.455	23.00	1.047	RF
2		312b	715	Daryapur	24& 25	0.146	11.50	0.168	RF
3		318b	546	Yerla	2	0.175	11.50	0.201	RF
4		378	584	Maiwadi	57	0.074	11.50	0.085	RF
5		361	1104	Kekatwada	57& 58	0.494	23.00	1.136	RF
6		427	1088	Pusla	420,415, 421,423, 412, 410	1.048	23.00	2.410	RF
		426	1087		184,164,16 3,161,162	1.140	23.00	2.622	
7		426	1087	Pandhari	139,138	0.321	23.00	0.738	PF
		408	1013		125,126,12 8	0.162	23.00	0.373	PF
		106	1020		134,128	0.131	11.50	0.151	PF
		104a	1033		80,78,49	0.329	23.00	0.757	PF
		104a	1032		43,42,41,40	1.823	11.50	2.096	PF
8		102b	1012	Mahendri	70.82,36	1.456	11.50	1.674	PF
		103b	1031		11.69	0.571	23.00	1.313	PF
		390	1017		70.63	0.090	23.00	0.207	PF
Total Forest Area (in ha.)								14.979	

- 3) The proposed road for Up-gradation of Nandgaonpeth- Morshi-Warud-Pandhurna Road upto State Border NH No.353 K existing highway, there will be overall development of the project area in terms of transportation of agriculture produces, easy access to education, health marked etc. Improved access to tourist places, higher education facilities and modern health facilities. Strengthening of both rural & urban economic scenario of the state. Improved road connectivity helps in better implementation and management of government schemes. The project stretch is very important National Highway connecting MP border. The project road is located entirely in district Amravati so the entire population of district will be benefited in addition to nearest State Madhya Pradesh. These populations are directly benefited in addition to thousand of tourist/ travelers and freight etc. Hence, User Agency has submitted proposal under Forest (Conservation) Act, 1980 prior approval by the Central. Government. The site inspection report of the Deputy Conservator of Forests, Amravati Forest Division, Amravati is enclosed on page no. 80 to 82.
- 4) The Cross section map is enclosed herewith on page no.44 to 45.
- 5) The total non forest involved in project is 12.888 ha. page no 132,158
- 6) The copy of the Administrative approval accorded by the Government of India vide letter No. NH-12014/49/2015-MHR (P-6). Page no 134 to136
- 7) The copy of the technical approval accorded by the Executive Engineer, National Highway Division, Akola vide dated 20/04/2018. Page 134

8.1 The Deputy Conservator of Forests, Amravati Forest Division, Amravati has certified that:-

- 8.1 No alternate alignment is possible and the forest land required is lowest minimum. P/49
- 8.2 The area belongs to Eco-value class-III having density is 0.4 (Tropical Dry Deciduous Forests).
- 8.3 There are 2239 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm									
0-30	31-45	46-60	61-75	76-90	91-105	106-120	121-135	136 Above	Total
917	261	265	249	204	120	88	35	100	2239

- 8.4 The area involved in the project does not form part of any existing National Park Wildlife Sanctuary, Nature Reserve etc.

- 8.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
 - 8.6 Proposed project is beyond 10 kms from National Park/Wildlife Sanctuary.
 - 8.7 Compartment No. 1101 at Village-Molvihir, Taluka Warud Dist. Amravati in Amravati Forest Division, Warud Range, Dhanodi Beat, it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and encumbrances.
 - 8.8 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.
 - 8.9 No any identified forest land to be transferred to the forest department as Alternate land.
 - 9.00 There is violation of Forest (Conservation) Act, 1980. The details violation report is enclosed herewith on page no. file page no. 200 to 196.
- The User Agency i.e. Executive Engineer, National Highway Authority of India, has carried out the works such as excavation, trench cutting, tree felling DLC, PQC, HPC, RCC Drain and tree felling on forest land without any formal approval from the Central Government. Hence the violations are dealt as per the provision mention in the section 3A and 3B of the guidelines dated 29th January, 2018 issued by Ministry of Environment forest and Climate Change.
 - Admeasuring area of 1.312 Ha Reserve Forest is involved in violation. A penalty of Rs.10,60,763/- has been imposed on the User Agency vide this office letter no Survey/Forest conservation 1980/proposal 1932, dt.23/02/2019 for compensation to the loss caused due to violation.
 - Chief Conservator of Forest(T), Amravati has issued vide letter no 510(1)/4982 dated 20.2.2019 to Chief Engineer Public Works Department, Amravati to initiate disciplinary action against Shri. Zalate, Executive Engineer, NHAI Akola who has executed the work without prior approval from Central Government. A Departmental Enquiry is also in progress against the then RFO, Warud for not preventing and negligence in timely reporting the violation to this superior authority.

Action taken before the lower court against the violation

- The Forest Department has issued PORs against the Executive Engineer, NHAI Akola and others for illegal trees felling and mining in forest area. The details of PORs registered are as follows: POR No.5/8 dated 5.03.2018, 6/5 dated 10.03.2018, 13/2 dated 10.03.2018, 3/13 dated 27.03.2018, 9/13 dated 7.04.2018, and 16/1 dated 10.09.2018 under section 26(1) (d), 26(1) (h) of Indian Forest Act,1927 and Section 2, 3A and 3B of Forest Conservation Act,1980. The Range Forests Officer Warud has filed the complaint before the Judicial Magistrate First Class, Warud vide Regular Criminal case No.130/2019. The Judicial Magistrate First Class, Warud on 2.7.2019 directing issuance of summons against accused.
- Accused Vaibhav Pathak and others challenged summon dated 2.7.2019 before the Hon'ble Additional Session Judge, Amravati by filling the Criminal Revision Application No.18/2020. The Hon'ble Additional Session Judge, Amravati delivered the judgment on dated 29.11.2021 in which it allowed the Criminal Revision Application filed by the applicants. Further it set aside the summons issued by the lower court, remanded to take appropriate order. The copy of judgment delivered by the Additional Session judge, Amravati in Criminal Revision Application No.18/2020 dated 29.11.2021 is enclosed herewith for ready reference. **(Annexure-10)**
- The Judicial Magistrate First Class, Warud in RCC No.130/2019 vide order dated 4.10.2022 whereby disposed of the matter and further set aside the bailable warrant and matter be kept for the stage of verification of the Complainant. The copy of order dated 4.10.2022 is enclosed herewith **(Annexure-11)** for ready reference. As per the e-court status this matter is disposed of. Now this matter is registered before the Judicial Magistrate First Class, Warud with a new no. as Regular Criminal case No.333/2022 filling dated 10.10.2022. This matter is on the stage of verification of the Complainant. The next date of hearing is fixed on dated 7.11.2022. The copy of e-court status is annexed herewith as **(Annexure-12)** for ready reference.
- The office of Executive Engineer, national Highway Authority of India, Akola Division vide letter dated 17.10.2022 has submitted the undertaking for the payment of the penalty amount of Rs.10,60,763/- in due course of time. The copy of letter is enclosed herewith as **(Annexure-13)** for ready reference.

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

- 9.1 The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 9.2 The User Agency has submitted an undertaking to defray the cost of Net Present Value.
- 9.3 The User Agency submitted an undertaking to defray the as per wildlife institute of India, dehradun Eco friendly measures to mitigates impacts of linear infrastructure on wild life will be taken by user agency as per suggestion of forest department.
- 9.4 The User Agency has submitted 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 as per Government of India vide letter No.11-43/2013-FC, dt 3/12/2018.
- 9.5 The Deputy Conservator of Forests, Amravati Forest Division, Amravati and Chief Conservator of Forest (T), Amravati have recommended the proposal for diversion of 14,979 ha. of Reserved Forest land.
10. A Public Interest Litigation No.29/2019 has been filled filed by Shri. Umesh Ambadas Hiwarale. In this context, the status of the court matter shown are as under:-

- A public Interest Litigation No.29/2019 was filed by Shri.Umesh Ambads Hiwarale before the Hon'ble Bombay High Court, Nagpur Bench. There were 5 different issues raised by the petitioner in the said PIL. The issue no.5 is related to Nandgaon-Morshi-Warud-Pandhurna National Highway. Certain patches of Nandgaon-Morshi-Warud-Pandhurna road involve forest area of Morshi and Warud Range. The road construction work was executed during the month of March and April 2018. The Executive Engineer, National Highway Authority of India, Akola and Nagpur Division started execution of works on Forest land without any formal approval from the Central Government. The Forest Department took cognizance and registered the PORs against the User Agency under section 26(1) (d), 26(1) (h) of Indian Forest Act, 1927 and section 2, 3A and 3B of Forest (Conservation) Act, 1980.
- In the said PIL the petitioner prayed to the Hon'ble High Court to take criminal proceedings against officials violating the provisions of the Forest Conservation Act, 1980 in Nandgaon-Morshi-Warud-Pandhurna National Highway.

- The pare wise reply was submitted to the Government of Maharashtra through proper channel. After getting the approval from the Government of Maharashtra, the affidavit was filed before the Hon'ble Bombay High Court, Nagpur Bench on dated 11th March 2020. The copy of affidavit in PIL No.29/2019 is enclosed herewith (**Annexure-1**)
- The details of hearing before the Hon'ble Bombay High Court Nagpur Bench are enclosed herewith (**Annexure-2**)
- Shri.V.A. thakre Assistant Government Pleader of Bombay High Court Nagpur Bench perusing the matter.
- As per the official website of Bombay High Court, Nagpur Bench the last date of hearing was on 24.11.2021. At present this matter is pending before the Registrar (Judicial) Bombay High Court, Nagpur Bench. (**Annexure -3**)

11.00 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: –

- 11.1 The legal status of the forest land required will remain unchanged.
- 11.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

11.3 Compensatory Afforestation :-

- a) Compensatory afforestation shall be taken up by the Forest Department over 13.935 ha. degraded forest land in Gut No.577 at Village-Pandharewadi, Taluka Daund, Dist. Pune 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.
- 11.4 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.

11.5 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 6.9675 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 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.
- 11.6 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.
- 11.7 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/>)
- 11.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 11.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 11.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 11.11 It Shall mandatory to provide underpass for safe crossing of wild animals
 - (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
 - (b) 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.
 - (c) 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.
 - (d) Interval between such underpasses shall not be more than 2.00 km
- 11.12 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 11.13 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act,1986, if applicable.
- 11.14 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 11.15 No labour camp shall be established on the forest land.

- 11.16 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.
- 11.17 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.
- 11.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 11.19 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.
- 11.20 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 11.21 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.
- 11.22 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.
- 11.23 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.
- 11.24 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**