

**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 1.2081 ha. forest land for laying Optical Fiber Cable within RoW of existing Road of NH-7 (Mansar to Khawasa MH/MP Border) for total length of 38.000 KM (from Km.652+000 to Km690+000) in Nagpur District in the State of Maharashtra in favour of M/s Reliance Jio Infocomm Ltd. (FP/MH/OFC/155104/2022).

No. : Desk-17/Nodal/Nagpur/I.D.-14247/ **1610** /2022-23
Nagpur – 440 001, Dated **27/09/2022**

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

M/s. Reliance Jio Infocomm Ltd, Nagpur has submitted proposal for diversion of 1.2081 ha. forest land for laying Optical Fiber Cable within RoW of existing Road of NH-7 (Mansar to Khawasa MH/MP Border) for total length of 38.000 KM (from Km.652+000 to Km 690+000) in Nagpur District in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

Name of work/ Purpose	Village/ Taluka	Sur/ Gut. No	Comptt No	Length (in Mt)	Width (in Mt)	Sq.mtr	Area (in ha.)	Remarks
Laying optical Fiber Cable from Mansar to Khawasa (MH/MP/ Border) in the state of Maharashtra	Mansar/ Tal. Ramtek	42	261	679.18	0.5	339.59	0.0340	Protected Forests
		18	261	126.45	0.5	63.23	0.0063	Protected Forests
		21	261	75.87	0.5	37.94	0.0038	Protected Forests
	Kandri/ Tal. Mansar	285	260	124.93	0.5	62.46	0.0062	Protected Forests
		287	260	73.8169	0.5	36.91	0.0037	Protected Forests
	Khumari/ Tal. Ramtek	120	258	165.13	0.5	82.5627	0.0083	Protected Forests
	Bhondewara / Tal.Ramek	45	271	175.4241	0.5	87.7121	0.0088	Protected Forests
		54	271	168.04	0.5	84.02	0.0084	Protected Forests
		80	271	55.57	0.5	27.78	0.0028	Protected Forests
		93	271	23.35	0.5	11.68	0.0012	Protected Forests

	Chorbahuli Mogra/ Tal Ramtek	35	270	228.06	0.5	114.03	0.0114	Protected Forests
		36	270	133.72	0.5	66.86	0.0067	Protected Forests
		10	269	1215.75	0.5	607.88	0.0608	Protected Forests
		11	269	1312.71	0.5	656.36	0.0656	Protected Forests
	Reserved Forest Comptt.751- RF	11	751	2052.36	0.5	1026.18	0.1026	Reserved Forests
	FDCM Forest Comptt.419- RF	-	419	564.19	0.5	282.09	0.282	Reserved Forests
	FDCM Forest Comptt.420- RF	-	420	2270.64	0.5	1135.32	0.1135	Reserved Forests
	Paoni/Tal. Ramtek	63	421	20.82	0.5	10.41	0.0010	Reserved Forests
		61	421	38.39	0.5	19.20	0.0019	Reserved Forests
		59	421	83.73	0.5	41.86	0.0042	Reserved Forests
		58	421	232.76	0.5	116.38	0.0116	Reserved Forests
	Reserved Forest Comptt.422- RF	-	422	2636.06	0.5	1318.03	0.1318	Reserved Forests
	Reserved Forest Comptt.581- RF	-	581	600.88	0.5	300.44	0.0300	Reserved Forests
	Deolapar/ Tal.Ramtek	208	266	65.88	0.5	32.94	0.0033	Protected Forests
		156	266	304.40	0.5	152.20	0.0152	Protected Forests
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	Reserved Forests Comptt.487- RF	-	487	3150.50	0.5	1575.25	0.1575	Reserved Forests
	Reserved Forests Comptt.484-	-	484	2219.04	0.5	1109.52	0.1110	Reserved Forests

	RF							
	Reserved Forest Comptt. 482-RF	-	482	2310.95	0.5	1155.47	0.1155	Reserved Forests
	Reserved Forests Comptt.479-RF	-	479	507.15	0.5	253.58	0.0254	Reserved Forests
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		50	480	163.36	0.5	81.68	0.0082	Reserved Forests
		45	480	617.79	0.5	308.89	0.0309	Reserved Forests
	Total Forest area (in ha.)						1.2081	

2.00 The project has been initiated by M/s Reliance Jio Infocomm Ltd for seeking approval under Forest (Conservation) Act, 1980. The proposed project for laying Optical Fiber Cable within RoW of existing Road of NH-7 (Mansar to Khawasa MH/MP Border) for total length of 38.000 Km from (Km.652+000 to Km 690+000) in Nagpur District in the state of Maharashtra. The User Agency has highlighted that as per the policy of the Government of India, it is planned to laying Optical Fiber Cable for connectivity for communication from Mansar to Khawasa. Basic aim of the project is to provide the people of under developed areas with reliable and high speed media connectivity. In this regard, the User Agency has submitted the proposal for diversion 1.2081 ha forest land under the Forest (Conservation) Act, 1980. The site inspection report of the Deputy Conservator of Forests, Nagpur Forest Division, Nagpur is enclosed file on page no 67 to 68.

3.00 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.

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,

4.00 The Deputy Conservator of Forests, Nagpur Forest Division, Nagpur has certified that:-

4.1 No suitable alternate land is available and the forest land required is lowest minimum.

- 4.2 The area belongs to Eco-value class-III and having density is below 0.2 comes under Southern tropical dry deciduous.
- 4.3 There is no cutting and felling of trees involved in this project.
- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. But laying the proposed Optical Fiber Cable is passing in Pinch point of EVL showing Village Chobahuli, Pauni and Bandra in Taluka Ramtek in wildlife Corridor between Pench Tiger Reserve Umred-Karhandla Wildlife Sanctuary and NNTR as per WII Dehradun report and Pinch Point map of Tiger Corridor of Eastern Vidarbha Landscape.
- The PCCF (Wildlife) vide office note dated 23/8/2022 has offer remarks and informed that wildlife clearance is required. In this context, the user agency has submitted the copy of online part I & II for seeking recommendation of Standing Committee of NBWL/SBWL is enclosed herewith.
- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.6 There is no violation of Forest (Conservation) Act 1980.
- 4.7 The proposed area for the project is within 10 km from the boundary of the protected area (Sanctuary and National Park).
- 4.8 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.

5.00 The User Agency has submitted an undertaking that:-

- i) The project is in ROW alongwith the State Highway hence settlement of rights in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not required.
 - ii) The copy of the NOC accorded by the National Highway Authority of India, Nagpur Permission for laying utility dated 4/2/2020 is enclosed.
- 6.00 As per Government of India guideline No. File No.5-3/2011-FC(Vol-I), dated 6/1/2022 mentioned in point No. (xi) laying of underground optical fiber cable- Full exemption provided :
- a) no felling of trees is involved;
 - b) area falls outside National Park/Sanctuary.

The proposed project falls in wildlife Corridor between Pench Tiger Reserve Umred-Karhandla Wildlife Sanctuary and NNTR as per WII Dehradun report and Pinch Point map of Tiger Corridor of Eastern Vidarbha Landscape.

But, above guideline issued on 6/1/2022 is silent, on whether to charge NPV or not if the project falls in Tiger Corridors. In this regard, this office is of opinion that the NPV should be recovered from user agency.

- 7.00 The Deputy Conservator of Forests, Nagpur Forest Division, Nagpur and Conservator of Forest (T), Nagpur have recommended the proposal for diversion of 1.2081 ha. of forest land.
- 8.00 In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –
- i) The legal status of the land shall remain unchanged.
 - ii) As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables (OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.
 - iii) NPV:-
 - a) The State Government shall charge the Net Present Value (NPV) for the 1.2081 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, dated 6/1/2022 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.
 - iii) The Optical Fiber Cable Line will be laid within maximum size of the trench of 2.00 m depth & 1.0 m width with cable line under the PVC Pipeline.
 - iv) The land under project will be reclaimed by the user agency for which the agency shall submit a bank guarantee at the rate of Rs. 50/- per running meter and an undertaking to that effect shall also be submitted. If the agency fails to reclaim the land to the satisfaction of Deputy Conservator of Forests concerned, the cost for reclamation will be recovered from the bank guarantee.
 - v) If the cable is going to be laid in the formation width of the road, then additional charges in form of bank guarantee shall be given at the rate of Rs.35/- per running mtr. Similarly for reclamation of side drain and for tarred portion, the guarantee will be at the rate of Rs. 300/- per mtr. and Rs.750/- per mtr. respectively. An undertaking shall be obtained from the user agency that it has agreed to make good any loss to Forest/ Environment while laying the cable in the forest area and during maintenance of the same in future. For further maintenance of the project, the agency shall obtain permission from the Forest Department as and when required.

- vi) The forest land shall not be used for any purpose other than specified in the proposal.
- vii) No felling of trees shall done during the implementation of project.
- viii) The user agency will be authorized to lay the Optical Fiber Cable outside the confines of the protected area after compliance of this order. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- ix) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- x) No labour camps shall be established on the forest land.
- xi) The layout plan of the proposal shall not be changed without prior approval of the State Government.
- xii) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xiii) The User Agency shall obtain permission of NBWL/SBWL before Stage-I approval.
- xiv) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be compiled with by the User Agency.
- xv) All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- xvi) The User Agency will make good the land after use/maintenance.

9.00 In view of para no. 8 above, it is requested that the Government of Maharashtra may kindly accord general approval for diversion of forest land 1.2081 in favour of M/s Reliance Jio Infocomm Ltd. for laying Optical Fiber Cable within RoW of existing Road of NH-7 (Mansar to Khawasa MH/MP Border) for total length of 38.000 KM (from Km.652+000 to Km 690+000) in Nagpur District in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 1 Copy

(NareshZurmure)
Addl. Principal Chief Conservator of Forests
& Nodal Officer, Nagpur

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

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

Copy to the M/s. Reliance Jio Infocomm Ltd. 3rd Floor, FIDVI Tower, Opp. Saraf Chember, Mount Road, Sadar, 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:- Proposal for diversion of 1.2081 ha. forest land for laying Optical Fiber Cable within RoW of existing Road of NH-7 (Mansar to Khawasa MH/MP Border) for total length of 38.000 KM (from Km.652+000 to Km 690+000) in Nagpur District in the State of Maharashtra in favour of M/s Reliance Jio Infocomm Ltd. (FP/MH/OFC/155104/2022).

The details of land proposed for diversion is as under-

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		45	480	617.79	0.5	308.89	0.0309	Reserved Forests
	Total Forest area (in ha.)						1.2081	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached.

(Signature)

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

Date: 27/9/2022
Place: Nagpur

Proposal for diversion of 1.2081 ha. forest land for laying Optical Fiber Cable within RoW of existing Road of NH-7(Mansar to Khawasa MH/MP Border) for total length of 38.000 KM (from Km.652+000 to Km 690+000) in Nagpur District in the State of Maharashtra in favour of M/s Reliance Jio Infocomm Ltd.(FP/MH/OFC/155104/2022)

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

The Proposal for diversion of 1.2081 ha. forest land for laying Optical Fiber Cable within RoW of existing Road of NH-7(Mansar to Khawasa MH/MP Border) for total length of 38.000 KM (from km.652+000 to Km 690+000) in Nagpur District in the State of Maharashtra in favour of M/s Reliance Jio Infocomm Ltd.

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

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- i) The project is in ROW alongwith the State Highway hence settlement of rights in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not required.
- ii) The copy of the NOC accorded by the National Highway Authority of India, Nagpur Permission for laying utility dated 4/2/2020 is enclosed on page no.80.

5.00 As per Government of India guideline No. File No.5-3/2011-FC(Vol-I), dated 6/1/2022 mentioned in point No. (xi) laying of underground optical fiber cable- Full exemption provided :

- a) no felling of trees is involved;
- b) area falls outside National Park/Sanctuary.

The proposed project falls in wildlife Corridor between Pench Tiger Reserve Umred-Karhandla Wildlife Sanctuary and NNTR as per WII Dehradun report and Pinch Point map of Tiger Corridor of Eastern Vidarbha Landscape.

But, above guideline issued on 6/1/2022 is silent, on whether to charge NPV or not if the project falls in Tiger Corridors. In this regard, this office is of opinion that the NPV should be recovered from user agency.

6.00 The Deputy Conservator of Forests, Nagpur Forest Division, Nagpur and Conservator of Forest (T), Nagpur have recommended the proposal for diversion of 1.2081 ha. of forest land.

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: –

- i) The legal status of the land shall remain unchanged.
- ii) As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables (OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.


iii) NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 1.2081 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, dated 6/1/2022 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.
- iii) The Optical Fiber Cable Line will be laid within maximum size of the trench of 2.00 m depth & 1.0 m width with cable line under the PVC Pipeline.
- iv) The land under project will be reclaimed by the user agency for which the agency shall submit a bank guarantee at the rate of Rs. 50/- per running meter and an undertaking to that effect shall also be submitted. If the agency fails to reclaim the land to the satisfaction of Deputy Conservator of Forests concerned, the cost for reclamation will be recovered from the bank guarantee.
- v) If the cable is going to be laid in the formation width of the road, then additional charges in form of bank guarantee shall be given at the rate of Rs.35/- per running mtr. Similarly for reclamation of side drain and for tarred portion, the guarantee will be at the rate of Rs. 300/- per mtr. and Rs.750/- per mtr. respectively. An undertaking shall be obtained from the user agency that it has agreed to make good any loss to Forest/ Environment while laying the cable in the forest area and during maintenance of the same in future. For further maintenance of the project, the agency shall obtain permission from the Forest Department as and when required.
- vi) The forest land shall not be used for any purpose other than specified in the proposal.
- vii) No felling of trees shall done during the implementation of project.
- viii) The user agency will be authorized to lay the Optical Fiber Cable outside the confines of the protected area after compliance of this order. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- ix) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- x) No labour camps shall be established on the forest land.
- xi) The layout plan of the proposal shall not be changed without prior approval of the State Government.
- xii) All the conditions stipulated by the Forest Department shall be binding on the User Agency.

- xiii) The User Agency shall obtain permission of NBWL/SBWL before Stage-I approval.
- xiv) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be compiled with by the User Agency.
- xv) All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- xvi) The User Agency will make good the land after use/maintenance.


(Y. L. P. Rao)

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