

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE), MAHARASHTRA STATE

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER,

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

No. Desk-17/Nodal/Gadchiroli/ID-13242/767/2022-23

Nagpur - 440 001, Date : 29/06/2022

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

Subject:- Proposal for Diversion of 1.803 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-130 D from Bandiya River to Allpalli in Aheri and Etapalli Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/149612/2021).

Res/Sir,

The Conservator of Forests (T), Gadchiroli on dated 20.06.2022 has submitted the proposal for Diversion of 1.803 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-130 D from Bandiya River to Allpalli in Aheri and Etapalli Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/149612/2021).

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

Details of Land Required for Laying Underground Optical Fibre Cable along the road in ROW of NH-130 D from Bandiya River to Allpalli in Aheri and Etapalli Tehsil of Dist. Gadchiroli									
Sr. No	Taluka	Village Name	Range	New Comp. No	Survey No./Gut. No.	Forest Area			Legal Status
						Length in Mrt.	Width in Mrt.	Area in Ha.	
1	2	3	4	5	6	7	8	9	10
1	Aheri	Alapalli	Aheri	1744		70.39	0.5	0.004	PF
2	Aheri	Alapalli	Alapalli	81		2482.94	0.5	0.124	RF
3	Aheri	Alapalli	Alapalli	1907		330.11	0.5	0.017	PF
4	Aheri		Alapalli	1		1728.11	0.5	0.086	RF
5	Aheri		Alapalli	8		1090.19	0.5	0.055	RF
6	Aheri		Alapalli	9		1889.34	0.5	0.094	RF
7	Aheri		Alapalli	10		774.61	0.5	0.039	RF
8	Aheri		Alapalli	66		1128.10	0.5	0.056	RF
9	Aheri	Talwada	Alapalli	1809		1275.33	0.5	0.064	PF
10	Aheri		Alapalli	34		1943.55	0.5	0.097	RF
11	Aheri		Alapalli	35		1880.18	0.5	0.094	RF
12	Aheri		Alapalli	76,77		1838.18	0.5	0.092	RF
13	Aheri	Mikal	Pirmili	1703		1582.99	0.5	0.079	PF
14	Aheri	Medpalli	Pirmili	699		1293.41	0.5	0.065	RF
15	Aheri	Medpalli	Pirmili	1359		566.38	0.5	0.028	RF
16	Aheri	Medpalli	Pirmili	1360		1171.22	0.5	0.059	RF
17	Aheri		Pirmili	691		4070.44	0.5	0.204	RF

18	Aheri	Koreli kh	Pirmili	692		779.69	0.5	0.039	RF
19	Aheri	Arenda	Pirmili	1370,1 371		1851.40	0.5	0.093	RF
20	Aheri	Pirmili	Pirmili	1354		608.31	0.5	0.030	RF
21	Aheri	Pirmili	Pirmili	696		1796.63	0.5	0.090	RF
22	Aheri	Aldandi	Pirmili		118,206, 205,203, 212,123			0.000	
23	Aheri	Aldandi	Pirmili	1602, 1600		1660.44	0.5	0.083	PF
24	Aheri	Chandra M	Pirmili	1605		330.21	0.5	0.017	PF
25	Aheri	Chandra S	Pirmili		7,14,13,8			0.000	
26	Aheri	Chandra S	Pirmili	1316 ,1313		1035.42	0.5	0.052	PF
27	Aheri	Chandra S	Pirmili	694		597.68	0.5	0.030	PF
28	Aheri	Chandra S	Pirmili		212,214, 59,2			0.000	
29	Aheri	Chandra S	Pirmili	1334		386.70	0.5	0.019	RF
30	Etapalli		Pirmili	1551		1867.36	0.5	0.093	RF
				Total		36029.31		1.803	

2.0 The project has been initiated by Mr. Parag Pawar of M/S. Reliance Jio Infocomm Ltd., Nagpur. for seeking approval under Forest (Conservation) Act, 1980 for Diversion of 1.803 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-130 D from Bandiya River to Allpalli in Aheri and Etapalli Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/149612/2021). The aforesaid project is pursuant to the directives issued by the Government of India, Ministry of Communication & IT Department of Telecommunication vide their letter No. 222/2008, dt. 19/09/2008. The User Agency has highlighted that as per the policy of the Government of India, it is planned to lay Optical Fiber Cable for reliable communication from remote place to District/State Headquarters. 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 1.803 ha. RF/PF forest land under the Forest (Conservation) Act, 1980. The site inspection report of the Dy. Conservator of Forest, Allapalli Forest Division, Allapalli is enclosed file on **P.P.N. 23 to 25**

3.00 Dy. Conservator of Forest, Allapalli Forest Division, Allapalli has certified that:-

- 3.1 No suitable alternate land is available and the forest land required is lowest minimum.
- 3.2 The area belongs to Eco-value class-III and having density is below 0.4 comes under Southern Tropical Dry Deciduous Forests
- 3.3 There is no cutting and felling of trees involved in this project
- 3.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 3.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 3.6 There is no violation of Forest (Conservation) Act 1980.
- 3.7 The proposed area for the project is beyond 17.400 kms from the boundary of Chaprala Wildlife Sanctuary protected area (Sanctuary and National Park).
- 3.8 There is no alternative alignment this possible to avoid or minimize use of forest land and required forest area is minimum needed for purpose of proposed project.

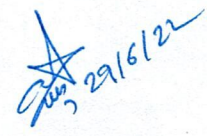
- 3.9 The non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" 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. **Not Applicable**
- 3.10 Proposed Compensatory Afforestation . **Not Applicable. As per Govt. of India's letter F.No.FC-11/165/2019/FC, Dated 27/07/2020.**
- 4.00 The User Agency has submitted an undertaking that:-**
- 4.1 To defray the cost of compensatory afforestation.
- 4.2 To defray the cost of Net Present Value of the forest land proposed under diversion.
- 4.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guideline 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'.
 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, been applied and is under process and shall be submitted before in- principle approval.
- 4.4 The Government of India has conveyed its general approval under the Section-2(ii) of the Forest (Conservation) Act, 1980 vide Chapter 4 of comprehensive guidelines issued vide letter No.5-2/2017-FC, dt. 28/3/2019 for 15 activities for diversion not more than 1.00 ha forest land to Government Departments, Government undertakings, Boards, Corporations and various user agencies. 'Electric and telecommunication lines are included in these 15 activities. The validity of General approval under section 2 (ii) of FC Act, 1980 has been extended up to 31/12/2020 vide Government of India letter dt.15/2/2018.
- 5.00 Dy.Conservator of Forest, Allapalli Forest Division, Allapalli and Conservator of Forest (T), Gadchiroli have recommended the proposal for diversion of 1.803 ha. of forest land.
- 6.00 **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: –**
- xix) The legal status of the land shall remain unchanged.
- xx) 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 insisted upon the User Agency.
- xxi) Net Present Value is exempted for laying of underground Optical Fiber Cable as per the Government of India guidelines.
- xxii) The Optical Fiber Cable Line will be laid within maximum size of the trench of 1.65 m depth & 0.45 m width with cable line under the OFC Pipeline.
- xxiii) 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.
- xxiv) 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.

- xxv) The forest land shall not be used for any purpose other than specified in the proposal.
- xxvi) No felling of trees shall done during the implementation of project.
- xxvii) 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.
- xxviii) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- xxix) No labour camps shall be established on the forest land.
- xxx) The layout plan of the proposal shall not be changed without prior approval of the Central Government.
- xxxi) The sanction will be subject to final clearance as per the directives issued by the Government of India, Ministry of Communication & IT Department of Telecommunication vide their letter No. 222/2008,dt.19/09/2008 and concerned PWD authorities of the project.
- xxxii) The User Agency will be authorized to lay the Optical Cable only outside the confines of the Protected Area. Any breach of the said condition by the User Agency will be treated as violation of the provisions of the Forest (Conservation) Act, 1980.
- xxxiii) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xxxiv) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be compiled with by the User Agency.
- xxxv) 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.
- xxxvi) The User Agency will make good the land after use/maintenance.

7.00 It is therefore, requested that the proposal for Diversion of 1.803 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-130 D from Bandiya River to Allpalli in Aheri and Etapalli Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/149612/2021) may please be approved under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl:- Proposal 1 Copies


(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy for information:-

1. The Conservator of Forest Gadchiroli .
2. The Deputy Conservator of forests, Allapalli Forest Division, Allapalli.
3. Reliance Jio Infocomm Ltd. 3rd floor, Phidchi Tower, West Side Showroom, Mount Road, Sadar Nagpur.

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)

Subject:- Proposal for Diversion of 1.803 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-130 D from Bandiya River to Allpalli in Aheri and Etapalli Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/149612/2021). The details of land proposed for diversion is as under:-

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				Total		36029.31		1.803	

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

(Signature) 29/6/22

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

Date: 29/06/2022

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)

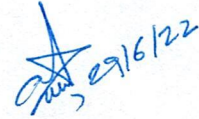
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				Total		36029.31		1.803	

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

 29/6/22

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 29 / 06/2022

Place: Nagpur

Proposal for Diversion of 1.803 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-130 D from Bandiya River to Allpalli in Aheri and Etapalli Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/149612/2021).

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 is for Diversion of 1.803 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-130 D from Bandiya River to Allpalli in Aheri and Etapalli Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/149612/2021).

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30	Etapalli		Pirmili	1551		1867.36	0.5	0.093	RF
				Total		36029.31		1.803	

2.0 The project has been initiated by Mr. Parag Pawar of M/S. Reliance Jio Infocomm Ltd., Nagpur. for seeking approval under Forest (Conservation) Act, 1980 for Diversion of 1.803 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-130 D from Bandiya River to Allpalli in Aheri and Etapalli Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/149612/2021). The aforesaid project is pursuant to the directives issued by the Government of India, Ministry of Communication & IT Department of Telecommunication vide their letter No. 222/2008, dt. 19/09/2008. The User Agency has highlighted that as per the policy of the Government of India, it is planned to lay Optical Fiber Cable for reliable communication from remote place to District/State Headquarters. 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 1.803 ha. RF/PF forest land under the Forest (Conservation) Act, 1980. The site inspection report of the Dy. Conservator of Forest, Allapalli Forest Division, Allapalli is enclosed file on P.P.N. 23 to 25

3.00 Dy. Conservator of Forest, Allpalli Forest Division, Allapalli has certified that:-

- 3.1 No suitable alternate land is available and the forest land required is lowest minimum.
- 3.2 The area belongs to Eco-value class-III and having density is below 0.4 comes under Southern Tropical Dry Deciduous Forests
- 3.3 There is no cutting and felling of trees involved in this project
- 3.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 3.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 3.6 There is no violation of Forest (Conservation) Act 1980.
- 3.7 The proposed area for the project is beyond 17.400 kms from the boundary of Chaprala Wildlife Sanctuary protected area (Sanctuary and National Park).
- 3.8 There is no alternative alignment this possible to avoid or minimize use of forest land and required forest area is minimum needed for purpose of proposed project.
- 3.9 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. **Not Applicable**
- 3.10 Proposed Compensatory Afforestation . **Not Applicable. As per Govt. of India's letter F.No.FC-11/165/2019/FC, Dated 27/07/2020.**

4.00 The User Agency has submitted an undertaking that:-

- 4.1 To defray the cost of compensatory afforestation.
- 4.2 To defray the cost of Net Present Value of the forest land proposed under diversion.
- 4.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guideline Regarding Compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act,2006. As per these guidelines:-

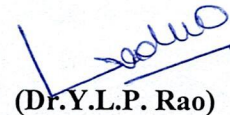
'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF&CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principal approval. This has be to 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 Dewllers (Recognition of Forest Rights) Act, been applied and is under process and shall be submitted before in- principle approval.

- 4.4 The Government of India has conveyed its general approval under the Section-2(ii) of the Forest (Conservation) Act, 1980 vide Chapter 4 of comprehensive guidelines issued vide letter No.5-2/2017-FC, dt. 28/3/2019 for 15 activities for diversion not more than 1.00 ha forest land to Government Departments, Government undertakings, Boards, Corporations and various user agencies. 'Electric and telecommunication lines are included in these 15 activities. The validity of General approval under section 2 (ii) of FC Act, 1980 has been extended up to 31/12/2020 vide Government of India letter dt.15/2/2018.
- 5.00 Dy.Conservator of Forest, Allapalli Forest Division, Allapalli and Conservator of Forest (T), Gadchiroli have recommended the proposal for diversion of 1.803 ha. of forest land.
- 6.00 **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) Net Present Value is exempted for laying of underground Optical Fiber Cable as per the Government of India guidelines.
 - iv) The Optical Fiber Cable Line will be laid within maximum size of the trench of 1.65 m depth & 0.45 m width with cable line under the OFC Pipeline.
 - v) 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.
 - vi) 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.

- vii) The forest land shall not be used for any purpose other than specified in the proposal.
- viii) No felling of trees shall done during the implementation of project.
- ix) 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.
- x) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- xi) No labour camps shall be established on the forest land.
- xii) The layout plan of the proposal shall not be changed without prior approval of the Central Government.
- xiii) The sanction will be subject to final clearance as per the directives issued by the Government of India, Ministry of Communication & IT Department of Telecommunication vide their letter No. 222/2008,dt.19/09/2008 and concerned PWD authorities of the project.
- xiv) The User Agency will be authorized to lay the Optical Cable only outside the confines of the Protected Area. Any breach of the said condition by the User Agency will be treated as violation of the provisions of the Forest (Conservation) Act, 1980.
- xv) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xvi) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be compiled with by the User Agency.
- xvii) 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.
- xviii) The User Agency will make good the land after use/maintenance.



(Dr.Y.L.P. Rao)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur