

PART -IV

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.:- Deputy Engineer-1, Technical Department, MMRDA, Bandra Kurla Complex, Bandra (East), Mumbai has submitted a proposal for diversion of 0.9850 ha of reserved forest land for widening & improvement of Neral Dasturi road in Raigad district. The details of land proposed for diversion is as under-

Village	Tah	Dist.	Sur. No	Legal Status	Area in Ha.
Neral	Karjat	Raigad	110pt, 331pt & 333pt (Comptt No. 50A)	Reserved Forest	0.7900
Bekare			101pt (Comptt No. 502pt)		0.1950
Total area in Ha					0.9850

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


(S Sai Prakash)

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

Date:

Place: Nagpur

Widening & Improvement of Neral Dasturi Road in Karjat Taluka of Raigad dist
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.

- 1) The proposal is for diversion of 0.9850 ha of reserved forest land for widening & improvement of Neral Dasturi road in Raigad district. The details of land proposed for diversion is as under-

Village	Tah	Dist.	Sur. No	Legal Status	Area in Ha.
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Bekare			101pt (Comptt No. 502pt)		0.1950
Total area in Ha					0.9850

The project has been initiated by Deputy Engineer-1, Technical Department, MMRDA, Bandra Kurla Complex, Bandra (East), Mumbai for widening & improvement of Neral Dasturi road in Raigad district. Matheran is a tourist place. Numbers of tourist visiting Matheran is increasing day by day. Since Neral Dasturi is only the vehicular road access available for the tourist, increased in traffic is exerting excessive stress on transport facilities. Initially, Government of India had issued finally approval for diversion of 2.07 ha forest land for Neral Matheran Road vide GOI letter No. 8B/9/60/93-FCW/1999 dated 14/12/1995. Existing road do not have sufficient width for 2 lane carriageway for to & fro traffic. Also retaining wall with safety parapet does not exist for full length & thus it is a risky affair. Therefore existing road needs widening and improvement. In view of this. User Agency has proposed 0.9850 ha forest land under Forest (Conservation) Act, 1980. Detailed project note of User Agency is enclosed in the proposal on page no. 12 & 13.

Government of India has conveyed its general approval under section-2 of the Forest (Conservation) Act 1980 for diversion of up to 1.00 ha forest land to Government Departments, Government undertakings, Boards, Corporations etc vide letter No. 11-9/98-FC dated 13/02/2014 & 21/08/2014 for 13 activities subject to some conditions. 'Road' is included in these 13 activities.

- 2) Deputy Conservator of Forests, Alibag has stated that no alternate alignment is possible and the forest land required is the barest minimum.
- 3) The Deputy Conservator of Forests, Alibag certified that the provisions of Forest (Conservation) Act, 1980 and guidelines under it have been violated for the road which had been built previously. The present proposal is proposed on this already built road, on which violation are noted.

The User Agency has clarified that the Neral Dasturi Road is in existance in variable widths, sine British Era and was being developed & maintained by PWD. PWD handed over the road to MMRDA for its improvement on 12/02/2016. After ompletion of the ontemplated improvement work, the said road will be handed back to the PWD for future maintenance. The improvement work is proposed to be executed within the available ROW / Existing Road width, which was so far being maintained by the PWD. Accordingly, the forest diversion proposal is submitted as decided in the meeting held with Secretary (Forest) on 28/10/2016. Hence, the provisions of Forest (Conservation) Act, 1980 and its guidelines have not been violated in the proposed forest land after taking over by MMRDA.

In view of the above fact, there is no violation occurred by proposed User Agency (ie. MMRDA)

- 4) The proposed area belongs to Eco-value class-I and open forest.
- 5) The User Agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.
- 6) The Deputy Conservator of Forests, Alibag has certified that the proposed project is beyond 10 Km from sanctuary but the proposed site is a part of Matheran Eco Sensitive Zone and the project will not have any adverse effect on the wildlife within area.
- 7) The Deputy Conservator of Forests, Alibag has certified that the proposed area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 8) There is no felling of trees is involved in implementation of the project.
- 9) Site Inspection Report of Deputy Conservator of Forests, Alibag are enclosed in the proposal on page no. 38.
- 10) The Deputy Conservator of Forests, Alibag has certified that the area 1.0 ha protected forest from Gut No. 143 of village Kavir, Tal. Alibag Dist. Raigad proposed degraded forest area for compensatory afforestation is suitable for afforestation and management purpose and also free from encroachment and encumbrances.
- 11) The User Agency has submitted the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006.
- 12) User Agency has certified that the proposed project is a widening & improvement of Neral Dasturi road SH-109 of existing road and is public infrastructure project. Hence, Environment Clearance to the proposal is not required.
- 13) The Chief Conservator of Forests (T) Thane and Deputy Conservator of Forests, Alibag have recommended the proposal for approval.

In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions-

- i. The legal status of the land required will remain unchanged.
- ii. Compensatory afforestation will be raised at the cost of the User Agency on 1.0 ha degraded forest land made available by the Forest Department.
- iii. The forest land shall not be used for any purposes other than specified in the project.
- iv. The User Agency will defray the cost of Net Present Value of 0.9850 Ha. of forest land as per the latest guideline of Government of India.
- v. The User Agency will defray the additional / revised cost of Net Present Value of forest land as per the latest Guideline of Government of India.
- vi. Any other conditions stipulated by Government at the time of submission of the proposal will be binding to User Agency.
- vii. Provisions of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed.


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

Office of the Principal Chief Conservator of Forests (Head of Forest Force)

Additional Principal Chief Conservator of Forests & Nodal Officer, M. S. Nagpur
1st floor, B wing, Vanbhavan, Civil Line, Nagpur-440001
E-Mail- apccfnodal@mahaforest.gov.in, Phone No. (0712) 2556916, Fax- (0712) 2550675

Sub.:- Diversion of 0.9850 ha of reserved forest land for
widening & improvement of Neral Dasturi road
in Raigad district.

No. : Desk-17/NC/II/ID 12479/(60)/2206 /16-17
Nagpur – 440 001, Dated: 02/03/2017

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

Deputy Engineer-1, Technical Department, MMRDA, Bandra Kurla Complex, Bandra (East), Mumbai has submitted a proposal for diversion of 0.9850 ha of reserved forest land for widening & improvement of Neral Dasturi road in Raigad district. The details of land proposed for diversion is as under-

Village	Tah	Dist.	Sur. No	Legal Status	Area in Ha.
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safety parapet does not exist for full length & thus it is a risky affair. Therefore existing road needs widening and improvement. In view of this, User Agency has proposed 0.9850 ha forest land-under Forest (Conservation) Act, 1980. Detailed project note of User Agency is enclosed in the proposal on page no. 12 & 13.

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2) Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 as well as per Government of India's instructions issued from time to time are enclosed in two copy.

1. Prescribed form dated 10/01/2003.
2. Deputy Conservator of Forests, Alibag has stated that no alternate alignment is possible and the forest land required is the barest minimum.
3. The Deputy Conservator of Forests, Alibag certified that the provisions of Forest (Conservation) Act, 1980 and guidelines under it have been violated for the road which had been built previously. The present proposal is proposed on this already built road, on which violation are noted.

The User Agency has clarified that the Neral Dasturi Road is in existence in variable widths, since British Era and was being developed & maintained by PWD. PWD handed over the road to MMRDA for its improvement on 12/02/2016. After completion of the contemplated improvement work, the said road will be handed back to the PWD for future maintenance. The improvement work is proposed to be executed within the available ROW / Existing Road width, which was so far being maintained by the PWD. Accordingly, the forest diversion proposal is submitted as decided in the meeting held with Secretary (Forest) on 28/10/2016. Hence, the provisions of Forest (Conservation) Act, 1980 and its guidelines have not been violated in the proposed forest land after taking over by MMRDA.

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- v. The User Agency will defray the additional / revised cost of Net Present Value of forest land as per the latest Guideline of Government of India.
- vi. Any other conditions stipulated by Government at the time of submission of the proposal will be binding to User Agency.
- vii. Provisions of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed.

It is therefore requested that the Government of Maharashtra may kindly be moved to approve diversion of 0.9850 ha of reserved forest land for widening & improvement of Neral Dasturi road in Raigad district, under section 2(ii) of the Forest (Conservation) Act, 1980.

Encl. :- As above



(G Sai Prakash)

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


2.3.17

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

Copy to Deputy Conservator of Forests, Alibag for information.

Copy to Deputy Engineer-1, Technical Department, MMRDA, Bandra Kurla Complex, Bandra (East), Mumbai for information.


02/03/2017



Shankar Nimbekar.

M.No. 8097489533