

**Proposal for diversion of 0.85 ha. Reserved forest land under the Forest (Conservation) Act, 1980 for construction of 33/11 KV Sub Station for Chandrapur Forest Academy in Compartment No.403 in District, Chandrapur of Maharashtra State.**

**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 0.85 ha. Reserved forest land under the Forest (Conservation) Act, 1980 for construction of 33/11 KV Sub Station for Chandrapur Forest Academy in Compartment No.403 in District, Chandrapur of the Maharashtra State. The details of forest land proposed for diversion are as under:-

Sr. No.	Item of Work Proposed	Village	Compt No.	Forest land (in ha.)	Legal Status
1	Switch Yard	Chandrapur	403	0.400	Reserved Forest
2	Control Room			0.012	
3	Store Room			0.005	
4	Inner Road			0.029	
5	Watchman Cabin			0.002	
6	Safety Margin Area			0.353	
7	Approach Road			0.050	
Total Forest Area				0.85	

2.00 The proposal has been initiated by Additional Director, Chandrapur Forest Academy of Adm. Dev & Management, Chandrapur for seeking approval under Forest (Conservation) Act, 1980. Previously, the proposal admeasuring 28.00 ha. forest land has been formally approved by the Government of India vide letter No. FC-II/MH-62/2017-NGP/2985, dt.6/12/2017. Subsequently, the State Government vide letter No.FLD-3617/CR.153/F-10, dt. 7/12/2017 has also issued diversion order to the project under the Forest (Conservation) Act, 1980. The user agency has also submitted the proposal for diversion of 16.56 ha forest land for extension of the Forest Academy and the same has been submitted by the State Government to the Central Government vide letter dt.29/5/2019 for prior approval under the Forest Conservation Act, 1980. The said project was placed in 51<sup>st</sup> meeting of the Regional Empowered Committee held on 20<sup>th</sup> August, 2019. The Committee after detailed examination and discussion on the proposal decided to approve the proposal for diversion of 10.33 ha only out of the proposed 16.56 ha forest land under the Section-2 of the Forest (Conservation) Act, 1980 subject to fulfillment of general, standard conditions.

3.00 At present the construction and infrastructure development for the Forest Academy is in progress. As per the site inspection report of the MSEDCL Officer, it has been reported that the existing power supply shall not be sufficient for the new proposed construction of the Forest

Academy as existing sub-station is situated at Banagali camp which is far away and therefore continuous power supply to the extent of 2.16 MW to the Forest Academy is inadequate. Hence, to increase sufficient power supply to the newly proposed infrastructure of the Forest Academy, the proposal for diversion of 0.85 ha forest land for construction of 33/11 KV Sub Station has been proposed by the User Agency. The site inspection report is enclosed on page no.69 to.70.

**4.00 The Divisional Forest Officer, Chandrapur Forest Division, Chandrapur has certified that:-**

- 4.1 the area belongs to Eco-value class-III and having density 0.1 Open Forest.
- 4.2 alternate alignment is not possible and the forest land required is the barest minimum.
- 4.3 there is no violation of Forest (Conservation) Act 1980.
- 4.4 the proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.5 area of 0.85 ha. Reserved Forest land proposed for diversion has been demarcated on the spot by fixing boundary stone around the area.
- 4.6 the proposed area for the project is not within the 10.00 km from the boundary of the protected area.
- 4.7 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve.
- 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.
- 4.9 there is no cutting and felling trees involved in the implementation of the project.
- 5.00 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

*'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*

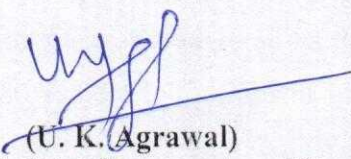
Hence, the user agency has given an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before in-principle approval.

- 5.1 The user agency has submitted an undertaking regarding to defray the cost of Net Present Value of the forest land proposed for diversion.
- 5.2 No Compensatory Afforestation is required as there is no felling of trees involved implementation of the project and the area proposed for diversion less than 1.00 ha.

5.3 The Divisional Forest Officer, Chandrapur and Chief Conservator of Forests (T), Chandrapur Circle have recommended the proposal for diversion of 0.85 ha. of forest land.

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

- 6.1 The legal status of the forest land required will remain unchanged.
- 6.2 The forest land shall not be used for any purpose other than specified in the project.
- 6.3 The user agency will defray the cost of Net Present Value of 0.85 ha. of forest land as per the latest guidelines of the Government of India.
- 6.4 The user agency will defray the additional cost of Net Present Value of forest land as per the latest guidelines of Government of India.
- 6.5 The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- 6.6 The user agency shall provide fuels preferable alternate fuels to the labours and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- 6.7 The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
- 6.8 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 6.9 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central government.
- 6.10 No damage to the flora and fauna of the adjoining area shall be caused.
- 7.0 The user agency shall undertake comprehensive soil conservation measures at the project cost in consultation with the state Forest Department. An approved, plan indicating such measures shall be submitted along with the compliance of Stage-I approval.
- 7.1 No felling of trees shall be undertaken during the implementation of the project. The State Forest Department shall ensure strict compliance of this condition.
- 7.2 The user agency shall obtain the certificate of the Collector, Chandrapur under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 after Stage I approval.
- 7.3 The forest land shall not be used for any purpose other than that specified in the proposal.
- 7.4 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

  
(U. K. Agrawal)  
Principal Chief Conservator of Forests  
(Head of Forest Force)  
Maharashtra State, 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)

Sub.- Proposal for diversion of 0.85 ha. Reserved forest land under the Forest (Conservation) Act, 1980 for construction of 33/11 KV Sub Station for Chandrapur Forest Academy in Compartment No.403 in District, Chandrapur of Maharashtra State. The details of land proposed for diversion is as under-

Sr. No.	Item of Work Proposed	Village	Compt No.	Forest land (in ha.)	Legal Status
1	Switch Yard	Chandrapur	403	0.400	Reserved Forest
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6	Safety Margin Area			0.353	
7	Approach Road			0.050	
Total Forest Area				0.85	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 11B

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests  
& Nodal Officer,

Date: 2/09/2019

Place: Nagpur

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

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,  
First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.

Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- [apccfnodal@mahaforest.gov.in](mailto:apccfnodal@mahaforest.gov.in)

Sub:- Proposal for diversion of 0.85 ha. Reserved forest land under the Forest (Conservation) Act, 1980 for construction of 33/11 KV Sub Station for Chandrapur Forest Academy in Compartment No.403 in District, Chandrapur of Maharashtra State.

No. : Desk-17/NC/I/I.D- / 990 /19-20  
Nagpur – 440 001, Dated : 13/09/2019

To,

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

The Additional Director, Chandrapur Forest Academy of Adm. Dev & Management, Chandrapur has submitted the Proposal for diversion of 0.85 ha. Reserved forest land under the Forest (Conservation) Act, 1980 for construction of 33/11 KV Sub Station for Chandrapur Forest Academy in Compartment No.403 in District, Chandrapur of Maharashtra State. The details of forest land proposed for diversion is as given below: -

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7	Approach Road			0.050	
Total Forest Area				0.85	

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

- (i) Prescribed form dated 10/01/2003.
- (ii) Area Statement.
- (iii) Index map on suitable scale.
- (iv) There is no violation of the Forest (Conservation) Act, 1980.
- (v) User Agency has given an undertaking of NPV.
- (vi) Brief note of the project by the User Agency.
- (vii) The proposed project area is beyond 10 km. from Protected Area.
- (viii) There is no cutting and felling trees involved in the implementation of the project.
- (xi) The proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

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3.00 The provision for General approval under Section 2 (ii) of Forest (Conservation) Act, 1980 have been dealt in Chapter 4.3 of the Government of India guidelines dt.28/03/2019. Para 4.3 of the said guidelines deals with Critical development initiatives for public, wherein following 15 categories of public & strategic defence infrastructure have been mentioned:-

- a. Schools/Educational Institutes;
- b. Dispensary/hospital;
- c. Electric and telecommunication lines;
- d. Drinking water;
- e. Water/rainwater harvesting structures;
- f. Minor irrigation canal;
- g. Non-conventional sources of energy;
- h. Skill up-gradation/vocational training center;
- i. **Power Sub stations;**
- j. Communication posts;
- k. Construction/widening of roads including approach road to roadside establishments
- l. Up gradation/strengthening/widening of existing bridges by BRO;
- m. Police establishments like police station/outposts/border outposts/towers in sensitive areas (identified by Ministry of Home Affairs)
- n. Government approved community toilets partly or fully in forest lands involving not more than one-hectare subject to approval by GP in rural areas and urban bodies in urban areas, and
- o. Water mills.

4.00 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

*'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*

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, 2006 has been applied and is under process and shall be submitted before in-principle approval.

5.1 The Divisional Forest Officer, Chandrapur and Chief Conservator of Forests (T), Chandrapur Circle have recommended the proposal for diversion of 0.85 ha. of forest land.

**6.00 In view of this, the proposal is recommended for general approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions as per the Central Government of India guidelines dt. 28/3/2019: –**

- 6.1 The legal status of the forest land required will remain unchanged.
- 6.2 The forest land shall not be used for any purpose other than specified in the project.
- 6.3 The user agency will defray the cost of Net Present Value of 0.85 ha. of forest land as per the latest guidelines of the Government of India.
- 6.4 The user agency will defray the additional cost of Net Present Value of forest land as per the latest guidelines of Government of India.
- 6.5 The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- 6.6 The user agency shall provide fuels preferable alternate fuels to the labours and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
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- 6.9 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central government.
- 6.10 No damage to the flora and fauna of the adjoining area shall be caused.
- 6.11 The user agency shall undertake comprehensive soil conservation measures at the project cost in consultation with the state Forest Department. An approved, plan indicating such measures shall be submitted along with the compliance of Stage-I approval.
- 6.12 No felling of trees shall be undertaken during the implementation of the project. The State Forest Department shall ensure strict compliance of this condition.
- 6.13 The user agency shall obtain the certificate of the Collector, Chandrapur under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 after Stage I approval.
- 6.14 The forest land shall not be used for any purpose other than that specified in the proposal.
- 6.15 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

It is therefore, requested that in view of the general approval accorded by Government of to critical public and strategic defence related infrastructure, Government of Maharashtra may kindly be moved for approving the proposal for diversion of 0.85 ha. Reserved forest land under the Forest (Conservation) Act, 1980 for construction of 33/11 KV Sub Station for Chandrapur Forest Academy in Compartment No.403 in District, Chandrapur of Maharashtra State, under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

(Sanjeev Gaur)

Addl. Principal Chief Conservator of Forests  
& Nodal Officer,

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

Copy to the Divisional Forest Officer, Chandrapur Forest Division, Chandrapur for information.

Copy to the Additional Director, Chandrapur Forest Academy of Adm. Dev & Management,  
Chandrapur for information.