



MAHARASHTRA STATE WAREHOUSING CORPORATION

(Govt. Public Undertaking)

583/B, Market Yard, Gultekadi, Pune-411 037.

REGIONAL OFFICE PUNE

☎ 020 - 24206880/881, Fax No. 020 - 24206889

No. MSWC/RO/PR/77

Date: -11.01.2022

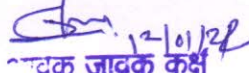
Resubmitted

To,

The Dy. Conservator of Forests,

Pune Forest Division,

Pune.


आवक जावक कक्ष
वनसंरक्षक (प्रा) पुणे
'वनभवन' भांडुर्डा वनविहार
गोखले नगर, पुणे-411016

Sub:- Compliance of query in FCA Proposal No. FP/MH/Others/44963/2020....Reg.

Ref:- Nodal Office Letter No. Desk-17/Nodal/Pune/ID-12976(23)/1172/21-22,
dated 08/10/2021

Sir/ Madam,

In compliance to the letter under reference on the subject mentioned above, para wise comments pertaining to this office are furnished below:

Para No 1:

Comments:- Compliance to be submitted by Divisional Office, Pune of forest department

Para No 2:


Comments:- Compliance to be submitted by CCF Office, Pune.

Para No 3:

Comments:- It is requested to need the detailed Note submitted along with proposal. Further it is resubmitted as under :-

(i) The project is undertaken by the MSWC, a Public Sector Undertaking of Government of Maharashtra, which is entrusted with responsibility of creating Public Utility Infrastructure throughout the State and under "RKVY", a Central Government Scheme for benefit & welfare of public- in- general and farmers- in- particular.

(ii) Government of Maharashtra vide it's memorandum No. Land 3411/155/प्र.क्र.पु.1464/1-5, Dated 13/06/2012 had given approval for transfer of land to Marketing department. Accordingly, the Collector Pune, vide order No. पमअ/CR/10/2012, Dated 04/09/2012 granted the land to Maharashtra State Warehousing Corporation, after complying with necessary administrative and statutory requirements and observing prescribed procedures. At no point of time during the process of transfer of land to MSWC, Pune, land was observed or reported to be in the name of Forest Department. The Tehsildar, Baramati had also stated the status of


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land as Government land. The construction on the suit land was also taken up at the specific instructions of the Collector, Pune; vide Show Cause Notices No. पमअ/कावि/663/2017 dated 06/09/2017 and No. पमअ/कावि/ 800 /2018 dated 30/07/2018 for not utilizing land for sanctioned purpose i. e. construction of Godown for storage of food grain.

(iii) The Forest Department also did not point out about the legal status of suit land till the construction reached up to lintel level. Hence, the MSWC, Pune had no knowledge about the facts of legal status of land.

(iii) The act of not seeking prior approval of the Central Government was un-intentional and non-voluntary on the part of the MSWC, Pune as neither the order allocating land spoke of any interest of Forest Department in or over the land nor the relevant documents such as Village Form No. 7 & 12 of Record of Rights of land, etc. revealed legal status of land from forest point of view. The survey number/ Gut Number of the land have been changed three times since 1879. The original status of land is not updated on 7/12 Extracts. The Forest Department also could not ascertain the status of the land, years after allocation to the MSWC, Pune.

(iv) The error is not caused by the neglect of a legal duty on the part of either agencies but, the extant issue consists of an unconscious ignorance of a past material facts or circumstance.

(v) Hence, the present issue/ violation is not a matter of "ignorance of law" rather a "mistake of fact", which deserves to be condoned and regularized as per law.

Para No 4:

Comments:- Maharashtra State Warehousing Corporation is a public under taking of Government of Maharashtra. The Government of India & the Government of Maharashtra, each hold 50% of Share Capital. As such, it is the public money which is being utilized for the project. The act of construction of godown was not intentional or not due to neglect of legal duty but, due to non-updating of RoRs. The land in question is being utilized for the public purpose. So, it would be justifiable to condone the violation, if any and regularize the proposal as per law.

Para No 5:

Comments:- The figure was rounded off. However, correction has been made on the online document as desired.

Para No 6:

Comments:- Compliance to be submitted by CCF Office, Pune.

Para No 7:

Comments:- Compliance to be submitted by CCF Office, Pune.

Para No 8:

Comments:- Item wise break up is shown on KML file Area Statement and resubmitted.

Submitted for further needful, please.

Enc.: As above

Yours faithfully,

Date: 11.01.2022

Place: Pune

Office Seal:-



Copy to:

1. The APCCF/ Nodal Officer, Nagpur
2. The Chief Conservator of Forests, Pune Forest Circle, Pune.

(S.S.Barawkar)
Deputy General Manager
MSWC,Pune

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