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PROPOSAL NO. : FP/MH/ROAD/39684/2019 Proposal for diversion of 17.01 Ha. Forest land under Forest (Conservation) Act, 1980 for Rehabilitation and Up-gradation of Section - I - Shahpur Patgaon (KM 0+000 to KM 20+130) under Shahapur Forest Division part of NH-3 Shahpur - Murbad - Mhasa - Karjat - Khopoli-NH4 section of newly declared NH-548 A in the state of Maharashtra on Engineering, Procurement & Construction (EPC) Basis Contract"

Certificate No. 4

**Certificate by the Deputy Conservator of Forests that no Violation
done of the FCA - 1980 and their Guidelines**

This is to certify that there is violation of the Forest (Conservation) Act, 1980 and their guidelines by the user agency. The detailed violation report is enclosed herewith. The work has been stopped in the forest area and the construction of proposed road will be started in forest area after getting final forest clearance from the forest department.

Date: / - /2019
16 JUL 2020
Place: Shahapur



(Signature)
(V. T. Ghule)
Deputy Conservator of Forests
Deputy Conservator of Forests
Shahapur Forest Division, Shahapur

(Signature)
Executive Engineer
M.S.R.D.C. (Ltd), Mumbai

Report regarding violation of FCA for the consideration of the Committee constituted under the Chairmanship of the Chief Secretary, vide Government of Maharashtra, Revenue and Forest Department G.R. No. FLD/1089/475/Part-2/F-10, Dt. 2nd December, 1991.

- 1) Name of the Agency : Executive Engineer, Maharashtra State Road Development Corporation Limited, Bandra, Mumbai.
- 2) Name of the Project : Rehabilitation and Up-gradation of Section – I – Shahpur Patgaon (KM 0+000 to KM 20+130) under Shahpur Forest Division part of NH-3 Shahpur - Murbad – Mhasa – Karjat - Khopoli-NH4 section of newly declared NH-548 A in the state of Maharashtra on Engineering, Procurement & Construction (EPC) Basis Contract”
- 3) Location
 - a) F.S. No./ Comptt.No. : }
 - b) Village : }
 - c) Taluka : }
 - d) District : }

As per Area Statement
- 4) No. & Date of Technical sanction : } 12/01/2018
- 5) No. & Date of Administrative approval : } 16/01/2018
- 6) Date of starting the work : 01/01/2019
- 7) Date of stopping the work : 02/01/2019
- 8) Details of work done on forest area :

Sr. No.	Item	Location	Forest land involved in the Item	Extent of violation on forest land	Amount sanctioned on the Item stated cost	Amount spent on violation on Item No. 2	Remarks
1	2	3	4	5	6	7	8
1.	Excavation in forest area for construction of road & bridge	Village Thile Compt. No. 851	0.0476	0.0476		Approx.Rs. 2.91 lakh.	Shahapur Murbad road is existing road passing through forest area. And MSRDC has started the work in forest area assuming the existing ROW of the said area.
2.	Excavation in forest area for construction of temporary alternate road	Village Thile Compt. No. 851	0.0027	0.0027		Approx.Rs. 0.35 lakh.	
TOTAL			0.0503	0.0503			

9)

Item of work	Quantity	Expenditure	Period of work done
Excavation in forest area for construction of road, temporary alternate road & bridge	MSRDC has done violation in 0.0503 ha. forest area and has excavated total 648 brass soil.	Approx Rs. 3.26 Lakh	01/01/2019 to 02/01/2019

10) Name of Officers responsible for violation

Name of Officer	Designation	Period of Violation
Mr. Vijay Sapkale	Executive Engineer	01/01/2019 to 02/01/2019

11) Whether the violation case fits in the criteria specified in G.R.T. & F.D.No. : NO

FLD-1089/G.R. 475/Part-2/F-10;

Dated 21/09/1991

A) If Yes, in which Para : -----

12) If Not, Why : As the case is of excavation for upgrading and widening of existing road passing through forest area which is already in use.

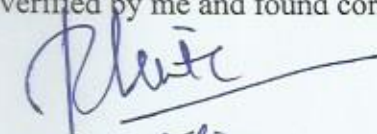
13) Action proposed by the Agency against the Officers responsible for violation :

Name of Officer	Designation	Action Proposed
Mr. Vijay Sapkale	Executive Engineer	Transferred from this Project

Enclosed herewith the following documents:

- 1) First Offence report
- 2) A note regarding circumstances under which the work has undertaken in violation of the Forest (Conservation) Act 1980

It is certified that the information in foregoing paras is verified by me and found correct.


(R.R. Khosla)
Executive Engineer

Maharashtra State Road Development
Corporation Limited, Bandra, Mumbai.
Executive Engineer
M.S.R.D.C. (Ltd), Mumbai

- 13) Deputy Conservator of Forests remarks as to whether he agrees with the above details:

REMARKS:- I agrees with the above details. Shahapur Murbad road is existing road passing through forest area. And MSRDC has started the work in forest area assuming the existing ROW of the said road. The Forest Offence case is booked and the penalty of Rs. 279200/- has been recovered from the concerned contractor of the said work. The work started in the forest area is stopped by Forest Department. The proposal is recommended subject to deposition 20% of five (5) times Net Present Value (NPV) of the violated area by the project authority as directions issued in the Part-B, Chapter I, Rule 1.21 of the Forest (Conservation) Rule, 2003 issued by GOI vide letter no. F.No. 5-2/2017-FC, dated 28/03/2019.

16 JUL 2020



(V. T. Ghule)
Deputy Conservator of Forests
Shahapur Forest Division, Shahapur

- 14) Remarks of Chief Conservator of Forests:

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Chief Conservator of Forests
Thane

- 15) Remarks of the Principal Chief Conservator of Forests:

Principal Chief Conservator of Forests
Maharashtra State, Nagpur

VIOLATION NOTE

A Note regarding the circumstances under which the work has undertaken in violation of Forest (Conservation) Act, 1980

The ministry of Road Transport & Highways (MoRTH), Government of India has decided to take up the development of Section – I – Shahapur Patgaon NH 548A in the State of Maharashtra for augmentation of capacity for safe and efficient movement of traffic by upgrading to Two Lane with paved shoulder configuration based on the traffic demand.

The total length of the project stretch selected for up-gradation is 20.130 KM in this package from which road is passing through forest area in Shahapur forest division. The proposed widening requires diversion 17.01 Ha. in Shahapur Forest Division. Therefore the widening of this stretch requires forest clearance from Ministry of Environment, Forest and Climate change (GOI).

The diversion of forest area has been limited to the minimum that satisfies the National Highway standards. As the project road is passing through the middle of forest area, bypassing the forest area is not possible. Alternative has been examined and found that no better option is available. The widening has been limited to non-forest areas where the road is passing/ abutting the forest land only on one side of the existing road, to reduce the requirement of forest area diversion.

The existing Shahapur – Murbad Road was under the possession of Public Works Department, State of Maharashtra. Now the said Road is declared as National Highway No. 548A. And the road is handed over to Maharashtra State Road Development Corporation Limited, Mumbai by Public Works Department, State of Maharashtra for further works and maintenance. While handing over the said road to MSRDC, Public Works Department, State of Maharashtra has mentioned the 22-30 mtr. ROW of the said road. And MSRDC has started the work in forest area assuming the existing ROW of the said road.

But Public Works Department, State of Maharashtra has never acquired the Forest area of the 22-30 mtr. ROW for the said road. And hence, as the said area is still forest land, the forest offence case is booked in violation of the Indian Forest Act, 1927 & Forest (Conservation) Act, 1980. The penalty of Rs. 279200/- has been recovered from the concerned contractor of the said work. The work started in the forest area is stopped by Forest Department.

The project authority has submitted the proposal as required under Section 2 of the Forest (Conservation) Act, 1980 for obtaining prior approval from Government of India.

The project authority has given an undertaking to bear the cost of Compensatory Afforestation as directed by Forest Department.

As the proposal is for upgradation of existing road, and there is no alternative for the same and the project authority has submitted the proposal for obtaining approval from Government of India, the proposal is recommended subject to deposition of 20% of five (5) times Net Present Value (NPV) of the violated area by the project authority as directions issued in the Part-B, Chapter I, Rule 1.21 of the Forest (Conservation) Rule, 2003 issued by GOI vide letter no. F.No. 5-2/2017-FC, dated 28/03/2019.

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