

Proposal for diversion of 3.84 ha. forest land for non-forestry use i.e. for Industrial Unit of Ashok Leyland Limited Bhandara in the state of Maharashtra.

(Online Proposal No. FP/MH/IND/149884/2021)

JUSTIFICATION FOR LOCATING THE PROJECT IN THE FOREST AREA.

The following are the key merit points for socio-economic improvement and development because of Ashok Leyland establishment at Gadegaon:

1. 1600 plus people are getting employment,
2. Employee families and associated social chain well-being is enhancement.
3. Sponsoring the Central Govt.'s Skill Development Program, and every year, about 500+ people are being imparted On-The-Job training
4. Supporting to State Govt flagship schemes for skill development, namely Trade Apprenticeship (TA) and Employment Promotion Program (EPP) and accommodate between 500 to 600 ITI passed youth every year to make them employable
5. 4000 Plus trained for operation and maintenance of world class and highly sophisticated machines/equipment, so that they get better opportunities of employment in other industries.
6. Environmentally-conscious organization, non-polluting Unit, has done significant work on environment conservation by implementing a huge afforestation, rain water harvesting, energy conservation etc.
7. Supporting the Govt. of Maharashtra's flagship Jal-Yukta Shivar Yojana to help for overcoming water scarcity issue,
8. Ashok Leyland has undertaken the lake-rejuvenation on the area of about 50+ acres lake, which is spread over at Kinhi & Gadegaon Villages.
9. Ashok Leyland has adopted two Zilla Parishad schools under Saksham project, with an objective to raise the standard of education of the ZP school under its Corporate Social Responsibility,
10. Providing the potable and clean drinking water facility to the community by providing the community RO system in Village Gadegaon,
11. Ashok Leyland is paying significant amount of taxes @ Rs. 50.0 + crores to the Govt. every year.

Brief background of the Ashok Leyland Bhandara project:

In the year 1980, Ashok Leyland (AL), while considering its expansion activities out of Tamil Nadu State, received Letters of Intent from the State of Maharashtra as well as from the State of Rajasthan. The State of Maharashtra had framed a policy thereby offering substantial incentives for Units coming up as pioneer Units in the areas where no large-scale industries were in existence. Vide letter dt. 6th June 1980, then Managing Director, State Industrial & Investment Corporation of Maharashtra Limited (SIICOM) – an undertaking of Govt. of Maharashtra (GoM) persuaded AL to set-up their project in Bhandara District whereas Rajasthan Govt. offered a place in Alwar Industrial area. AL gave priority to the project in Maharashtra. GoM was informed about the land requirement of 350 acres. From

the various sites suggested by SIICOM, AL finally selected a site in Village Gadegaon which was a virgin area. 350 acres of land was required for its plant as well as for housing purpose. The 350 acres of land was spread over in Villages Gadegaon, Kesalwada of Sakoli Block and Village Chikhali Hamesha in Bhandara Block.

On 10th December 1980, the Memorandum of Understanding was executed between AL and SIICOM in presence of the then Hon'ble Chief Minister & Minister for Industries, GoM for 93.43 ha. (230 Acres inclusive of Gat No 113; 0.19 Ha. of Gadegaon) of land pertaining to Gadegaon & Kesalwada of sakoli panchayat (Presently in Lakhani Taluka) out of total AL requirement of 142 Ha. (350 Acres). Thereafter, by notification dated 12.01.1981 Government of Maharashtra declared certain areas as industrial areas under the Maharashtra Industrial Development Act (MIDC Act) and Government of India initiated step to acquire and hand over the land to Ashok Leyland Ltd. MIDC completed the formalities for handing over the land of village Gadegaon in Sakoli block on 05.06.1981 and on 05.05.1982 to Ashok Leyland (Possession receipts enclosed). Simultaneously, construction of buildings and other facilities was on progress on as per MIDC approved plan i.e. on 350 acre of piece of land. But as per possession letters (05.06.81 and 05.05.82) land area works out to be 93.43 Ha i.e. 230 acres i.e. Shortage by 120 acres when compared with the promised land of 350 acres. For remaining required land of 120 acres falling in adjoining Village Chikhali Hamesha in Bhandara Block, the State Govt. took various steps under Maharashtra Land Revenue Code. The MIDC swung into action and requested the authorities to handover the required area so that additional 120 acres land also can be allotted to AL.

The delay in allotment of the remaining 120 acres of land falling in Village Chikhali Hamesha in Bhandara Block was hampering the progress of the project. Therefore, the then Chairman and Managing Director of AL had meetings with the then Hon'ble Chief Minister and the Deputy Chief Minister on 11.03.1983 and urged upon them to expedite the allotment of balance 120 acres of land. All the above authorities of GoM assured AL of the allotment of the balance 120 acres of land expeditiously and advised construction could be undertaken on the said land which will be allotted after completing the formalities. Since a portion of the additional land of 120 acres was essential for setting-up a construction of Shop No.3 i.e. Heat Treatment Shop which was vital for the productionization of project, thus to achieve GoM objective and it was permitted to be used for construction, AL constructed the Shop no.3 i.e. Heat Treatment Shop and communicated vide its letter dt. 17th January 1985 to the GoM.

Surprisingly, later, the authorities revealed that the land could not be transferred to AL as it was recorded as "Revenue Forest" and reached to a conclusion that the balance land which is a Revenue Forest cannot be used for non-forest purpose without the prior approval of the Central Govt. as it attracts the provisions of "Forest (Conservation) Act, 1980". It was not disputed by any authority that there was hardly any vegetation except for few shrubs and this area was never brought under afforestation program GoM also informed AL vide their letter dt. 20th January 1985 about the proposal they moved to the Central Govt. for permission of use of the forest land required for AL project.

On 6th November 1985, the Naib Tahsildar, Bhandara, issued a Notice to AL for removal of construction on the portion of the additional land alleging that it is an encroachment. AL

requested for allotment of the said land, but on 19th February 1987, the Naib Tahsildar directed removal of the construction of Shop no.3. AL preferred an appeal before the District Collector. After the required proceedings, the same came to be rejected vide Order dt. 10th May 1994. Being aggrieved by the said action, AL filed a Writ Petition before the Hon'ble Bombay High Court, Nagpur Bench, in July 1994. The Hon'ble High Court vide Order dt. 21st October 1994 stayed the Order of the District Collector and granted the interim relief to AL staying the effect and operation of the above Orders of Naib Tahsildar and the District Collector and also permitted AL the use of the structures on the disputed land in Village Chikhali Hamesha and retention of the said land, during the pendency and final disposal of the Writ Petition.

During the pendency of the Writ Petition, AL on 26th December 2005 submitted the proposal for diversion of the said portion i.e. 10.18 hectares of land to GoM through Forest Department. AL filed a rejoinder on 23rd January 2006 before the Hon'ble Bombay High Court and reiterated its earlier prayers. On 20th June 2006, while finally disposing-off the said petition, the Hon'ble High Court directed GoM to forward the said proposal to the Central Govt. within a stipulated time. The Revenue Dept. of the GoM on 4th April 2007 forwarded the proposal to Central Govt. On 30th May 2007, the Central Forest Dept. returned the proposal to the GoM advising them to obtain the Supreme Court's permission citing Supreme Court's Order dt. 23rd November 2001. Thereafter, AL persuaded the matter with Revenue as well as Forest Dept. Few communications exchanged between AL and Revenue & Forest Departments, last was from AL's side on 22nd May 2009.

Again, AL received the letter dt. 6th May 2019 by Deputy Collector, Revenue, threatening AL that if permission of Supreme Court is not obtained, otherwise the direction to the concerned officials will be given for demolition of the construction. AL replied this communication on 31st May 2019. Also, Simultaneously AL sought the opinion of Dept. of forest officials for diversion of unintentionally occupied forest land and close the matter forever by standard process. hence this proposal.

Ours is the only big industry in class D notified area of Vidarbha region (Bhandara District). Despite all facts and merits, still, if our request is not considered, then it will lead to a closure of Ashok Leyland Bhandara project, and consequently, 1500+ people will become unemployed, and their families will also be affected. The drives like afforestation, lake-rejuvenation, enhancing the standard of education in nearby Zilla Parishad schools will be at stake. There will be a jolt to the skill-development programs for local youths, apart from substantially losing the exchequer.

In view of all the above-stated pros-&-cons, Ashok Leyland requests support from all stakeholders for diversion of 3.84 hectares' portion of additional land (Refer table 1) by getting the clearance of its proposal submitted under Forest (Conservation) Act, 1980 and continue to use the said land along with the buildings and structures constructed over it, for its commercial purpose.

Table 1:

Sr. No.	Name of Structure	Area (in Ha.)	Sur/ Gut No.	Village/ Taluka	Legal status of land
1	Heat Treatment Shop No. 3 and Other Buildings.	1.13	1	Chikhli Hamesha / Bhandara	Bade jhar ka jungle
2	LPG Storage Area	0.01	1		
3	Road and Yard	0.75	1 & 57		
4	SHOP NO. 4	0.22	57		
5	Waste Water Treatment Plant	0.02			
6	Road	0.20			
7	LPG Storage Area	0.26			
8	Safety Distance Zone for LPG	0.49			
9	Roads	0.57	1 & 57		
10	Canteen Building and Approach Road	0.19	113	Gadegaon/ Lakhni	Zudpi Jungle
TOTAL		3.84			

Other AL highlights:

It is a matter of pride to mention here that this Bhandara plant has received numerous coveted National Awards in last 25 years' time with the employee and their families involvement, thus overall culture and learnings at Ashok Leyland is percolated in the society. To name few are:

1. Golden Peacock National Environment Award 2008 – 1st Prize.
2. Indian Manufacturing Excellence Award – Platinum Award.
3. Golden Peacock National Quality Award – Special Commendation.
4. CII EXIM Bank Award – Strong commitment to excel.
5. Rajeev Gandhi National Quality Award by Bureau of Indian Standards.
6. State Level Energy Conservation Award by Maharashtra Energy Development Agency – 2nd Prize.
7. Golden Peacock National Quality Award 2011 – 1st Prize.
8. IMC Ramakrishna Bajaj National Quality Award 2010 – Performance Excellence.
09. CII 5S Excellence Award by ABK AOTS CUMI – 1st Prize.
10. National Award for Excellence in Energy Management 2016 – ‘Excellent Energy Efficient Unit Award’ and ‘Innovative Project Award’.
11. Sustainability 4.0 Awards 2017 – Front Runner.
12. National productivity and CII Cluster Summit 2018 – Top 5 in Large organization category.

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(S B Joshi)
DGM –Operation (Bhandara)
Authorized Signatory
Ashok Leyland Limited, Bhandara Unit