



Government of Maharashtra
• Forest Department •

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**Office of the Deputy Conservator of Forests,
Shahapur Forest Division, Shahapur**
Shahapur-Asangaon Road, Old Agra Road, At Asangaon, Post Taluka Shahapur,
District Thane 421 601

No. Desk-6(3)/20/Land/ **1338** /2021-22

Date **13** / 08 / 2021

To.

Executive Engineer,
Maharashtra State Road Development
Corporation Limited,
Opposite Bandra Reclamation Bus stop,
Near Lilavati Hospital, K. C. Road,
Bandra (W) Mumbai – 400 050.

Subject:- Diversion of 17.01 ha. forest land for Rehabilitation and Up-gradation of Shahapur Patgaon Section 1 – (KM 0+000 to KM 20+130) part of NH-3 Shahapur - Murbad – Patgaon – Karjat - Khopoli-NH4 section of newly declared NH-548 A in the state of Maharashtra...

Ref.:- 1) MoEF&CC, Integrated Regional Office, Nagpur office letter F.No. FC-II/MH-150/2021-NGP/8205, dated 30/06/2021
2) APCCF & Nodal Officer, M.S. Nagpur office letter no. D-17/Nocel/2/ID-12819(72)/475/21-22, dated 07/07/2021
3) CCF (T) Thane office letter no. D-10/FC/CR-08/20-21/138/21-22, dated 08/07/2021

Please refer to the letter No. FC-II/MH-150/2021-NGP/8205, dated 30/06/2021 from MoEF&CC, Integrated Regional Office, Nagpur under which, In-Principle approval for diversion of 17.01 ha. forest land for Rehabilitation and Up-gradation of Shahapur Patgaon Section 1 – (KM 0+000 to KM 20+130) part of NH-3 Shahapur - Murbad – Patgaon – Karjat - Khopoli-NH4 section of newly declared NH-548 A in the state of Maharashtra in your favour has been accorded.

While approving the proposal In-principle, the MoEF&CC, Integrated Regional Office, Nagpur has laid down some conditions, which are to be fulfilled by you as User Agency.

Unless the conditions are fulfilled, the proposal in question will not be considered for its final approval.

The point-wise compliance of conditions imposed by MoEF&CC, Integrated Regional Office, Nagpur to be done is as under:-

Sr No.	Condition laid down	Action to be taken by the user agency to fulfill the same
1	2	3
i.	The legal status of forest land will remain unchanged;	The User Agency has to submit an undertaking in this regard.

ii.	Compensatory Afforestation		
	a.	Compensatory afforestation shall be taken up by the Forest Department over 34.02 ha. degraded forest land in Survey No. 57, 69 at Village – Ras, Tal. Shahapur, Dist. Thane (20.00 ha.) and in Survey No. 36/1 (Old 684) at Village – Kukambe, Tal. Shahapur, Dist. Thane (14.02 ha.). As far as possible, a mixture of local indigenous species along with 10% RET species of Thane District shall be planted and monoculture of any species may be avoided;	The User Agency has to deposit the amount of Rs. 4,08,78,228/- @ Rs. 12,01,594/- per ha. (Model No. 6) for the year 2021-22 as per the ready reckoner issued by the Principal Chief Conservator of Forests (Head of Forest Force) Maharashtra State, Nagpur vide letter no. Desk-17/CA/Estimate rate/CR-40/1127/19-20; dated 04/10/2019 for Compensatory Afforestation on 34.02 ha. degraded forest land and submit an undertaking in this regard.
	b.	The Penal CA over 01 ha. degraded forest area preferably in continuation to the main CA area shall be raised and maintained by State Forest Department at the cost of project;	The User Agency has to deposit the amount of Rs. 12,01,594/- @ Rs. 12,01,594/- per ha. (Model No. 6) for the year 2021-22 as per the ready reckoner issued by the Principal Chief Conservator of Forests (Head of Forest Force) Maharashtra State, Nagpur vide letter no. Desk-17/CA/Estimate rate/CR-40/1127/19-20; dated 04/10/2019 for Penal Compensatory Afforestation on 1.00 ha. degraded forest land and submit an undertaking in this regard.
iii.	The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;		The User Agency has to submit an undertaking to pay the additional amount of CA, if so determined by the State Forest Department.
iv.	NPV		
	a.	The State Government shall charge the Net Present Value (NPV) for the 17.01 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letters No. 5-1/1998-FC	The User Agency has to deposit the total amount of Rs. 1,55,03,394/- of Net Present Value as per the orders of the Hon'ble Supreme Court of India dated 28/03/2008, 24/04/2008 and 09/05/2008. And Rs. 64,236/- for the Penalty against violation done as per the guidelines under FCA, 1980 and MoEF & CC's letter no. F.No. 11/42/2017/FCA, dated 29/07/2018. Total Rs. 1,55,67,630/-

	(Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;	
	b. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.	The User Agency has to submit an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
v.	User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.	The User Agency has to deposit the amount of Rs. 21,47,775/- to DCF Shahapur required for tree felling.
vi.	All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through <i>e-portal</i> (https://parivesh.nic.in);	The User Agency has to deposit the total amount of Rs. 5,99,25,452/- to CAMPA fund only through <i>e-portal</i> (https://parivesh.nic.in) And submit the copy of Challan/RTGS Acknowledgement of the payment deposited with the compliance report. The User Agency has to deposit the amount of Rs. 21,47,775/- to DCF Shahapur required for tree felling.
vii.	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;	The User Agency has to submit Original FRA, 2006 certificate issued by District Collector, Thane along with English translated copies of documentary evidences in the form of copies of the resolutions of the concerned Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) recording their consent for the proposal and bearing signature of the participants.
viii.	Action against violation shall be undertaken as per the provisions made under Para 1.21 of Handbook of Forest Conservation Act, 1980 published in 28.03.2020. Further, a formal enquiry shall be conducted by State Forest Department as per the provisions made under Para 1.21 of Handbook of Forest Conservation Act, 1980 published in 28.03.2020. A detail report in this regard shall	The User Agency has to submit an undertaking and a detailed plan in this regard.

	be submitted to Regional Office and same shall be placed before REC for further consideration;	
ix.	The User Agency in consultation with State Forest Department shall prepare and implement a Site Specific Wildlife Conservation Plan for 10 years. Copy of the same shall be submitted along with Stage-I compliance report;	<p>The User Agency has to prepare a Site Specific Wildlife Conservation Plan for 10 years in consultation with respective Asst. Conservator of Forests and Range Forest Officer and submit the same with the compliance report.</p> <p>The amount required for implementation of the same plan will be informed to the User Agency.</p>
x.	Maximum number of trees up to 60 cm girth proposed to be felled may be translocated by the State Government at the cost of the User Agency;	The User Agency has to submit an undertaking in this regard.
xi.	State Forest Department shall undertake avenue plantation of 8 feet tall plants as per IRC norms at the cost of User Agency;	<p>The User Agency has to prepare the avenue plantation scheme of 8 feet tall plants as per IRC norms in consultation with respective Asst. Conservator of Forests and Range Forest Officer and submit the same with the compliance report.</p> <p>The amount required for avenue plantation will be informed to the User Agency.</p>
xii.	Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;	The User Agency has to submit an undertaking in this regard.
xiii.	Wherever feasible, User Agency in consultation with State Forest Department shall construct the wildlife passages in the form of underpasses at least at every 200 meters with minimum size of 2 X 3 mtrs in forest land for smooth movement of wildlife as well as in non-forest areas where there is a traditional route of wildlife movement;	The User Agency has to submit an undertaking and a detailed plan in this regard.
xiv.	User Agency shall undertake comprehensive soil conservation measures at the project cost in consultation with State Forest Department. A 10 year plan on same shall be submitted along with the compliance report of the Stage-I approval;	<p>The User Agency has to prepare comprehensive soil conservation measures plan for 10 years in consultation with respective Asst. Conservator of Forests and Range Forest Officer and submit the same with the compliance report.</p> <p>The amount required for soil conservation measures plan will be informed to the User Agency.</p>

xv.	Rain water harvesting structures shall be constructed every 500 meters in outer RoW of alignment in entire forest area at project cost;	<p>The User Agency has to prepare Rain water harvesting plan in consultation with respective Asst. Conservator of Forests and Range Forest Officer and submit the same with the compliance report.</p> <p>The amount required for Rain water harvesting plan will be informed to the User Agency.</p>
xvi.	To improve the Forest/ Tree cover and to reduce pollution, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency shall develop a separate nursery at one or more places to raise at least 25,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/ local every year. At least 50% of seedlings shall be planted by User Agency in the vicinity of project area including forest area and for hand holding with local people residing in vicinity of proposed road. User Agency shall voluntary distribute remaining 50% of seedlings to them free of cost. A compliance report including species wise details of seedlings raised, location of plantation area and details of villagers whom seedlings have been distributed need to be prepared every six month and submitted to Regional Office of MoEF&CC;	<p>The User Agency has to submit an undertaking and a detailed plan in this regard.</p>
xvii.	Existing carriageway in the forest area, in the patches corresponding to re-alignments, if any, shall be dismantled and land shall be handed over back to the State Forest Department. A reclamation plan by planting suitable indigenous species of trees shall be prepared in consultation with the Forest Department and the amount so required will be deposited with the Forest Department by the User Agency for taking up reclamation of the area. A copy of plan so prepared shall be submitted to IRO, MoEF&CC;	<p>The User Agency has to dismantle the existing carriageway in the forest area in the patches corresponding to re-alignments and land should be handed over back to Forest Department.</p> <p>The User Agency has to prepare Plantation Scheme for 10 years in the said land in consultation with respective Asst. Conservator of Forests and Range Forest Officer and submit the same with the compliance report.</p> <p>The amount required for Plantation Scheme will be informed to the User Agency.</p>

xviii.	All fragmented left over forest patches smaller than 1 ha. on either side of road shall be planted and fenced by State Forest Department at the cost of project. A report in this regard shall be submitted to IRO, MoEF&CC;	The amount required for plantation over the fragmented forest patches will be informed to the User Agency.
xix.	User Agency shall obtain Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable;	The User Agency has to submit an undertaking in this regard.
xx.	The layout plan of the proposal shall not be changed without prior approval of Central Government;	The User Agency has to submit an undertaking in this regard.
xxi.	No labour camp shall be established on the forest land;	The User Agency has to submit an undertaking in this regard.
xxii.	Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;	The User Agency has to submit an undertaking in this regard.
xxiii.	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;	The User Agency has to deposit the total amount of Rs. 22,78,000/- for erecting total 340 cement concrete pillars @ Rs. 6700/- per pillar on the boundary of the diverted forest land.
xxiv.	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;	The User Agency has to submit an undertaking in this regard.
xxv.	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;	The User Agency has to submit an undertaking in this regard.
xxvi.	The forest land shall not be used for any purpose other than that specified in the proposal;	The User Agency has to submit an undertaking in this regard.
xxvii.	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;	The User Agency has to submit an undertaking in this regard.
xxviii.	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F.No. 11-42/2017-FC dt. 29/01/2018;	The User Agency has to submit an undertaking in this regard.

xxix.	Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;	The User Agency has to submit an undertaking in this regard.
xxx.	The compliance report shall be uploaded on <i>e-portal</i> (https://Parivesh.nic.in/);	The User Agency has to upload the compliance report on <i>e-portal</i> (https://Parivesh.nic.in/).

It is, therefore, requested to comply the above conditions at the earliest so as to enable this office to process the proposal further for obtaining formal approval from GOI. It is also informed to you that unless and until the formal approval order is issued by the Central Government, the forest land will not be handed over and the works under the said project should not be started in the forest area, otherwise it will be treated as violation of the provisions of Forest (Conservation) Act, 1980 and the necessary action will be taken as per the guidelines of Forest (Conservation) Act, 1980.



(V. T. Ghule)

Dy. Conservator of Forests
Shahapur Forest Division, Shahapur

Copy submitted to the Additional Chief Conservator of Forest and Nodal Officer, Maharashtra State, Nagpur for information.

Copy submitted to Chief Conservator of Forest (T) Thane for information.

Copy for information and necessary action to:

1. Asst. Conservator of Forest, (FLCS & CAMPA) Shahapur
2. Asst. Conservator of Forest, (Affo. & WL) Shahapur
3. Range Forest Officer, Shahapur & Dhasai

Sd/-

(V. T. Ghule)

Dy. Conservator of Forests
Shahapur Forest Division, Shahapur