



सत्यमेव जयते

भारत सरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS &  
CLIMATE CHANGE

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FC-I/MH-107/2018-NGP/5391

Dated: 12<sup>th</sup> June, 2019

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The Secretary (Forests),  
Government of Maharashtra,  
Revenue & Forest Department,  
Mantralaya, Mumbai-400032

**Sub: Diversion of 2.4288 ha of forest land in favour of Shri. Prakash Patil, Eiffel Hills and Dells Pvt. Ltd. Pune for construction of approach road, electric line and retaining wall etc in Pune District in the State of Maharashtra – regarding.**

Sir,

I am directed to refer to the State Government of Maharashtra's letter no. FLD-1616/C.R.399/F-10 dated 29.05.2018 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 and Addl. PCCF, Nodal Officer (FCA), Government of Maharashtra letter no. Desk-17/NC/II/ID 12470/(16)/3322018-19 dated 4.06.2019 forwarding additional information as desired by this office vide letter dated 28.02.2019 and to say that said proposal has been examined by the Regional Office (WCZ) in light of relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder.

After careful examination of the proposal and on the basis of the recommendation of State Government, Maharashtra, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 2.4288 ha of forest land in favour of Shri. Prakash Patil, Eiffel Hills and Dells Pvt. Ltd. Pune for construction of approach road, electric line and retaining wall etc in Pune District in the State of Maharashtra subject to the fulfilment of the following conditions:


- i. Legal status of the forest land shall remain unchanged;
- ii. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency;
- iii. **Compensatory afforestation**
  - a. Compensatory afforestation shall be taken up by the Forest Department over 2.50 ha non-forest (Gat No 829, Village Wadebolai, District- Pune) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;
  - b. The non-forest land will be transferred and mutated in favour of the State Forest Department;
- iv. 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;

- v. NPV:
- a. The State Government shall charge the Net Present Value (NPV) for the 2.4288 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 the Ministry vide letters No. 5-1/1998-FC (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;
- vi. 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;
  - vii. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>);
  - viii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector along with the supporting documentary proofs in support of settlement of rights viz. record of consultations, meetings of the Forest Right Committee(s), Gram Sabha(s), Sub-Divisional Level Committee(s);
  - ix. User agency shall raise strip plantation on both sides of the road;
  - x. The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be levelled.
  - xi. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
  - xii. The layout plan of the proposal shall not be changed without prior approval of Central Government;
  - xiii. No labour camp shall be established on the forest land;
  - xiv. 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;
  - xv. 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;
  - xvi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
  - xvii. 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;
  - xviii. The forest land shall not be used for any purpose other than that specified in the project proposal;
  - xix. 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;
  - xx. 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;

- xxi. 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;
- xxii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
- xxiii. The State Government, if so desire, may pass an order for tree cutting and commencement of work in accordance with the provisions as contained in Section 11.2, Chapter-11 of Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines and Clarification) issued in 2019. However, compliance of the FRA will be ensured by the State Government before that.

After receipt of a report on the compliance of conditions no iv, v (a), viii and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,

  
(Dr. Purshottam Sakhare)  
Scientist 'D'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file.

  
(Dr. Purshottam Sakhare)  
Scientist 'D'

