



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

Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcetral-ngp-mef@gov.in

F.No. FC-II/MH-212/2023-NGP / 12508

Date: 17.11.2023

To,

The Principal Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai- 400032.

Sub: Diversion of 12.7808 ha Un-notified Mangrove forest land in favour of Mumbai Railway Vikas Corporation Ltd., Mumbai for construction of 5th and 6th lines between Borivali to Virar stations (MUTP-III A Project) in Taluka- Vasai, Borivali and Thane, District- Palghar, Mumbai Suburban and Thane in the State of Maharashtra- regarding.

Sir,

The undersigned is directed to refer to FLD-2023/CR-84/F-10 dated 03.04.2023 and APCCF & Nodal Officer (FCA), Maharashtra Letter No. Desk-17/Nodal/Thane/ID-12927(79)/3064/2022-23 dated 10.02.2023 on the above subject seeking prior approval of the Central Government under Section- 2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and recommended by the Regional Empowered Committee constituted under Section- 4 of the Forest (Conservation) Act, 1980 and approved by the competent authority in MoEF&CC, New Delhi.

After careful examination of the proposal and on the basis of the recommendation of APCCF & Nodal Officer (FCA), Maharashtra, the Central Government hereby accords '**in-principle**' approval under Section - 2 of the Forest (Conservation) Act, 1980 for Diversion of 12.7808 ha of forest land in favour of Mumbai Railway Vikas Corporation Ltd. Mumbai for construction of 5th and 6th lines between Borivali to Virar stations (MUTP-III A Project) in Thane 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. **Compensatory afforestation**
 - a. Compensatory afforestation shall be taken up by the Forest Department over 30.00 ha. Degraded forest land at Compartment no. 10, Village- Deola, Taluka- Wadsa, District- Gadchiroli at the cost of the User Agency. As far as possible, a mixture of local indigenous species along with 10% RET species of Gadchiroli District shall be planted and monoculture of any species may be avoided;
- 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;

- iv. **NPV:**
- a. The State Government shall charge the Net Present Value (NPV) for the 12.7808 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 and letter No. 5-3/2011-FC(Vol-I) dated 06.01.2022 and letter No. 5-3/2011-FC(Vol-I) dated 22.03.2022 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;
- v. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled at the cost of User Agency under the strict supervision of the State Forest Department;
 - vi. 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/>);
 - vii. State Government, Maharashtra/ Nodal Officer (FCA), Maharashtra shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency;
 - viii. In conformity with Wildlife Protection Act, 1972 and The Prevention of Cruelty to Animals Act, 1960, the User Agency in consultation with concerned DCF, may provide suitable guided cross passage structures as per need and possible traditional routes of Wildlife for their smooth movement;
 - ix. Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/ Forest Areas;
 - x. The State Government may implement the site specific Wildlife Conservation Plan submitted by it, at the cost of User Agency;
 - xi. The trees having bird nests shall not be felled without written permission from the DCF concern both in forest as well as non-forest land;
 - xii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
 - xiii. The layout plan of the proposal shall not be changed without prior approval of Central Government;
 - xiv. No labour camp shall be established on the forest land;
 - xv. 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;
 - xvi. 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;
 - xvii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;



- xviii. 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;
- xix. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xx. 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;
- xxi. 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;
- xxii. 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;
- xxiii. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>);

After receipt of a report on the compliance of conditions no iii, iv (a), v, vi 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.

This issues with the approval of DDGF (C)/ Regional Officer (Central), Regional Office, MoEF & CC, Nagpur.

Yours faithfully,


(C.B. Tashildar)
AIGF (Central)

Copy to:

- i. The IGF (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003.
- ii. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- iii. User agency.
- iv. Guard file.


(C.B. Tashildar)
AIGF (Central)