

**Sub.- Forest Land- Pune**

Diversion of 0.17 ha of reserved forest land for construction of approach road to access the land of User Agency in Pune district.

M/s. Liebherr CMCTec India Private Ltd.

**PART - V**

(To be filled up by the Secretary Incharge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

**1. Recommendation of the State Government**

The proposal is recommended  
vide Government letter  
No.FLD- 1916/CR-10/F-10  
Dated: 18/06/2016

*Virendra Tiwari*

(Virendra Tiwari)

Chief Conservator of Forests (Mantralaya)

Chief Conservator of Forests (Mantralaya)  
Revenue and Forest Department  
Mantralaya, Mumbai 400 032

**Place : Mumbai**

**Date : 18/06/2016**



## Government of Maharashtra

By Speed Post

No.FLD-1916/CR-10/F-10  
Revenue and Forest Department,  
Room No.456/461 Annex,  
HutatmaRajguruChowk,  
Madam CamaMarg,  
Mantralaya, Mumbai-400 032  
Dated: 18/06/2016

To,

The Additional Principal Chief Conservator of Forests (C),  
Government of India,  
Ministry of Environment, Forests & Climate Change,  
Regional Office (WCZ),  
Ground Floor, Eastern Wing,  
New Secretariat Building, Opposite Old VCA Stadium,  
Civil Lines, Nagpur-440001

**Sub:- Forest Land- Pune**

Diversion of 0.17 ha of reserved forest land for construction of approach road to access the land of User Agency in Pune district.  
M/s. Liebherr CMCTec India Private Ltd.

Sir,

M/s. Liebherr CMCTec India Private Ltd., Gut. No. 196-199, Dhygudewadi NH-9, Tal. Daund, Dist Pune has submitted a proposal for diversion of 0.17 ha of reserved forest land for construction of approach road to access the land of User Agency in Pune district. The details of land proposed for diversion is as under-

Village	Taluka	Dist.	Gut. No	Legal Status	Area in Ha.
Boripardhi	Daund	Pune	464	Reserved Forest	0.17

2. The project has been initiated by M/s. Liebherr CMCTec India Private Ltd., Gut. No. 196-199, Dhygudewadi NH-9, Tal. Daund, Dist Pune. Proposed land is declared as 'Reserved Forest' in the year 1879. After that, Reserved Forest land of Pune district were handed over to Revenue Department for using it as pasture land vide Government of Maharashtra resolution 17/11/1902. Government of Maharashtra vide circular No. FLD 1076/110/F-3 dated 04/08/1976 had directed to hand over such forest land back to Forest Department. As per this direction, Collector Pune vide letter No. PMF-1/KAVI/944/09 dated 10/06/2009 has instructed Sub Divisional Officer, Pune to revert back this land to Forest Department which was physically handed over to Forest Department on 05/07/2009 by Revenue Department.

3. User Agency M/s Liebherr CMCTec (I) Pvt. Ltd has purchased 54 acres private area to setup a manufacturing unit and had constructed road of dimension 1114 meter x 15 meter over old Shirur-Satara State Highway No. 118 to access its premises through village boundary road between villages Boripardhi - Deulgaonwada which was of dimension 1004 meter x 5 meter. On 05/7/2009 the land bearing forest Gut No. 464 was handed over to Forest Department by

Revenue Department. User Agency stated that they were not aware of these changes made among the departments, and till the completion of road none of the Department objected to this construction.

4. User Agency has constructed this road between period 20/10/2008 to 28/04/2009 i.e. before the land was handed over to Forest Department by Revenue Department. The offence was registered on 09/08/2012 and User Agency was stopped from using this road and their entry was prohibited. Hence, User Agency has submitted the proposal under Forest (Conservation) Act, 1980 for diversion of forest land for non forestry use. Total non-forest land involved in this project is 1.50 Ha.

5. The Deputy Conservator of Forests, Pune has stated that no alternate alignment is possible and the forest land required is the barest minimum.

6. No cutting and felling of trees is involved in implementation of the project.

7. Deputy Conservator of Forests, Pune has mentioned that there is a violation of Forest (Conservation) Act 1980. However, it is not violation of Forest (Conservation) Act, 1980 but violation of Indian Forest Act, 1927 as the agency is a private entity. It is further stated that the no action is proposed on staff because at the time land was in the possession of Revenue Department which is handed over on 05/07/2009. Collector, Pune has informed that the said road was in use and the User Agency has concretized the road without talking permission. Hence, nobody from Revenue Department can be held responsible for this.

8. The area involved does not form part of any existing National Park, Wildlife Sanctuary, and the Nature Reserve etc. as certified by the Deputy Conservator of Forests, Pune.

9. The User Agency has submitted the compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Right) Act, 2006.

10. The proposed area belongs to Eco-value class-III and open forest.

11. The User Agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.

12. The Deputy Conservator of Forests, Pune has certified that the proposed project is within 10 km of the boundaries of the Protected Area. (Mayureshwar Wildlife Sanctuary, Supe)

13. The Deputy Conservator of Forests, Pune has certified that 1.00 ha. degraded forest land in Gut No. 464 at village Boripardhi, Ta. Daund, Dist. Pune proposed for compensatory afforestation is suitable for plantation and free from encroachment. Map is enclosed in the proposal.

14. The Deputy Conservator of Forests, Pune has certified that the proposed area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

15. The Deputy Conservator of Forests, Pune has certified that the non-forest area proposed for the project is neither deemed Reserved Forest under the Maharashtra Private Forests (Acquisition) Act, 1975 nor it has been identified as "Forests" as envisaged in the interim order given by the Honorable Supreme Court dated 12/12/1996.

16. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal. **The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has modified the condition No.viii vide letter dated 20/02/2016. (Copy enclosed)**

17. In the circumstances explained in above paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted for the non-forestry use on the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur. The matter may kindly be placed before Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act, 1980 and the same may please be obtained and communicated to this Government at earliest.

Yours faithfully,

*(Signature)*  
(Virendra Tiwari) 18/06/16  
o/c Chief Conservator of Forests (Mantralaya)

Encl: A) Set of case papers

b) **The following documents are enclosed:-**

1. Prescribed form as per Rules.
2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Index map of suitable scale
5. Commitment from the Applicant for defraying the cost of exploitation as well as cost of compensatory plantation.
6. User Agency has given an undertaking of Net Present Value.
7. Brief note of the project from the project authority
8. Map of degraded forest land for compensatory afforestation
9. Site Inspection Report by Deputy Conservator of Forests, Pune
10. Certificate that there is violation of Forest (Conservation) Act, 1980
11. Certificate in Part V.

Chief Conservator of Forests (Mantralaya)  
Revenue and Forest Department  
Mantralaya, Mumbai 400 032

Copy to:

- 1) Principal Secretary (Tribal), Tribal Development Department, Mantralaya, Mumbai.
- 2) Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur, with reference to his letter No. : Desk-17/NC/II/ID 12411/(16)/1705/15-16, dt.14/12/2015
- 3) Additional Principal Chief Conservator of Forests (CAMPA), Maharashtra State, Nagpur
- 4) Chief Conservator of Forests (T), Pune
- 5) Collector, Pune
- 6) Deputy Conservator of Forests, Pune
- 7) M/s. Liebherr CMCTec India Private Ltd., Gut. No. 196-199, Dhygudewadi NH-9, Tal.Daund, Dist Pune
- 8) Select File F-10.

*Received*  
*3 Copies with*  
*proposal*  
*18/6/2016*  
*(Nagpur)*

Mounting (Mantel) 400 035  
The Mounting (Mantel) 400 035