

Sub.:- Forest Land-Pune

Diversion of 0.1305 Ha. of forest land in favour of Essar Steel India Ltd, Sanaswadi for laying of underground water pipeline for industrial use and drinking purpose in Reserved Forest Gut No 152 to 155 at Village-Koregaon Bhima-Dingrajwadi, Tal-Shirur, Dist-Pune.

PART - V

(To be filled up by the Secretary In charge 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-1920/ CR-153/ F-10
Dated: 03/06/2021

apt
03/06/2021

(Arvind Apte)
Chief Conservator of Forests (Mantralaya)

Place : Mumbai

Date : 03/06/2021

Arvind Apte
Chief Conservator of Forests (Mantralaya)
Revenue and Forests Department
Mantralaya, Mumbai - 400032

Government of Maharashtra

By Speed Post

No.FLD-1920/ C.R.153/ F-10
Revenue and Forest Department,
Room No.456/461 Annex,
Hutatma Rajguru Chowk,
Madam Cama Marg,
Mantralaya, Mumbai- 400 032.
Date:- 03/06/2021

To,

Regional Officer (Central),
Government of India,
Ministry of Environment, Forests & Climate Change,
Integrated Regional Office,
Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur-440 001.

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Sir,

The proposal is for diversion of 0.1305 ha. Reserved Forest Land for laying of underground water pipeline for industrial use and drinking purpose of Essar Steel India Ltd, Sanaswadi passing from Forest Gut No.152 to 155 at Village-Koregaon Bhima-Dingrajwadi, Tal-Shirur, Dist-Pune in the State of Maharashtra. Total 0.3015 Ha. non-forest area is involved in the project. The details of Forest land proposed for diversion is as under:-

Name of Component	Name of Village	Forest Land Required					Legal Status
		Forest Survey No	Gut No	Length x Width	Area in Sq.m.	Area in Ha.	
Construction of laying underground water pipeline	Koregaon Bhima/ Dingrajwadi, Tal. Shirur Dist-Pune	256, 247, 248, 255,	152, 153, 154, 155	870 x 1.5	1305	0.1305	Reserved Forest
Total area to be required for the Project					1305	0.1305	RF

2. The project has been initiated by The Deputy General Manager, Essar Steel India Ltd. at Sanaswadi Ta. Shirur, Distt- Pune. The User Agency highlighted that, the Essar Steel India Ltd., Sanaswadi has set up a plant in its own premises in the year 1988-89 at village- Sanaswadi. The Village Sanaswadi, Tal. Shirur has not permanent water source available for drinking water as

well as industrial use. To meet the requirement of water we had laid down pipeline through Gut No 152 to 155. At that time the said Gut No.s were under the ownership of Revenue Department. In the year 1999 the Forest Department has taken the possession of said Gut Nos and instructed the User Agency to remove the said water pipeline. In case water supply is stopped the User Agency shall be compelled to shut down the plant. Water pipeline which has already been laid down and utilized by the User Agency is needed to be regularized. Therefore, User Agency has submitted the proposal for diversion of 0.1305 ha Reserved Forest land under Section 2(ii) of the Forest (Conservation) Act, 1980.

3. The User Agency filed the W.P No 11426/2016, wherein Hon'ble High Court Mumbai, vide dated 20/10/2016 directed to submit the proposal to the Central Govt through proper channel. The User Agency has submitted the proposal on 15/07/2016. Govt of Maharashtra, vide circular No FLD-2015/CN-192/F-10 dated 23/02/2016 issued directives not to submit the proposal unless the compliance of FRA-2006. Now GOI vide guidelines dated 26/02/2019 directed to submit the compliance of FRA-2006 along with compliance of conditions of in-principal approval. Therefore User Agency has submitted the proposal.

4. Deputy Conservator of Forests, Junnar has certified that:-

- i. There is no option to examine other alternative non Forest Land because the construction of laying underground water pipeline is completed before 25 years ago for Essar Steel India Ltd, Company plant at Sanaswadi, over area 0.1305 ha. and required forest land is barest minimum.
- ii. Deputy Conservator of Forests, Junnar has certified that the Provisions of Forest (Conservation) Act 1980 and guidelines under it has been violated by the user agency.
- iii. Project Authority has already completed the work before 25 years ago when the land is under controlled of Revenue Department, Forest Department took possession of this land in 1999. Therefore to regularize pipeline, proposal is submitted to take necessary clearance from Competent Authority (Date of work Start – 1992, Date of work Stop - 1992).
- iv. The water pipeline construction work has already been completed before 25 years ago, Therefore to regularize the pipeline proposal submitted for clearance. The constructed area of the project is barest minimum.
- v. Forest area involved in project is not included of any National Park, Wildlife Sanctuary and the Nature Reserve.
- vi. Proposed project is beyond 80 kms from National Park/Sanctuary.
- vii. There is no cutting and felling of trees is involved in the project due to underground pipeline already constructed in the year 1992.

- viii. The forest area involved in the project belongs to Eco Class – III, Open forest. Density below 0.4.
- ix. 1.00 Ha. degraded forest land of Gut No 155 at Village-Koregaon Bhima, Tal-Shirur, Distt-Pune identified for compensatory afforestation and it is contagious suitable for afforestation and management purpose also it is free from encroachment and an encumbrance.
- x. Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- xi. Deputy Conservator of Forests, Junnar has submitted the Site Inspection Report.
- xii. The non-forest land involved in the project are not under provisions of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of section 35 of Indian Forest Act 1927 and are not recognized as deemed Reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- xiii. The User Agency has not submitted the compliance of FRA-2006.

5. The user agency has submitted the following undertakings:-

- i To defray the cost of Net Present Value of the forest land proposed for diversion.
 - ii To defray the cost as determined by the forest Department of compensatory afforestation.
 - iii Agree to defray the cost as determined by the Forest Department on account of violation of the water pipeline.
6. The Deputy Conservator of Forests, Junnar has recommended the proposal for approval.
7. The Chief Conservator of Forests (T), Pune has recommended the proposal on following condition:-
- "Recommended, but considering that the company had wilfully violated the provision and went to court against the correct stand of Forest Department. The company should,
- i) Pay penalty equivalent to 2 times the NPV.
 - ii) Should raise 25 ha of irrigated plantation under CSR through tripartite agreement."

8. 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.

9. 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 subject to 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,

o/c

03/06/2021

(Arvind Apte)

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 non-forest land for compensatory afforestation
9. Site Inspection Report
10. Violation of Forest (Conservation) Act, 1980
11. Certificate in Part-V

Copy to:

1. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur
2. Additional Principal Chief Conservator of Forests & CEO (Maha-CAMPA), Maharashtra State, Nagpur
3. Chief Conservator of Forests (T), Pune
4. Collector, Pune
5. Deputy Conservator of Forests, Junnar
6. Deputy General Manager, Essar Steel India Ltd. Gut No 740, Pune Nagar Road at Sanaswadi, Tal. Shirur, Dist- Pune -412208

✓ 7. Select File F-10.

Government of Maharashtra

By Speed Post

No. FLD-1920/C.R.153/F-10
Revenue and Forest Department,
Mantralaya, Mumbai- 400 032.
Date: 18/05/2023

To,
Regional Officer (Central),
Integrated Regional Office,
Ministry of Environment, Forests & Climate Change,
Government of India,
Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur-440 001.

Sub.:- Forest Land- Pune

Diversion of 0.1305 ha of forest land in favour of Essar Steel India Ltd, Sanaswadi for laying underground water pipeline for industrial use and drinking purpose at Village- Koregaon Bhima-Dingrajwadi Tal. Shirur, Dist. Pune

Ref: 1. Your Office Letter No. FC-I/MH-237/2021-NGP/8588, Dt.03.09.2021
2. APCCF & Nodal Officer Letter No. Desk-17/Nodal/Pune//ID-12740 (19)/177 /2022-23, Dt.19.04.2023

Integrated Regional Office, MoEF&CC, Government of India, Nagpur has sought additional information with respect to proposal for diversion of 0.1305 ha of forest land in favour of Essar Steel India Ltd, Sanaswadi for laying underground water pipeline for industrial use and drinking purpose at Village- Koregaon Bhima-Dingrajwadi Tal. Shirur, Dist. Pune.

2. Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur has submitted compliance report to the Government of Maharashtra vide letter under reference no.2, Compliance Report submitted by the APCCF & Nodal Officer is self-explanatory and attached herewith. It is requested that the compliance report may kindly be taken into consideration and accordingly the proposal for diversion of 0.1305 ha, may be approved at the earliest possible.



(Ganesh Jadhao)

Under Secretary to
the Government of Maharashtra
Under Secretary

Revenue and Forests Department
Hutatma Rajguru Chowk
Madam Cama Road, Mantralaya
Mumbai 400 032

Encl: As above.

Copy to:

1. Additional Principal Chief Conservator of Forests and Nodal Officer, Nagpur.
2. Chief Conservator of Forests (T), Pune.
3. Deputy Conservator of Forests (T), Junnar.
4. M/s. Essar Steel India Ltd, Sanaswadi, Pune

[illegible]

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
(HEAD OF FOREST FORCE), MAHARASHTRA STATE, NAGPUR**

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,

First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.

Tel.no. (0712) 2556916 E-mail- apccfnodal@mahaforest.gov.in

No. Desk-17/Nodal/Pune/ID-12740 (19)/177 /2022-23

Nagpur - 440 001, Date : 19/04/2023

To,
The Principal Secretary (Forests),
Revenue & Forests Department,
Mantralaya Mumbai -32,

Subject:- Ex-post facto approval for diversion of 0.1305 ha Reserved Forest in favour of Essar Steel India Ltd., Sanaswadi for laying underground water pipeline for industrial use and drinking purpose in Reserved Forest Gut No. 152 to 155 at Village- Koregaon Bhima-Dingrajwadi, Tal-Shirur, Dist-Pune in the State of Maharashtra- regarding.

Ref:- 1) The Government of India, MoEF & CC, Regional Office, Nagpur vide letter No. F.No. FC-
I/MH-237/2021-NGP/ 8588, dated 03/09/2021.
2) The Chief Conservator of Forests (T), Pune letter No. A/Desk-4/4(2)/Land/FCA-
228/2022-23/418 dtd 28/03/2023

Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Nagpur vide letter under reference No. 1 has raised 14 queries in the subject matter. Accordingly, the Chief Conservator of Forests (T), Pune vide letter under reference No.2 has submitted the compliance report in this regard to this office. The same may be submitted as under:-

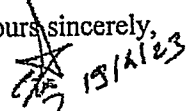
Sr. No.	Queries	Compliance
1	Proposal has not yet been forwarded to Regional Office through online portal and is still pending at State Government level (online status as revealed on 19.08.2021 at 12.15 hrs).	The proposal has now been forwarded to Regional Office through online portal.
2	Consolidated single KML file of entire alignment under instant proposal, dully highlighting proposed forest area for diversion has not been submitted. The same needs to be submitted.	Revised Consolidated single KML file of entire alignment under instant proposal, dully highlighting proposed forest area for diversion has is enclosed herewith as (Annexure No. I).
3	Date of submission is not mentioned in Part- I and Part- II submitted along with the proposal. Revised copy of Part- I and Part- II mentioning name of signing authority and date of submission shall be submitted.	Revised copy of Part- I and Part- II mentioning name of signing authority and date of submission is enclosed herewith as (Annexure No.II).
4	Discrepancy is observed in area of non-forest land involved in the proposal. State Government has mentioned in its covering letter that an area of 0.3015 ha of non-forest land is involved, whereas in online Part- I area of non-forest land is mentioned as 0.00 ha. Clarification in this regard shall be submitted.	There is 0.3015 ha.Non Forest land involved in the project. The necessary correction made in Part-I. The copy of the same is enclosed herewith as (Annexure No.III).
5	Legal status of Forest land proposed for diversion is mentioned as 'NIL' in online Part- I application. The same shall be	The revised copy of the online Part-II is enclosed herewith as (Annexure No.IV).

	rectified by concerned DCF and copy of the same shall be submitted	
6	Part- II has been wrongly uploaded in Parivesh portal, instead of hard copy of Part- II, Site Inspection Report has been uploaded. The same shall be rectified by concerned DCF and intimated to this office	Part-II has now been uploaded on Parivesh Portal.
7	Part- V has not been uploaded in Parivesh portal. The same shall be uploaded and intimated to this office.	The State Government has filled Part-V. The rectification will be done by State Government.
8	Physical copies of Part-III, Part- IV and Specific recommendation of PCCF (HoFF), Maharashtra is not submitted along with the proposal. The same shall be submitted	Physical copies of Part-III, Part- IV and Specific recommendation of PCCF (HoFF), Maharashtra is enclosed herewith as (Annexure No. V).
9	Online Part- II is incomplete, information of Compensatory Afforestation and district profile details is left blank in online Part-II, the same shall be filled by concerned DCF and copy of the same shall be submitted.	Online part-II information of compensatory afforestation and district profile details filled in online Part-II. The revised copy of the same is enclosed herewith as (Annexure No.VI)
10	Cross sectional map is not submitted along with the proposal. The same shall be submitted.	The Cross Section map is enclosed herewith as (Annexure No.VII)
11	All the maps submitted along with the proposal is not certified by competent authority in the Forest Department. Maps certified by concerned DCF shall be submitted.	All the maps certified by the Deputy Conservator of Forests, Ghod, Project Division, Junnar is enclosed herewith as (Annexure No.VIII)
12	Compensatory Afforestation scheme is submitted only for 7 years. As per Section 2.8 (ii) (e) of new guidelines, CA scheme should be submitted for 10 years. Therefore, revised CA scheme for 10 years along with provision for chain link fencing of CA area shall be prepared and submitted along with CA suitability certificate, soft copy of KML file and hard copy of Differential GPS map at suitable scale certified by officer not below the rank of DCF.	Revised compensatory afforestation for 10 years is enclosed herewith as (Annexure No.IX)
13	Certificate ensuring importance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not submitted along with the proposal. Original FRA- 2006 certificate along with 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 shall be submitted. In addition to this, copies of	As per Government G.R. FLD 2015/C.R.192/F10, dated 15/01/2019 the copy of record of proceedings of village level the Forest Rights Committee, Sub-Divisional Level Committee(s) will be submitted along with the compliance report of prior approval condition.

	record of proceedings of the Forest Rights Committee, Sub Divisional Committee(s) may also be submitted.	
14	Details of employment potential in terms of man days of skilled, semiskilled and unskilled persons on permanent (direct and indirect) and temporary (direct and indirect) basis have not been provided. The same needs to be provided by the State Government.	The cost of the work Rs.4,50,000/- including all labour & material charges, assuming labour component at 40% which work out to Rs.1,80,000/- daily wage rate @ 438.42/- per day. However, total labour potential created would be 411 mandays during construction period, Skilled employment 90, Semiskilled 116, unskilled 205.

In view of the above, it is requested the State Government to process to Government of India for formal approval under section-2 (ii) of the Forest (Conservation) Act-1980, at the earliest.

Encl : As above (2 sets)

Yours sincerely,

 (Naresh Zurmure)
 APCCF & Nodal Officer

Copy to the Chief Conservator of Forests (Territorial), Pune for information.

Copy to Dy. Conservator of Forests, Junnar for information.

Copy to the Deputy General Manager, Essar Steel India Ltd., Gut No.740, Pune Nagpur Road at Sanaswadi, Tal-Shirur, Dist-Pune 412208 for information.

23