

Government of Maharashtra

By Speed Post

No.FLD-12A24/C.R.24/F-10
Revenue and Forest Department,
Mantralaya, Mumbai - 400 032.
Dated:- 15.03.2024

To,
Deputy Director General of Forests (Central),
Regional Office, MoEF&CC,
Government of India, Civil Lines, Nagpur.

Subject: Forest Land-Palghar

Diversion of revised area 0.14025 ha. (original area 0.18 ha.) Protected land under section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Access / approach road to Logistic Park, With Ware House Project including underground Water pipeline, Electricity cable & other ancillary activities at Village Kharivali tarf Paulbar, Tal. Wada, Dist. Palghar, in the State of Maharashtra (FP/MH/Road/149393/2021)

The Additional Principal Chief Conservator of Forests and Nodal Officer has submitted proposal for diversion of 0.18 ha. Protected land under section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Access/ approach road to Logistic Park, With Ware House Project including underground Water pipeline, Electricity cable & other ancillary activities at Village Kharivali tarf Paulbar, Tal. Wada, Dist. Palghar, in the State of Maharashtra (FP/MH/Road/149393/2021)

The details of revised area of forest land proposed for diversion are as under: -

| Sr. No. | Item Work Purpose | District | Taluka | Village | Gut No. | Length x Width (in meter) | Area (in ha) | Legal Status |
|--|--|----------|--------|------------------------|----------------------------|---------------------------|-----------------|------------------|
| 1 | Construction of Access/Approach Road to proposed Logistic Park, with Ware Houses Project including underground Water Pipeline, Electricity Cable & Other ancillary activities. | Palghar | Wada | Kharivali Tarf Paulbar | 239/4 (Old Survey No.98/1) | 93.50 X 15 | 0.14025 | Protected Forest |
| Total Forest land required (in ha.) | | | | | | | 0.042075 | |

2. The proposed proponent is planning to develop new logistic Park along with Warehouses project in Pesa area of Palghar District. This will generate employment to local scheduled tribal families throughout the year resulting in rise their economic condition. It also help to reduce malnutrition of children of nearby area.

3. The Deputy Conservator of Forests, Jawhar has certified that:-

- 3.1) No alternate alignment is possible and the forest land required is lowest minimum.
- 3.2) The area belongs to Eco-value class-III having density is below 0.01 (Open Forest)
- 3.3) There is no tree felling involved in the project.
- 3.4) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 3.5) Proposed project is not likely to affect any monumental site cultural, historical, religious, archeological or recreational importance.
- 3.6) There is no violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 .
- 3.7) Proposed project is 10.10 Km from nearest boundary of Tansa Wildlife Sanctuary.
- 3.8) The non-forest area covered under the project is not under the provision 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 dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 3.9) Compensatory Afforestation is proposed over 1.00 ha. over degraded forest land in Gut No.25 at Village Kuyalu, Tal. Wada, Dist. Palghar and it is contiguous, suitable for afforestation and management purpose and free from encroachment and an encumbrances.
- 3.10) The proposed alignment is best suitable from forestry and feasibility point of view.

4. The User Agency has submitted undertakings:-

- 4.1 to defray the cost of Net Present Value.
- 4.2 to defray the cost of Compensatory Afforestation.
- 4.3 to submit compliance under FRA-2006.

5. The Deputy Conservator of Forests, Jawhar has recommended the proposal for approval under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 .

6. Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur, has recommended the proposal subject to the conditions, given in his recommendations, under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 . His recommendations are enclosed in the proposal.
7. 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. His specific recommendations are enclosed in the proposal.
8. It come to the notice of the State Government many individuals and institutions apply for diversion of forest land for approach road passing through the forest land, many times in area, having high density vegetation or area prone to erosion. User Agencies used to propose the width of the road ranging from 3 to 18 Meter, as per the prevailing conditions under MRTTP Act, 1966.

In order to avoid large-scale damage to the valuable forest resources and to comply with the basic principle of forest diversion as envisioned in the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, recently Government of Maharashtra has taken conscious policy decision with respect to length & width of the approach roads in forest area, under section 154 of MRTTP Act, 1966 vide Government Resolution dated 09.01.2024. State Government has directed Planning Authorities as under:-

- a) Roads in forest areas having length of maximum 150 meter and width of 4.5 meter shall be considered as approach roads.
- b) If the width of the main road is less than 4.5 meter at the junction point of approach road connecting to it, forest department will allow the diversion of forest land only within the limit of existing main road at the junction point.
- c) Provided that, considering the factors such as site specificity, necessity and public importance of the project, Forest Department will have discretionary powers, it can decide / recommend / reject the cases for diversion of forest land for approach roads requiring more length and / or width specified above.

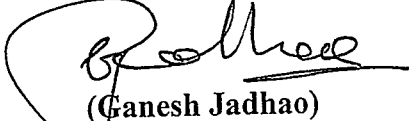
Government of Maharashtra has decided to allow the diversion of forest land for site-specific approach roads for Logistics Park projects within the limit of 15 meters in width. However, Additional Principal Chief Conservator & Nodal officer had already submitted the proposal for diversion of 0.18 Ha. forest land for the approach road vide letter dated- 05.04.2023.

The instant proposal was kept in abeyance, as the policy decision was under consideration of the Government. Considering the time lapse already incurred and to avoid the further delay, State government is recommending the diversion of 0.14025 Ha. forest land considering the 15 Meter width only though, the document submitted

by the user agency and authorities are for entire 0.18 Ha. Proposal may be considered for Stage-I approval as there is only reduction in the width of road.

User Agencies and authorities will submit revised documents at the time of Compliance of the Conditions in Stage-I approval, if required.

9. In the circumstances explained in aforesaid paragraphs and enclosures, the State Government recommends that 0.14025 ha. forest land may be allowed to be diverted under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 , subject to conditions proposed by the Principal Chief Conservator of Forests (HoFF) and Addl. PCCF & Nodal Officer, Nagpur. The matter may kindly be placed before the Government of India for its approval under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 .


(Ganesh Jadhao)
Under Secretary to the
Government of Maharashtra

Encl: A) Set of case papers

B) The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Area Statement
3. Undertaking for defraying the cost of Net Present Value & Compensatory Afforestation.
4. Brief note of the project
5. Site Inspection Report.
6. Certificate in Part V.

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

Copy:

1. Secretary, Ministry of Environment, Forests & Climate Change, New Delhi.
2. Principal Chief Conservator of Forests (HoFF), Maharashtra Stage, Nagpur.
3. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur.
4. APCCF and Nodal Officer, Nagpur with reference to his letter No.Desk-17/Nodal/Thane/ID-13269(79)/30/2022-23, Dt.05.04.2023.
5. Chief Conservator of Forests (T), Thane.
6. Deputy Conservator of Forests, Jawahar.
7. Authority Signatory, Shri. Nehalkumar Hasmukhrai Gandhi, Meru Towers, Sir Jamshed Road Matunga C.R., Mumbai-400019.
8. Select File (F-10)

Subject: Forest Land-Palghar

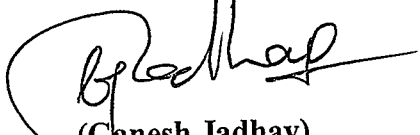
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PART -V

(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-12A24/C.R.24/F-10
Dated:-15.03.2024


(Ganesh Jadhav)
Under Secretary to the
Government of Maharashtra

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

Place: Mumbai.

Date:-15.03.2024

Government of Maharashtra

By Speed Post

No.FLD-12A24/C.R.24/F-10
Revenue and Forest Department,
Madame Cama Road,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai – 400 032.
Date:- 18.03.2024

To,
Deputy Director General of Forests (Central),
Regional Office, MoEF&CC,
Government of India,
Civil Lines, Nagpur.

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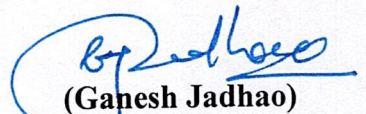
Ref: - Govt. of Maharashtra even letter dated- 15.03.2024

The Government of Maharashtra, vide letter referred above, has submitted the proposal for diversion of revised area 0.14025 ha. (original area 0.18 ha.) Protected land under section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Access / approach road to Logistic Park, With Ware House Project including underground Water pipeline, Electricity cable & other ancillary activities at Village Kharivali tarf Paulbar, Tal. Wada, Dist. Palghar.

In the table of para. no. 1 of above referred letter it was inadvertently mentioned that the “**Total Forest land required (in ha.) - 0.042075**”. It should be read as “**Total Forest land required (in ha.) - 0.14025.**”

In the table of para no 1 of above referred letter it was inadvertently mentioned that the “**Total Forest land required (in ha) - 0.042075**”. It should be read as “**Total Forest land required (in ha) - 0.14025.**”

You are requested to consider the above clarification.


(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

Copy to:-

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