

Government of Maharashtra

By Speed Post

No.FLD-2022/C.R.274/F-10

Revenue and Forest Department,

Mantralaya, Mumbai - 400 032.

Dated: 24.11.2022

To,

Regional Officer (Central),
Integrated Regional Office, MoEF&CC,
Government of India, Civil Lines, Nagpur.

Subject: Forest Land-Thane

Diversion of 10.685 ha. Private Forest land for construction of
Residential Project at Village Walshet, Tal. Shahapur, Dist.
Thane.

The Additional Principal Chief Conservator of Forests, Maharashtra State,
Nagpur has submitted proposal for diversion of 10.685 ha. Private Forest land for
construction of Residential Project at Village Walshet, Tal. Shahapur, Dist. Thane.

2. The details of forest land proposed for diversion are as under:-

Item of Works / Purpose	Village, Taluka, District	Survey No.	Proposed Area (in ha.)	Legal Status
Construction of Residential Project	Walshet, Tal.Shahapur, Dist. Thane	69/4	0.49	Private Forest (Deemed Reserve Forest)
		69/5/A/Pt	2.00	
		69/2/A	1.14	
		69/2/B	0.81	
		70/2	1.13	
		70/3	1.37	
		69/3	1.275	
		69/5/A/Pt	1.02	
		69/5/B	0.45	
		69/6	0.67	
		70/2/Pt	0.330	
Total (in ha.)			10.685	

3. The proposal is initiated by the Shri. Sumit R. Bhalotia and others for diversion of 10.685 ha. Private Forest land for non-forest purpose i.e. construction of Residential Project at Village Walshet, Tal. Shahapur, Dist. Thane. Out of proposed 10.685 ha. Private Forest land 9.765 ha area is restored to owners under section 22-A of Maharashtra Private Forest (Acquisition) Act, 1975 before commencement of Forest (Conservation) Act, 1980. Deputy Collector (Private Forest) Shahapur had restored this land vide order dated 29.08.1980, proceeding of Register copy is enclosed in the proposal.
4. With reference to such proposal, earlier the Government of Maharashtra vide letter no. FLD-12/2019/CR-671/F-3 dated 02.07.2020 had requested to grant approval of the Central Government for the application under section 22-A of Maharashtra Private Forest (Acquisition) Act, 1975. The Government of India vide letter No.FC/Misc-250/RON/2020-NGP/7119, dated 04/09/2020 has conveyed that no such approvals are granted by Central Government under section 2 of Forest (Conservation) Act, 1980 and suggested that for de-notification of Forest Land User Agency may approach Hon'ble Supreme Court for prior permission in pursuance to order dated 13.11.2000 in WP No.337/1995 and if the User Agency desires to divert forest land for any non-forestry activity a comprehensive forest diversion proposal under Section-2 of Forest (Conservation) Act, 1980 need to be submitted through State Government / Nodal Officer for further consideration of Central Government.
5. This proposal has been submitted for diversion under Forest (Conservation) Act, 1980, irrespective of whether it is restored before or after 25.10.1980. Irrespective of restoration, status of land remains as a Deemed Reserve Forest. By treating this land as a Deemed Forest (like RF/PF), proposal is submitted for diversion for non-forestry purpose.

6. The Deputy Conservator of Forests, Shahapur has certified that:-

- a) The area belongs to Eco-value class-I having density is below 0.1 (Open Forest).
- b) There are 346 trees of various species required to be felled for implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm.								Total
0-30 cm	31-45 cm	46-60 cm	61-75 cm	76-90 cm	91-120 cm	121-150 cm	Above 150 cm	
64	130	111	27	10	3	0	1	346

- c) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- d) There is no violation of Forest (Conservation) Act 1980.
- e) Proposed project is within 10 km from Tansa Wildlife Sanctuary. The Principal Chief Conservator of Forests (Wildlife) Maharashtra state has informed that the Wildlife Clearance would be required to the project.

- f) 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.
- g) Compensatory Afforestation is proposed over 11.34 ha. non forest land in Gut No. 135,858 at Village Manjutri and Durgevadi, Tal. Chiplun, Dist. Ratnagiri. It is contiguous and suitable management purpose, free from encroachment & an encumbrances.

7. The User Agency has submitted undertakings:-

7.1 to defray the cost of Compensatory Afforestation.

7.2 to defray the cost of Net Present Value.

7.3 to submit compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

- 8. Non-forest land proposed for Compensatory Afforestation is within Eco-Sensitive Zone of Sahyadri Tiger Reserve, it has dense forest cover. Hence, this non-forest land can be accepted in lieu of forest land, irrespective of crown density. There is a dense tree cover on non-forest land, equivalent non-forest land can be mutated in favour of the State Forest Department and Compensatory Afforestation can be carried on degraded forest land at other place.
- 9. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal for approval under Section-2 of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.
- 10. The Deputy Conservator of Forests, Shahapur, Chief Conservator of Forests, Thane, Addl. PCCF & Nodal Officer and Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur have recommended the proposal for approval under Section-2 of the Forest (Conservation) Act, 1980. Their recommendations are enclosed in the proposal.
- 11. In the circumstances explained in aforesaid paragraphs and enclosures, the State Government recommends that the said private forest land may be allowed to be diverted subject to the conditions proposed by the Principal Chief Conservator of Forests (HoFF) as well as following additional conditions:-
 - a. *Legal status of the forest land shall remain unchanged. Due process shall be followed as per Private Forest (Acquisition) Act, 1975 and other relevant Acts & Rules regarding restoration of the land. For de-reservation / de-notification of Forest Land prior permission of Hon'ble Supreme Court shall be obtained.*

b. User Agency shall obtain Wildlife Clearance and Environmental Clearance.

c. Compensatory Afforestation:-

i) In lieu of forest land under diversion, equivalent non-Forest land in Gut No. 135,858 at Village Manjutri and Durgevadi, Tal. Chiplun, Dist. Ratnagiri shall be mutated in favour of State Forest Department before final approval, as per guidelines of Government of India

ii) Compensatory Afforestation shall be taken up by the Forest Department over 10.686 ha. degraded forest land at the cost of the User Agency. The CA will be maintained for 10 years. Details of degraded forest land proposed for CA shall be submitted along with compliance of Stage-I approval. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

The matter may kindly be placed before the Government of India for approval under Section-2 of the Forest (Conservation) Act, 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. Brief note of the project
4. Site Inspection Report.
5. Certificate in Part V.

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

Copy:

1. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur
2. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/Nodal/Thane/ID-12743(69)/1243/2022-23, Dt.19.08.2022
3. Chief Conservator of Forests (T), Thane
4. Deputy Conservator of Forests, Shahapur.
5. Shri. Sumit R. Bhalotia and others, Thane
6. Select File (F-10)

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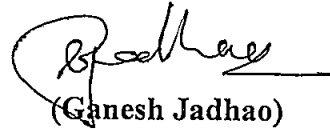
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for construction of Residential Project at
Village Walshet, Tal. Shahapur, Dist.
Thane.

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-2022/C.R.274/F-10
Dated: 24.11.2022



(Ganesh Jadhao)
Under Secretary to the Government of Maharashtra

Place: Mumbai.

Date: 24.11.2022

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