



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-213/2023-NGP/12543

Date: 24.11.2023

✓ To,

The Principal Secretary (Forests),  
Revenue and Forest Department,  
HutatmaRajguru Chowk  
Madam Cama Marg  
Mantralaya, Mumbai – 400032.

**Sub: Diversion of 12.2607 ha of forest land in favour of Thane Municipal Corporation for construction of Balkum to Gaimukh DP Road (NH-3 Connector Ghodbunder By-pass) in Taluka- Thane, District- Thane in the State of Maharashtra- regarding.**


Sir,

The undersigned is directed to refer to State Government of Maharashtra letter no. FLD-1223/CR-86/F-10 dated 27.03.2023 and APCCF & Nodal Officer (FCA), Maharashtra letter no. Desk-17/Nodal/Thane/ID-13107(79)/3447/2022-23 dated 15.03.2023 on the above subject seeking prior approval of the Central Government under Section- 2 of the Forest (Conservation) Act, 1980 and State Government of Maharashtra letter no. FLD-1223/CR-86/F-10 dated 21.09.2023 forwarding reply to queries raised vide this office letter of even number dated 29.05.2023 and to say that the said proposal has been examined in the Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and approved by the Regional Empowered Committee constituted under Section- 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' under Section- 2 of the Forest (Conservation) Act, 1980 for diversion of 12.2607 ha of forest land in favour of Thane Municipal Corporation for construction of Balkum to Gaimukh DP Road (NH-3 Connector Ghodbunder By-pass) in Taluka- Thane, District- Thane in the State of Maharashtra subject to the fulfilment of the following conditions:-

- i. Legal status of the forest land shall remain unchanged;
- ii. Forest land will be handed over only after required non-forest land for raising CA is handed over by the User Agency;
- iii. **Compensatory afforestation**
  - a. Compensatory Afforestation will be carried over 15.00 ha. Non-Forest Land at Survey no. 34, at Village- Kukudheti, Taluka- Sindewahim, District- Chandrapur at the cost of the User Agency. Since canopy density of the said land is more than 0.4, CA shall be carried over 15.00 degraded forest land in Compt. no. 45 at Village- Mendhebodi, Taluka- Wadsa, District- Gadchiroli;
  - b. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;




- iv. 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;
- v. **NPV:**
- a. The State Government shall charge the Net Present Value (NPV) for the 12.2607 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, letter No. 5-2/2006-FC dated 03/10/2006, letter No. 5-3/2007-FC dated 05/02/2009, 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;
- vi. User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- vii. 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/>);
- viii. The 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 as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2022 dated 28.06.2022;
- ix. 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;
- x. The Forest Department shall carryout the avenue plantation by planting 8 feet tall suitable forestry species outside RoW passing through the Forest Areas as well as non-forest areas as per the IRC norms at the cost of User Agency;
- xi. In conformity with Wildlife Protection Act, 1972 and The Prevention of Cruelty to Animals Act, 1960, the User Agency in consultation with concerned DCF, shall construct box culverts of approximately 2 x 3 mtrs in forest area as well as in non-forest area where there is traditional route of Wildlife movement, for smooth movement of Wildlife and cattle;
- xii. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- xiii. No working permission should be given without approval of CRZ clearance and Hon'ble High Court permission for cutting of Mangroves and other necessary approvals from the competent authority. Copies of the approval shall be submitted along with Stage- I compliance report to Regional Office, Nagpur;
- xiv. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvi. No labour camp shall be established on the forest land;
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- xvii. 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;
- xviii. 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;
- xix. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xx. 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;
- xxi. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxii. 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;
- xxiii. Concealing factual data or submission of false/ fabricated data and 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;
- xxiv. 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;
- xxv. 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 (a) & (b), iv, v (a), vii, xiii 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.

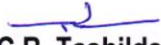
This issues with the approval of DDGF (Central), Regional Office, MoEF&CC, Nagpur.

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)