



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS & 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-239/2024-NGP / 13596

Date: 26.09.2024

To,

The Principal Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg, Mantralaya, Mumbai - 400032.

Sub: Diversion of 25.5540 ha forest land in favour of Small-Scale Irrigation Division Kalwa, Thane for construction of Manekhind minor Irrigation Scheme at village manekhind and Apate, in Thane District in the state of Maharashtra- regarding.

Sir,

Please refer to the Government of Maharashtra's letter no. FLD-1224/C.R.-110/F-10 dated 15.04.2024 and online application No **FP/MH/IRRIG/122284/2021** seeking prior approval of the Central Government under Section-2 (1) of the **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980**.

After careful consideration of the proposal submitted by the State Government and with the approval of the Regional Empowered Committee (REC), I am directed to convey the Central Government's **In-principle** approval under **Section '2' (1) of Van Sanrakshan Evam Samvardhan) Adhiniyam, 1980** for diversion of **25.5540 ha** forest land in favour of Small-Scale Irrigation Division Kalwa, Thane for construction of Manekhind minor Irrigation Scheme at village manekhind and Apate, in Thane District in the state of Maharashtra, subject to the fulfilment of the following conditions: -

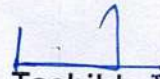
1. The legal status of forest land shall remain unchanged;
2. The forest land diverted for non-forest purpose shall be appropriately demarcated on the ground by way of appropriate permanent boundary marks at the cost of the user agency prior to starting of any non-forestry activity;
3. The State Government shall carry out compensatory afforestation and its maintenance in the identified non-forest land over 29.50 ha of (i) 14.00 ha. in Survey no. 34, at Village Pandhrewadi, Taluka Paranda, District Osmanabad and (ii) 15.50 ha. in Survey No. 345 pt. at Village Kukkadgaon, Taluka Paranda, District Osmanabad at the cost of the User Agency;
4. The non-forest land of 29.50 ha. identified shall be transferred and mutated in favour of the Forest Department and same shall be notified by the State Government as RF/PF prior to issue of final order. 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 shall be submitted to this office for record;

5. Chain link fencing and proper watch and ward of the area shall be ensured through site specific CA scheme and CA scheme shall be implemented in time bound manner as prescribed under Van (Sanrakshan Evam Samvardhan) Rules 2023;
6. In a patch of 15.5 ha of non forest area identified for CA purpose in Khasra No 345, small portion of the area is a water body and hence, the said area is not suitable for afforestation. Hence, as per the provision of sub rule 13 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 the UA shall make necessary payment towards plantation in the Degraded Forest area over double the extent of such non suitable non forest area. The DCF concerned shall examine the area and calculate exact extent of area is under water body and shall realize the amount accordingly and inform the details of degraded forest area and submit CA scheme along with the compliance report;
7. The State Government shall charge the Net Present Value of the diverted forest land measuring 25.5540 ha from the User Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995 and Ministry's guideline;
8. Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the User Agency. **The User Agency shall furnish an undertaking to this effect;**
9. 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/>);
10. **No tree felling shall be done between FRL 2 meters and FRL 4 meters**
11. User Agency shall implement SMC plan to mitigate soil erosion in and around the area in consultation with the DCF concerned at the project cost;
12. The User Agency shall implement Catchment Area Treatment (CAT) plan at the project cost. CAT plan shall be approved by the Competent authority i.e PCCF (HOFF) or any other Officer authorized for the purpose. To ensure effective implementation of the CAT plan, regular monitoring shall be done by the Committee as prescribed by the MoEF&CC under chapter 9.2 (viii) of the consolidated guideline and clarifications Hand Book issued by the MoEF&CC and Monitoring Committee shall submit an annual report to the concerned Regional Office, Nagpur;
13. The State/User Agency shall ensure all other approvals / permission under relevant rules / regulation, if any required prior to commencement of the project work;
14. Proper labour camps shall be constructed in the non-forest area and in any case, labour camp shall not be made within the RF area;
15. **After ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) and compliance to all such conditions, the State Government shall issue order for working permission and diversion as the case may be;**
16. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;

17. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourers after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
 18. No additional or new path will be constructed inside the forest area for the transportation of construction materials for execution of the project work;
 19. The forest land proposed to be diverted shall under no circumstances be transferred or sublet to any other agencies, department or person without prior approval of Govt. of India;
 20. The total forest area utilized for the project shall not exceed **25.554 ha** and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. **The User Agency shall furnish an undertaking to this effect;**
 21. The User Agency and the State Government shall ensure compliance to the all acts, rules, regulation and guidelines of the Ministry, for the time being in force, as applicable to the subject project;
 22. Any other condition that the Regional Office, Nagpur may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area shall be complied by the User Agency;
 23. In the event of failure to comply with any of the above conditions the User Agency is liable for penal action as per the rules / guidelines issued under **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980;**
 24. The State Government shall process and submit compliance report on the above conditions through online (<https://parivesh.nic.in/>).
- After receipt of the Compliance report on the above conditions, the proposal will be considered to accord final approval. The in-principle approval shall be valid for a period of **2 years** from the date of issue of the same. In the event of non-compliance of the above conditions within the stipulated period, this in principle approval shall be deemed to be null and void;


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 for information please.
- ii. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- iii. User agency.
- iv. Guard file.


(C.B. Tashildar)
AIGF (Central)