

Subject: Forest Land-Nagpur.

Proposal for diversion of 1.64 ha. Zudpi Jungle land under Forest (Conservation) Act, 1980 for Establishment of Transport City and Industrial Estate in Nagpur District of Maharashtra.

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)

I. Recommendation of the State Government

The Proposal is recommended
vide Government letter
No.FLD-2019/CR-324/F-10
Dated : 09.09.2020

Arvind Apte
09/09/2020
(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

Place: Mumbai

Date: 09.09.2020.

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

Government of Maharashtra

By Speed Post

No.FI.D-2019/CR-324/F-10
Revenue and Forest Department,
Madame Cama Road,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai - 400 032.
Date : 09.09.2020

To,

The Deputy Director General of Forests (Central),
Ministry of Environment, Forests & Climate Change,
Government of India,
Regional Office, West Central Region,
Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur-440 001.

Subject: Forest Land-Nagpur.

Proposal for diversion of 1.64 ha. Zudpi Jungle land under Forest (Conservation) Act,1980 for Establishment of Transport City and Industrial Estate in Nagpur District of Maharashtra.

Sir,

The Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur has submitted Proposal for diversion of 1.64 ha. Zudpi Jungle land under Forest (Conservation) Act,1980 for Establishment of Transport City and Industrial Estate in Nagpur District. The details of forest land proposed for diversion are as follows:-

Sr. No	Item of Works	Village	Survey No.	Area (in ha.)	Legal status
1.	Road	Tarodi (Bk.)	88	0.30	Zudpi Jungle
2.	Industry	Tal. Kamptee		0.90	
3.	Open Space Park & Garden			0.44	
Total Forest Area (ha.)				1.64	

- The proposal has been initiated by Chairman, Umiya Audhyogik Sahakari Vasahat Maryadit, Kapsi (Bk), Tahsil-Kamthi, District-Nagpur for seeking approval under Forest (Conservation) Act, 1980. The User Agency is a certified Co-operative society registered on 06.10.1997 under section 9 (1) of Maharashtra co-operative Societies Act, 1960 by the Director of Industries, Maharashtra State vide registration No.NGP/KTE/RSR/105/97-98.
- The User Agency has certified that in exercise of power conferred under the Maharashtra Regional and Town Planning Act,1966, the Government of Maharashtra, Urban Development Department Notification No.TPS-2496/1505/CR 273/UD-9,dated 06.05.2000 read with Notification No. TPS-2402/313/CR-137/UD-9, dated 30.06.2003

have sanctioned Regional Plan for Nagpur District and the land bearing survey Numbers as specified therein from Kapsi, Tarodi and Asoli villages of Taluka Kamthi were earmarked for "Transport City and Industrial Estate" user in the said Regional Plan. The total land comprising 164.8 ha. has been earmarked in these three villages for "Transport City and Industrial Estate". The Zudpi Jungle land proposed or diversion in Survey No. 88 of village Tarodi is in possession of Revenue Department and the same has been certified by Deputy Conservator of Forests, Nagpur.

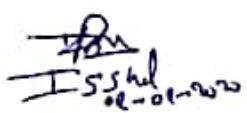
4. The Deputy Conservator of Forests, Nagpur has certified that no alternate suitable land is available and the forest land required is the barest minimum.
5. The area belongs to Eco-value class-III and having density 0. (Tropical Dry Deciduous Forest)
6. There is no cutting and felling of trees involved in the implementation of this project.
7. The Deputy Conservator of Forests, Nagpur has certified that the proposed area does not form part of any existing National Park, Wildlife Sanctuary, and Nature Reserve etc.
8. The Deputy Conservator of Forests, Nagpur has certified that proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
7. The User Agency is a Private Agency and have encroached the said zudpi jungle land in Survey No. 88 of Mauza Tarodi (BK), Tal. Kamtee, Dist. Nagpur by constructing work of Maa Umiya Textiles Private Limited on the East-West 55 Mt. and North-South 41 Mt. i.e. 0.225 ha. Moreover cucheha road has also been constructed on the North-South 115x10 Mt. i.e. 0.115 ha. zudpi jungle land.

The Deputy Conservator of Forests, Nagpur has also certified that zudpi jungle land in question is an isolated patch as per the 7/12 extract and other related available documents shows the ownership as Maharashtra Government Gut Gram Panchayat, Tarodi (BK) under possession of the Revenue Department and therefore Forest Department has no administrative control over the aforesaid Survey No.88. In his certificate the Deputy Conservator of Forests, Nagpur has submitted violation report under Forest (Conservation) Act, 1980. However, Govt has issued guidelines for activities which constitute violation of FCA, 1980 and rules made thereof and guidelines issued in this behalf, by user agencies and quantum of penalty to be imposed, in case where the proposal under FC Act is under consideration and forest land is diverted before grant of FC.

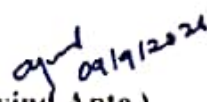
8. The Deputy Conservator of Forests, Nagpur has certified that proposed area for the project is beyond 10 km from the boundary of the protected area (Sanctuary and National Park).
9. The Deputy Conservator of Forests, Nagpur has proposed Compensatory Afforestation over 1.64 ha. Private land in Survey No.51/1 of village Suvardhara, Tal. Parsioni, Dist. Nagpur and certified that it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and encumbrances.

10. The Collector, Nagpur has certified that the Revenue Zudpi Jungle land bearing Survey No. 88, area 1.64 Hectar of Mauza Tarodi, Tal. kamtee, Dist. Nagpur is quit essential for development of HD, Kapsi, involving establishment of Park and Garden for the residents of the area as well as neighboring villages. There is no other alternative, except to utilize the said land since it is located in the middle of the Industrial Area.
11. The user agency has submitted an undertaking to defray the cost of Net Present Value of the proposed forest land as per the latest guidelines of the Government of India diversion and the cost of Compensatory Afforestation.
12. The user agency has submitted undertaking regarding the compliance under the Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act, 2006.
13. The user agency has submitted an undertaking to obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
14. As the User Agency has violated the Forest (Conservation) Act, 1980 hence the proposed Zudpi Jungle land may be diverted for the aforesaid purpose by charging NPV of the forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to 5 times the NPV plus 12 percent simple interest as penalty till the deposit is made by the User Agency and subject to the conditions recommended by the Principal Chief Conservator of Forests (HofF), Maharashtra State, Nagpur in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.
15. In the circumstances explained in the aforesaid paragraphs and enclosures, the State Government recommends that the said Forest land may be allowed to be diverted on the conditions proposed by the Principal Chief Conservator of Forests (HofF), Maharashtra State, Nagpur. The matter may kindly be placed before the Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act, 1980, be obtained and communicated to this Government at earlier.

Yours faithfully,


Email/99-02-2020
Encl: A) Set of case papers

O/c


(Arvind Apte)
Chief Conservator of Forests (Mantralaya)
Arvind Apte
Chief Conservator of Forests (Mantralaya)
Revenue and Forests Department
Mantralaya, Nagpur

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. An undertaking of Project Authority for Net Present Value.
6. Brief note of the project from the project authority.
7. Map of proposed land for compensatory afforestation
8. Site Inspection Report.
9. Violation Report.
10. Certificate in Part V.

Copy to:

1. Secretary, Tribal Development Department, Mantralaya, Mumbai.
2. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/NC/I/LD/1365/19-20, Dated: 26.11.2019
3. Additional Principal Chief Conservator of Forests & Chief Executive Officer, Maha-CAMPA, Nagpur.
4. Chief Conservator of Forests (I), Nagpur.
5. Deputy Conservator of Forests, Nagpur.
6. Chairman, Umiya Audhyogik Sahakari Vasahat Maryadit, Kapsi (Bk), Tahsil-Kamthi, Dist. Nagpur
7. Select file F-10.