

**Proposal for diversion of 0.1920 ha. Reserved Forest land for laying of underground drinking under Regional Rural, Water Supply scheme for Gar, Sonawadi & Nanveej Villages of Daund Tehsil, Dist. Pune in the State of Maharashtra.  
(FP/MH/WATER/141729/2021).**

**Specific Recommendation of Principal Chief Conservator of Forests,  
Maharashtra State (Head of Forest Force) Maharashtra State, Nagpur with  
regards to acceptance or otherwise of the proposal supported by reasons.**

The proposal is for diversion of 0.1920 ha. Reserved Forest land for laying of underground drinking under Regional Rural, Water Supply scheme for Gar, Sonawadi & Nanveej Villages of Daund Tehsil, Dist. Pune in the State of Maharashtra. (FP/MH/WATER/141729/2021).

2.00 The details of the forest land proposed for diversion are as under:-

| Sr. No.                    | Village    | Taluka | District | Survey/<br>Gut No. | Lengh x Width | Area<br>(in<br>sq.m) | Forest<br>Area<br>(ha.) | Legal<br>Status of<br>Land |
|----------------------------|------------|--------|----------|--------------------|---------------|----------------------|-------------------------|----------------------------|
| 1                          | Warvan     | Daund  | Pune     | 1922               | 760.00 x 0.6  | 456.00               | 0.0456                  | Reserved<br>Forest         |
|                            |            |        |          |                    | 20.00 x 10.00 | 200                  | 0.0200                  |                            |
| 2                          | Patas      |        |          | 413                | 274.5x 0.6    | 164.7                | 0.01647                 |                            |
|                            |            |        |          | 917                | 566.2 x 0.6   | 339.72               | 0.033972                | Gairan                     |
| 3                          | Virobawadi |        |          | 1198               | 401.9 x 0.6   | 241.14               | 0.024114                | Reserved<br>Forest         |
|                            |            |        |          | 1203               | 271.8 x 0.6   | 163.08               | 0.016308                |                            |
|                            |            |        |          | 1203               | 338.1 x 0.6   | 202.86               | 0.020286                |                            |
|                            |            |        |          | 1206               | 255.7 x 0.6   | 153.42               | 0.015342                |                            |
| Total Forest Area (in ha.) |            |        |          |                    |               |                      | 0.1920                  |                            |

3.0 The project has initiated by the Executive Engineer, Maharashtra Jeevan Pradhikaran, Division-I, Pune-411001 for approval under the Forest (Conservation) Act, 1980. The project is a part of National Rural Drinking Water Programme (Centrally Sponsored Scheme) and is approved by the Government of Maharashtra State under its Regional Rural Water Supply Scheme for providing drinking water to villages of Gar, Sonawadi & Nanveej of Daund Tehsil of Pune District of Maharashtra State. The proposed project is for public utility for laying of water supply pipeline for drinking tap water supply scheme Varvand Talav, Taluka Daund, Dist. Pune. The User Agency has certified that there is no other alternatives other than the proposed for the purpose and the requirement of the forest land is barest minimum. The total non forest land involved in the project is 0.56 ha. The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune is enclosed on page no. 167 A to 171.

**4.00 The Deputy Conservator of Forests, Pune Forest Division, Pune has certified that:-**

- 4.1 no suitable alternate land is available and the forest land required is the barest minimum.
- 4.2 the area belongs to Eco-value class-III and having density below 0.1 (Open forest)
- 4.3 there are no trees required to be felled during implementation of the project.
- 4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.

- 4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.6 there is no violation of Forest (Conservation) Act 1980.
- 4.7 the proposed area for the project is 9.3 km from the boundary of Mayureshwar Supe Wildlife Sanctuary. However, the Mayureshwar Supe Wildlife Sanctuary final ESZ notification is published on 28/08/2020. The notification is enclosed herewith.
- 4.8 and proposed compensatory afforestation over 1.00 ha degraded forest land in Gut/Survey no.458 in village Boribhadak, Tal. Daund District. Pune is contiguous; suitable for afforestation and management purpose also it is free from encroachment an encumbrance.
- 4.9 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.
- 4.10 three alternatives have been examined in detail and have to come to conclusion that the alternative No. 1 (having 0.1920 ha) is most suitable for forestry point.

**5.00 The User Agency has submitted an undertaking that:-**

- 5.1 to defray the cost of compensatory afforestation.
- 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.
- 5.3 Copy of the administrative approval by Water Supply & Drainage Department, Government of Maharashtra vide Resolution No.GRAPAPU-2019/CR.03/PAPU-17, dated 28/02/2019.
- 5.4 Copy of the technical approval by the Chief Engineer vide letter No.2299, dated 27/12/2018
- 5.5 Copy of the approval by Government of Maharashtra, Irrigation Division, resolution No. BINSIYA-2019/468/19/DHO-2, dated 14/12/2020.
- 5.5 The cross section map duly signed by the Executive Engineer, Maharashtra Jeevan Pradhikaran Division No.1, Pune is enclosed herewith on page no.32
- 5.6 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

*'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*

Hence, the user agency has given an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before formal approval.

- 5.7 This office letter vide letter No.Desk-17/APCCF/Nodal/Steno/728, dated 09/08/2021 has informed to the CCF (T), Pune to submit justification for locating the said project on the forest land giving details of the alternatives examined for their rejection as per Para 1.15 of the Handbook under FCA, 1980 issued by GOI. Accordingly, CCF (T), Pune vide letter No. Desk-4/4(2)/Land/FCA-325/71, dated 17/08/2021 has submitted justification of the site specific which is self explanatory the same is submitted to this office are as under:-

*" The project is in the larger interest of the people of Gar, Sonawadi & Nanveej village of Daund Tehsil, In present situation, In the present case, the alignment has been decided only after considering such site factors the said proposal implementing agency is Maharashtra Jeevan Pradhikarn., Hence the proposal is categories as "Site Specific"*

- 6.0 The Deputy Conservator of Forests, Pune Forest Division, Pune and Chief Conservator of Forests (T), Pune Circle have recommended the proposal for diversion of 0.1920 ha. of Reserved Forest Land.

**7.00 In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –**

- 7.1 The legal status of the forest land required will remain unchanged.
- 7.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

**7.3 Compensatory Afforestation :-**

- a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha degraded forest land in Gut/Survey no.458 in village Boribhadak, Tal. Daund District. Pune at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

- 7.4 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.

**7.5 NPV:-**

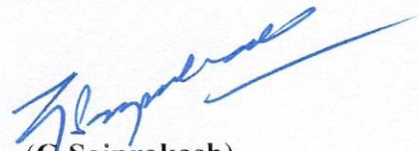
- a) The State Government shall charge the Net Present Value (NPV) for the 0.1920 ha. forest area to be diverted under this proposal from the User Agency as per the orders of

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 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 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.

- 7.6 No trees shall be felled during implementation of the project. In case tree felling is required the 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.
- 7.7 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in/>)
- 7.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 7.9 The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.
- 7.10 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.11 No labour camp shall be established on the forest land.
- 7.12 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.
- 7.13 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.
- 7.14 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.15 The forest land shall not be used for any purpose other than that specified in the project proposal.

- 7.16 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 7.17 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.
- 7.18 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/> )



(G.Saiprakash)  
Principal Chief Conservator of Forests  
(Head of Forest Force)  
Maharashtra State, Nagpur

**PART -IV**

**(To be filled by Nodal Officer or Principal Chief Conservator of Forests  
(Head of Forest Force))**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.:- Proposal for diversion of 0.1920 ha. Reserved Forest land for laying of underground drinking under Regional Rural, Water Supply scheme for Gar, Sonawadi & Nanveej Villages of Daund Tehsil, Dist. Pune in the State of Maharashtra. (FP/MII/WATER/141729/2021). The details of land proposed for diversion is as under-

| Sr. No.                    | Village    | Taluka | District | Survey/<br>Gut No. | Length x Width | Area<br>(in<br>sq.m) | Forest<br>Area<br>(ha.) | Legal<br>Status of<br>Land |
|----------------------------|------------|--------|----------|--------------------|----------------|----------------------|-------------------------|----------------------------|
| 1                          | Warvan     | Daund  | Pune     | 1922               | 760.00 x 0.6   | 456.00               | 0.0456                  | Reserved<br>Forest         |
|                            |            |        |          |                    | 20.00 x 10.00  | 200                  | 0.0200                  |                            |
| 2                          | Patas      |        |          | 413                | 274.5x 0.6     | 164.7                | 0.01647                 |                            |
|                            |            |        |          | 917                | 566.2 x 0.6    | 339.72               | 0.033972                | Gairan                     |
| 3                          | Virobawadi |        |          | 1198               | 401.9 x 0.6    | 241.14               | 0.024114                | Reserved<br>Forest         |
|                            |            |        |          | 1203               | 271.8 x 0.6    | 163.08               | 0.016308                |                            |
|                            |            |        |          | 1203               | 338.1 x 0.6    | 202.86               | 0.020286                |                            |
|                            |            |        |          | 1206               | 255.7 x 0.6    | 153.42               | 0.015342                |                            |
| Total Forest Area (in ha.) |            |        |          |                    |                |                      | 0.1920                  |                            |

*Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no.*

 8/7/21

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests  
& Nodal Officer

Date: 8/09/2021

Place: Nagpur

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF  
FOREST FORCE), MAHARASHTRA STATE, NAGPUR**  
ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,  
First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.

Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- [apccfnodal@mahaforest.gov.in](mailto:apccfnodal@mahaforest.gov.in)

Sub:- Proposal for diversion of 0.1920 ha. Reserved Forest land for laying of underground drinking under Regional Rural, Water Supply scheme for Gar, Sonawadi & Nanveej Villages of Daund, Tehsil, Dist. Pune in the State of Maharashtra. (FP/MH/WATER/141729/2021).

No. : Desk-17/Nodal/Pune /I.D-12883/943/2021-22 -

Nagpur - 440 001, Dated : 9/9/2021

To,

The Deputy Director General (Central)  
Ministry of Environment, Forests, and Climate Change,  
Regional Office, Ground Floor, East Wing,  
New Secretariat Building,  
Civil Lines, Nagpur-440001

Sir,

The Executive Engineer, Maharashtra Jeevan Pradhikaran, Division-I, Pune-411001 has submitted proposal for diversion of 0.1920 ha. Reserved Forest land for laying of underground drinking under Regional Rural, Water Supply scheme for Gar, Sonawadi & Nanveej Villages of Daund Tehsil, Dist. Pune in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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3.0 Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 and according to Government of India's instructions issued from time to time are enclosed in three copies.

- 3.1 Prescribed form dated 10/01/2003.
- 3.2 Certificate regarding minimum demand of forest land for the project,
- 3.3 Area Statement,
- 3.4 Index map in suitable scale,

**4.00 The Deputy Conservator of Forests, Pune Forest Division, Pune has certified that:-**

- 4.1 no suitable alternate land is available and the forest land required is the barest minimum.
- 4.2 the area belongs to Eco-value class-III and having density below 0.1 (Open forest)
- 4.3 there are no trees required to be felled during implementation of the project.
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- 5.5 The cross section map duly signed by the Executive Engineer, Maharashtra Jeevan Pradhikaran Division No.1, Pune is enclosed herewith on page no.32

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*'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*

Hence, the user agency has given an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before formal approval.

- 5.7 This office letter vide letter No.Desk-17/APCCF/Nodal/Steno/728, dated 09/08/2021 has informed to the CCF (T), Pune to submit justification for locating the said project on the forest land giving details of the alternatives examined for their rejection as per Para 1.15 of the Handbook under FCA, 1980 issued by GOI. Accordingly, CCF (T), Pune vide letter No. Desk-4/4(2)/Land/FCA-325/71, dated 17/08/2021 has submitted justification of the site specific which is self explanatory the same is submitted to this office are as under:-

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- 6.0 The Deputy Conservator of Forests, Pune Forest Division, Pune and Chief Conservator of Forests (T), Pune Circle have recommended the proposal for diversion of 0.1920 ha. of Reserved Forest Land.

7.00 In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: -

- 7.1 The legal status of the forest land required will remain unchanged.
- 7.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 7.3 **Compensatory Afforestation :-**
- a) Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha degraded forest land in Gut/Survey no.458 in village Boribhadak, Tal. Daund District. Pune at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- 7.4 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.

## 7.5 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 0.1920 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 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 in this regard.
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- 7.16 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 7.17 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.
- 7.18 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

8.00 It is therefore, requested that Government of India may kindly be moved for approving the proposal for diversion of 0.1920 ha. Reserved Forest land for laying of underground drinking under Regional Rural, Water Supply scheme for Gar, Sonawadi & Nanveej Villages of Daund Tehsil, Dist. Pune in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 1 copies

Yours sincerely,

(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests  
& Nodal Officer**

Copy submitted to the Principal Secretary (Forests), Revenue & Forest Department, Mantralya, Mumbai – 400032.

Copy to the Chief Conservator of Forests (Territorial) Pune for information.

Copy to the Deputy Conservator of Forests, Pune Forest Division, Pune for information.

Copy to the Executive Engineer, Maharashtra Jeevan Pradhikaran, Division-I, Pune-411001 for information