

Government of Maharashtra

By Speed Post

No. FLD-2022/C.R.287/F-10
Revenue and Forest Department,
Mantralaya, Mumbai- 400 032.
Date: 16/05/2023

To,
Regional Officer (Central),
Integrated Regional Office,
Ministry of Environment, Forests & Climate Change,
Government of India,
Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur-440 001.

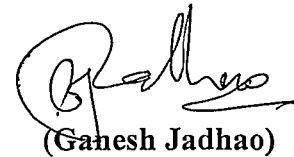
Sub.:- Forest Land- Nanded

Diversion of 7.62 ha of forest land for construction of two lane road with paved shoulder from Hadgaon-Tamsa-Bhokar-Umri-Karegaon-Lohgaon Sh-251 in Nanded District - regarding.

Ref: 1. Your Office Letter No. FC-II/MH-204/2022-NGP/11080, Dt.31.01.2023
2. APCCF & Nodal Officer Letter No. Desk-17/2/Nodal/Aurangabad//ID-13778(38)/143/23-24, Dt.18.04.2023

Integrated Regional Office, MoEF&CC, Government of India has accorded In-Principle approval for diversion of 7.62 ha of forest land for construction of two lane road with paved shoulder from Hadgaon-Tamsa-Bhokar-Umri-Karegaon-Lohgaon Sh-251 in Nanded District.

2. Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur has submitted compliance report to the Government of Maharashtra vide letter under reference no.2, Compliance Report submitted by the APCCF & Nodal Officer is self-explanatory and attached herewith for further necessary action in the matter.



(Ganesh Jadhao)

Under Secretary to
the Government of Maharashtra

Encl: As above.

Copy to:

1. Additional Principal Chief Conservator of Forests and Nodal Officer, Nagpur.
2. Chief Conservator of Forests (T), Aurangabad.
3. Deputy Conservator of Forests (T), Nanded.

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS

(HEAD OF FOREST FORCE), MAHARASHTRA STATE

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER,

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

Speed Post/By E-mail

No. Desk-17/2/Nodal/Aurangabad/ID-13778(38)/143 /23-24

Nagpur - 440 001,

Date : 18 /04/2023

To,

The Principal Secretary (Forest)
Revenue and Forest Department
Mantralaya Mumbai-32

महसूल व वन विभाग

नोडल कार्यालय

24 APR 2023

Sub:-Diversion of 7.62 ha. Forest land in favour of public Works Division, Nanded construction of Two lane road with paved shoulder from Hadgaon-Tamsa-Bhokar-Umri-Karegaon-Lohgaon SH-251, Chainage 84000 to 89221..... on Hybrid Annuity in Nanded District in the State of Maharashtra.

Ref:-1.Government of India, Ministry of Environment Forest & Climate Change, Integrated Regional Office, Nagpur letter dated 31/01/2023 of F.No.FC-II/MH-204/2022-NGP /11080.

2.Chief Conservator of Forests, (T) Aurangabad letter No.Desk-5/land/C.N.52/22, dt. 05/04/2023.

Sir,

The Government of India, Ministry of Environment, Forest and Climate Change. Integrated Regional Office, Nagpur vide letter under reference No.1 has sought query compliance on 1 to 25 points. Accordingly, the Chief Conservator of Forests (T) Aurangabad vide letter under reference No. 2 has submitted the compliance of shortcoming in this regard to this office. The compliance report as desired by Government of India vide letter dt.31/01/2023 is submitted as under:-

Cond. No.	Condition	Compliance
i	Legal status of the forest land shall remain unchanged.	The user agency has submitted an undertaking enclosed as Annexure-I (Page No.8)
ii	Forest land will be handed over only after required non-forest for raising CA is handed over by the User Agency;	The non forest land has Mutated in favor of Forest Department. The copies are enclose herewith as Annexure-II (Page No.9-28)
iii	Compensatory afforestation	
	a) Compensatory afforestation including Penal CA shall be taken up by the Forest Department over 7.62 ha.non --forest land in Survey/Gut No.70 at village-Gundawal Taluka-Mahur, Range-Mahur, District-Nanded at the cost of the User Agency. As far as possible a mixture of local indigenous species along with 10 % RET species of Nanded District	The Compensatory Afforestation shall be taken on 7.62 ha. non-forest land in survey/ Gut No. 70 at Village Gundawal, Taluka Mahur, Range Mahur, District Nanded . 7.62 ha C.A. total amount is Rs. 58,41,157/-and amount for construction of Two water body is Rs. 12,00,000/- and user agency has deposited total amount Rs. 1,68,45,013/- in Ad-hoc Campa Maharashtra account No. 150786145965869 Union Bank of India Bengaluru IFCS code UBIN0996335 through NEFT vide Transaction No SBIN146 dated 24/02/2023 which include Rs. 58,41,157/- towards the cost of C.A over 7.62 ha. and 2,00,000/- towards the cost of two

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	<p>shall be planted and monoculture of any species may be avoided. At least two water bodies shall be constructed in the form of tank/ stop dams etc. if the same are not available in the area or in nearby vicinity. Further, if existing tank/stop dams are available and needs desilting/ repair, same shall be carried out to meet the water requirement of wild animals throughout the year;</p> <p>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;</p>	<p>water body. The user agency has submitted an undertaking enclosed as Annexure-III (a) (Page No.29 -32)</p> <p>The user agency has submitted an undertaking enclosed as Annexure-III (b) (Page No.29/1 -29/2)</p>
iv	<p>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 maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.</p>	<p>The User Agency has deposited in advance the amount of Rs. 58,41,157/- (Fifty Eight lakh Forty One Thousand One Hundred and Fifty Seven. towards the cost of raising compensatory afforestation to CAMPA. Annexure-IV (Page No. 30-31)</p>
v	NPV	
	<p>a) The State Government shall charge the Net Present Value (NPV) for the 7.62 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 Writ Petition (Civil) No. 202/1995 and as per the guidelines issued by this Ministry vide its letter 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 and letter No. 5-</p>	<p>The User Agency have transferred in advance Net Present Value (NPV) Rs. 93,61,856/- (Ninety Three Lakh Sixty One Thousand Eight hundred and Fifty Six Only) of the forest land 7.62 ha being diverted under proposal to CAMPA as per guideline. The user agency has deposited total amount Rs. 1,68,45,013/- in Ad-hoc Campa account No. Ad-hoc Campa Maharashtra account No. 150786145965869 Union Bank of India Bengaluru IFCS code UBIN0996335 through NEFT vide Transaction No SBIN146 dated 24/02/2023 which include Rs. 93.61,856/- towards the cost of N.P.V. Annexure-V (Page No.4 & 22-27)</p>

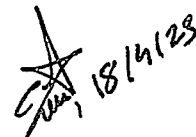
	3/2011-FC (Vol-I) dated 06-01-2022 and letter No. 5-3/2011-FC(Vol-I) dated 22.03.2022 in this regard.																																					
	b) Additional amount of NPV of the diverted forest land, if any, becoming due after finalizations of the same by the Hon'ble Supreme Court of India on receipt of 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.	The user agency has submitted an undertaking enclosed as Annexure-V-b (Page No.34)																																				
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 furnish an undertaking to this effect.	The User Agency has deposited an amount of Rs.1,11,037/- toward the cost of Tree felling in Deputy Conservator of Forests, Nanded through UTR No. 250747977 on date 27/02/2023. Annexure- VI (Page No. 35)																																				
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/);	<p>The User Agency has deposited total amount of Rs. 1,68,45,013/- in Ad-hoc Campa Maharashtra account No. 150786145965869, dated 24/02/2023 . The copy of the Ad-hoc CAMPA Performa is enclosed herewith as (Annexure No. VII.) (Page No. 6 – 7 & 30-31 & 36)</p> <table><tr><th>Sr. No</th><th>Items Name</th><th>Years</th><th>Rate</th><th>Area</th><th>Total Rs</th></tr><tr><td>1.</td><td>C.A</td><td>2022-23</td><td>766556</td><td>7.62</td><td>58,41,157/-</td></tr><tr><td>2.</td><td>N.P.V</td><td>2022-23</td><td>1228590</td><td>7.62</td><td>93,61,856/-</td></tr><tr><td>3.</td><td>Bound ary Demar cation</td><td>-</td><td>-</td><td>-</td><td>4,42,000/-</td></tr><tr><td>4.</td><td>Two Water Body</td><td>-</td><td>600000</td><td>-</td><td>12,00,000/-</td></tr><tr><td colspan="5">Total Rupees</td><td>1,68,45,013/-</td></tr></table>	Sr. No	Items Name	Years	Rate	Area	Total Rs	1.	C.A	2022-23	766556	7.62	58,41,157/-	2.	N.P.V	2022-23	1228590	7.62	93,61,856/-	3.	Bound ary Demar cation	-	-	-	4,42,000/-	4.	Two Water Body	-	600000	-	12,00,000/-	Total Rupees					1,68,45,013/-
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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.	The user agency has submitted an undertaking enclosed as Annexure-VIII (Page No. 37)																																				
ix	To improve the Forest/Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environment al (Protection) Act, 1986	The user agency has submitted an undertaking enclosed as Annexure-IX (Page No. 38)																																				

	respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 15,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/ local for 10 years. At least 50 % of seedlings shall be planted in the vicinity of project area and remaining 50% of seedlings shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation /seedling distribution of villagers;	
x	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;	The user agency has submitted an undertaking enclosed as Annexure-X (Page No.3 9)
xi	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;	The User Agency has deposited an amount of Rs.13,93,996/- toward the cost of avenue plantation in Deputy Conservator of Forests, Nanded through UTR No. 250747977 on date 27/02/2023. Annexure- XI (Page No. 40-65)
xii	For smooth movement of resident wildlife in forest patches as well as in non-forest areas where there is a traditional route of wildlife movement and also for the movement of cattle all hume pipes shall be converted in to the box culverts of at least 2x3 meters size, further, box culverts over forest patch in Village Shivpuri, Taluka Hadgaon shall be constructed in consultation with the DCF concern.	The user agency has submitted an undertaking enclosed as Annexure XII (Page No. 66-69)
xiii	Speed regulating signage will be erected along the road at regular intervals in the protecte Areas/Forest Areas;	The user agency has submitted an undertaking enclosed as Annexure XIII (Page No. 70)
xiv	User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;	The user agency has submitted an undertaking enclosed as Annexure-XIV (Page No.71)
xv	The layout plan of the proposal shall not be changed without prior approval of central Goernment;	The user agency has submitted an undertaking enclosed as Annexure-XV (Page No.72)
xvi	No labour camp shall be established on the forest land;	The user agency has submitted an undertaking enclosed as Annexure-XVI (Page No.73)
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;	The user agency has submitted an undertaking enclosed as Annexure-XVII (Page No.74)
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;	The user agency has submitted an undertaking enclosed as Annexure-XVIII (Page No.75)

xix	No additional or new path will be constructed inside the forest area for transportation of constructions materials for execution of the project work;	The user agency has submitted an undertaking enclosed as Annexure-XIX (Page No.76)
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;	The user agency has submitted an undertaking enclosed as Annexure-XX (Page No.77)
xxi	The forest land shall not be used for any purpose other than that specified in the project proposal;	The user agency has submitted an undertaking enclosed as Annexure-XXI (Page No.78)
xxii	The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Govt. of India;	The user agency has submitted an undertaking enclosed as Annexure-XXII (Page No.79)
xxiii	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;	The user agency has submitted an undertaking enclosed as Annexure-XXIII (Page No.80)
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 forest & wildlife;	The user agency has submitted an undertaking enclosed as Annexure- XXIV (Page No.81)
xxv	The compliance report shall be uploaded on e- portal (https://parivesh.nic.in/);	The user agency has submitted an undertaking enclosed as Annexure- XXV (Page No.82)

The above shortcomings compliance is submitted along with Annexure, Therefore, kindly may be forwarded to the Central Government for further consideration of the Proposal.

Encl:-2 copies.

 18/4/23

(Naresh Zurmure)
Additional Principal Chief Conservator of Forests
& Nodal Office

Copy for information:-

1. The Chief Conservator of Forests (T), Aurangabad
2. The Deputy Conservator of Forests, Nanded Forest Division.
3. The Executive Engineer, Public Work Division, PWD Campus, Bhokar, Dist Nanded.