



भारत सरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS &  
CLIMATE CHANGE

Regional Office (WCZ)  
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F. No. FC-I/MH-26/2016-NGP/2353

Dated: 5<sup>th</sup> September, 2017

To

✓ The Secretary,  
Govt. of Maharashtra,  
Revenue & Forest Department,  
Mantralaya, Mumbai-400032

**Sub: Diversion of 0.53 ha Reserved Forest land in favour of Sub-Divisional Officer, Bhore for construction of Cement road, paving blocks & platforms (around the trees) for Datta Temple Eco Tourism center at Bhambwade in Pune District of Maharashtra - regarding**

Sir,

I am directed to refer to the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra's letter no. Desk-17/NC/II/I.D 12427/(16)/2293/15-16 dated 11/03/2016 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980 and Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra's letter dated no. 17/NC/II/I.D 12427/(16)/1268/16-17 dated 14.10.2016, letter no. Desk-17/NC/II/I.D 12427/(16)/1876/16-17 dated 11.01.2017 and letter no. Desk-17/NC/II/I.D 12427/(16)/1243/17-18 dated 23.08.2017 forwarding additional information on the proposal as sought by the Regional Office vide its letters of even number dated 12.04.2016, 21.11.2016 and 3.03.2017, respectively and to say that said proposal has been examined by the Regional Office (WCZ) in light of relevant provisions of the Forest (Conservation) Act, 1980 and Rules and Guidelines issued thereunder.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, the Central Government hereby accords 'in-principle' under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 0.53 ha Reserved Forest land in favour of Sub-Divisional Officer, Bhore for construction of Cement road, paving blocks & platforms (around the trees) for Datta Temple Eco Tourism center at Bhambwade in Pune District of Maharashtra subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation, over degraded forest land double in extent to the forest land being diverted, shall be raised by the State Forest Department at the cost of User Agency;
- iii. The land identified for raising compensatory afforestation shall be depicted on the Sol toposheet of 1:50,00 scale and Differential GPS maps of the area proposed for diversion as well as land identified for compensatory afforestation along with soft copies of their KML/Shape files shall be submitted along with the compliance report;
- iv. Special protection measures shall be undertaken of the land identified for CA as examination of the Google Satellite Imagery of the area identified for CA revealed that area is traversed by paths/roads which needs ample of protection to prevent further encroachment. Provisions of special protection may be included in the CA scheme and the same shall be intimated to the Regional Office before Stage-II approval;
- v. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

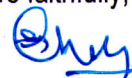


- vi. The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- vii. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- viii. All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Savings Bank Account pertaining to the State concerned;
- ix. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- x. The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- xi. No labour camp shall be established on the forest land;
- xii. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xiii. The forest land shall not be used for any purpose other than that specified in the proposal;
- xiv. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xv. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xvi. No damage to the flora and fauna of the adjoining area shall be caused;
- xvii. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xviii. The State Government shall ensure that process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the Guidelines issued by the MoEF&CC in this regard. Documentary evidences revealed that proceedings of the SDLC have been conducted on 7.03.2016 and the District Collector has issued certificate on 7.03.2016 while the meeting of the Gram Sabha was held on 23.12.2016. Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 needs to be ensured by the State Government in accordance with the provision of law as stipulated under the said Act;
- xix. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xx. Construction activities will be taken up as per the components proposed in the proposal and area under construction activity should not exceed 0.53 ha. No activities, other than what is proposed in the proposal, shall be allowed in the forest area being diverted;
- xxi. The user agency shall submit the half yearly self compliance report in respect of the above conditions on 31<sup>st</sup> July and 31<sup>st</sup> December every year to the State Government and to the concerned Regional Office of the Ministry regularly.

- xxii. The State Government shall ensure compliance of the above mentioned conditions and an annual report on the same shall be submitted on 31<sup>st</sup> December every year.
- xxiii. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- xxiv. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of a report on the compliance of conditions no (iii), (iv), (v), (vi), (vii), (xviii) 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. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,



(Charan Jeet Singh)  
Scientist 'C'

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur
2. The Nodal Officer FCA, O/o of the PCCF, Government of Maharashtra, Nagpur.
3. The Director (ROHQ), MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
4. User Agency.
5. Guard File.



(Charan Jeet Singh)  
Scientist 'C'