



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



Proposal No. FC-II/MH-223/2023-NGP/ 13805

Date: 05.12.2024

To,

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

Sub: Diversion of 9.19 ha of forest land in favour of Soil and Water Conservation Division, Nashik for construction of Boripada Minor Irrigation Tank is Irrigation Cum Drinking Water Supply Project in Nashik District in the State of Maharashtra (FP/MH/IRRIG/47897/2020)- in principle approval - regarding.

Sir,

Please refer to the Government of Maharashtra letter no FLD-1521/CR-233/F-10 dated 01.08.2023 and online proposal No. FP/MH/IRRIG/47897/2020, seeking prior approval of the Central Government for re diversion of forest land in accordance with **Section'2' of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. for the above-mentioned project.**

After careful consideration of the proposal and with the approval of the REC in its 121st meeting held on 25.11.2024, I am directed to convey the Central Government's 'in-principle' under Section'2' of **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980** for diversion of **9.19 ha** of forest land in favour of Soil and Water Conservation Division, Nashik for construction of Boripada Minor Irrigation Tank is Irrigation Cum Drinking Water Supply Project in Nashik District in the State of Maharashtra, subject to the following conditions: -

1. The legal status of forest land shall remain unchanged;
2. 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;
3. The State Government shall carryout for compensatory afforestation over 4.00 ha. (out of 9.19 ha) Non forest land identified in Gut No. 13, Holdarnagar Village of Nashik District. As an area over an extent of 5.19 ha non forest area is not suitable for plantation, the State Forest Department shall carry out plantation over an extent of 10.38 ha of Degraded Forest area at the cost of the User Agency;
4. The State Government shall revise the CA scheme accordingly and submit

- the same to the Regional Office. Further the state government shall realize the applicable cost from the UA. Details like map, kml files of the degraded forest area and revised CA Scheme etc shall be submitted along with the compliance report and CA scheme shall be implemented in time bound manner as per the provision of the VSS rules, 2023;
5. The entire extent of entire **9.19 ha** Non forest land identified in Gut No. 13, Holdarnagar Village of Nashik District for Compensatory Afforestation 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;
 6. The State Government shall charge the Net Present Value of the diverted forest land measuring **9.19 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.
 7. 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;
 8. 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/>);
 9. The Tree felling shall be carried out wherever necessary under the strict supervision of the State Forest Department.
 10. Only 69 numbers of trees shall be felled under the project and wherever possible the trees may be retained in the area proposed for sub mergence;
 11. The State Forest Department shall implement proposed Soil & Moisture Conservation (SMC) Plan and Wild life Mitigation measures plan as suggested by the State Forest Department at the cost of the User Agency
 12. As the project involves submergence, the suitable Catchment Area Treatment (CAT) plan shall be implemented at the project cost and also ensure to monitor the implementation of the CAT plan by the Monitoring Committee as per the Para 9.2 (viii) of the Consolidated Guidelines and clarification issued by the Ministry;
 13. 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 and ensure required certificate from the District Collector;
 14. The State / UA shall ensure all other approvals / permission under relevant rules / regulation, if any required prior to commencement of the project work.
 15. 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;
 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

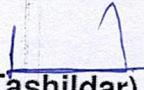
User Agency to the labourers after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;

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 **9.19 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 is issued with the approval Competent Authority, 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, Jor Bagh 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)