



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

Integrated Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcentral-ngp-mef@gov.in

F. No. FC-II/MH-108/2019-NGP /8555

Date: 26th August, 2021

✓ To,

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

Sub: Diversion of 9.78 Ha Restored Private forest land in favour of Sai Enterprises for construction of bungalows, residential buildings, internal roads, parking and other ancillary non-forest activities as "White Magic Project" at Village Jambhivali, Tal. Panvel, District- Raigad in the State of Maharashtra- regarding.

Sir,

The undersigned is directed to refer to State Government of Maharashtra letter no. FLD-2019/C.R.45/F-10 dated 28.03.2019 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and State Government of Maharashtra letter no. FLD-2019/C.R.45/F-10 dated 08.03.2021 and APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/NC/1/ID-12653(66)/594/2021-22 dated 22.07.2021 and forwarding additional information as sought by this Office vide letters of even number dated 29.01.2020 & 22.04.2021 and to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and approved by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 9.78 Ha Restored Private forest land in favour of Sai Enterprises for construction of bungalows, residential buildings, internal roads, parking and other ancillary non-forest activities as "White Magic Project" at Village Jambhivali, Tal. Panvel, District- Raigad in the State of Maharashtra subject to the fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Forest land will be handed over only after required non-forest land for raising CA is handed over by the user agency
- iii. **Compensatory afforestation:**
 - a. Compensatory afforestation over 10.55 ha non-forest land at Survey no 698, Village- Kusgaon, Tehsil- Mahad, District- Raigad shall be raised and maintained by the State Forest Department at the cost of the User Agency;
 - 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;

- c. State government shall ensure plantation of 1000 plants per ha for proposed non-forest land. As far as possible, a mixture of local indigenous species along with 10% RET species of Raigad District shall be planted and monoculture of any species may be avoided. In case it is not possible to raise plantation at the rate of 1000 plants per ha on the selected non-forest land, then the balance plants shall be planted on degraded forest land as per working plan prescriptions at the cost of User Agency. A scheme in this regard shall be submitted to IRO, MoEF&CC;
- iv. 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
- v. **NPV:**
 - a. The State Government shall charge the Net Present Value (NPV) for the 9.78 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;
- vi. User Agency in consultation with State Forest Department shall minimize the felling of trees and at least 50% of standing trees shall be kept intact. Further, maximum number of trees up to 60 cm girth proposed to be felled shall be translocated by the State Government at the cost of the User Agency and report on same shall be submitted to IRO. A detailed report in this regard shall be submitted to IRO, MoEF&CC along with Stage- I compliance report;
- vii. To improve the Forest/ Tree cover and to reduce pollution, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency shall develop a separate nursery at one or more places to raise at least 10,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local every year. At least 50% of seedlings shall be planted by User Agency in the vicinity of project area including forest area and for hand holding with local people residing in vicinity of project area, User Agency shall voluntary distribute remaining 50% of seedlings to them free of cost. A compliance report including species wise details of seedlings raised, location of plantation area and details of villagers whom seedlings have been distributed need to be prepared every six month and submitted to Regional Office of MoEF&CC;
- viii. 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/>);
- ix. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- x. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xi. The layout plan of the proposal shall not be changed without prior approval of Central Government
- xii. No labour camp shall be established on the forest land;

- xiii. 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;
- xiv. 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;
- xv. The User Agency shall undertake comprehensive soil conservation measures at the project cost in consultation with State Forest Department, if required;
- xvi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xvii. 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;
- xviii. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xix. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xx. 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;
- xxi. 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;
- xxii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);

After receipt of a satisfactory compliance report from the State Government in respect of conditions no. (iii, c), (iv), (v, a), (vi), (vii), (viii) and undertakings in respect of all other conditions, duly authenticated by the competent authority in the State Government, the proposal will be considered for grant of Stage-II approval under the Forest (Conservation) Act, 1980.

Yours faithfully,

(N K Dimri)

Technical Officer (Gr-I)

Copy to:

- i. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. User agency.
- iv. Guard file.

(N K Dimri)

Technical Officer (Gr-I)