



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

Regional Office (WCZ)  
Ground Floor, East Wing  
New Secretariat Building  
Civil Lines, Nagpur - 440001  
apccfcetral-ngp-mef@gov.in

F. No. FC-II/MH-101/2019-NGP | 5385

Dated: 11<sup>th</sup> June, 2019

To

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

**Sub: Diversion of additional 11.4926 ha Reserved Forest Land for already approved 34.9831 ha area, in favour of National Highway Authority of India (NHAI), PIU-Yavatmal for Rehabilitation and Upgradation of existing 2 lane to 4 lane configuration of NH-361 between Km 110.800 to Km 207.200 (Design Chainage - Km 342.000 to 440.000) under NHDP Phase - IV in Yavatmal District in the state of Maharashtra- regarding.**

Sir,

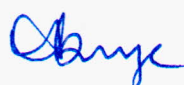
I am directed to refer to the State Government of Maharashtra's letter no. F-5-31/2018/10-2 dated 18.09.2018 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 and APCCF, Nodal Officer (FCA), Government of Maharashtra letter no Desk-17/NC/RS-1/ID-12683/16519-20 dated 8.05.2019 forwarding additional information as desired by the Regional Office vide its letters of even number dated 6.03.2019 and to say that the said proposal has been examined by the Regional Empowered Committee constituted under Section -4 of the Forest (Conservation) Act, 1980.

In this connection, I am directed to convey that after careful examination of the proposal and based on the recommendations of the State Government and approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of additional 11.4926 ha forest land for already approved 34.9831 ha area, in favour of National Highway Authority of India (NHAI), PIU-Yavatmal for Rehabilitation and Upgradation of existing 2 lane to 4 lane configuration of NH-361 between Km 110.800 to Km 207.200 (Design Chainage - Km 342.000 to 440.000) under NHDP Phase - IV in Yavatmal District in the state of Maharashtra subject to fulfilment of following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. **Compensatory afforestation**
  - a. Compensatory afforestation shall be taken up by the Forest Department over 23 ha double degraded forest land (Compartment No. 424, Range- Ner, District- Yavatmal) 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;
- iii. 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;
- iv. **NPV:**

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- a. The State Government shall charge the Net Present Value(NPV) for the 11.4926 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;
- v. 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;
- vi. 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/>);
- vii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- viii. User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms;
- ix. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- x. The existing carriageway in the forest area, in the patches corresponding to re-alignments, shall be dismantled and land shall be handed over back to the State Forest Department. A reclamation plan by planting suitable species of trees be prepared in consultation with the Forest Department and the amount so required will be deposited with the forest department by the user agency for taking up reclamation of the area. A copy of plan so prepared shall be submitted to Regional Office, Nagpur.
- xi. As the forest area is inhabited by the Schedule-I species, the User Agency shall meet the cost for implementation of Conservation Plan to be approved by the Principle Chief Conservator of Forests (Wildlife) & CWLW, if required in future;
- xii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xiii. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xiv. No labour camp shall be established on the forest land;
- xv. 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;
- xvi. 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;
- xvii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xviii. 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;
- xix. The forest land shall not be used for any purpose other than that specified in the project proposal;



- xx. 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;
- xxi. 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;
- xxii. 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;
- xxiii. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>);

After receipt of a report on the compliance of conditions no iii, iv (a), vi, vii, x 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.

Yours faithfully,



**(Dr. E Arockia Lenin)**  
Scientist 'C'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file.



**(Dr. E Arockia Lenin)**  
Scientist 'C'