



सत्यमेव जयते

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

F.No. FC-I/MH-248/2021-NGP /12351

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

Date: 20.10.2023

✓ To,

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

**Sub: Diversion of 0.9984 ha of Reserved Forest land in favour of M/s Thane Municipal Corporation, Thane for Construction of Service Road from Kolshet to Bhaindarpada under Forest (Conservation), 1980 at Village Kavesar, in Thane District in the state of Maharashtra- regarding.**

Sir,

The undersigned is directed to refer to APCCF & Nodal Officer (FCA), Maharashtra letter no. Desk-17/Nodal/Thane/I.D-12986(76)/1758/2021-22 dated 10.12.2021 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and the State Government of Maharashtra letter no. FLD-2021/C.R.230/F-10 dated 01.08.2022 and letter no. FLD-2021/C.R.230/F-10 dated 06.04.2023 forwarding additional information as sought vide this office letters of even number dated 31.12.2021 and 10.01.2023 and to say that the said proposal has been examined in the Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder.

After careful examination of the proposal and on the basis of the 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 0.9984 ha of Reserved Forest land in favour of M/s Thane Municipal Corporation, Thane for Construction of Service Road from Kolshet to Bhaindarpada under Forest (Conservation), 1980 at Village Kavesar, in Thane District in the state of Maharashtra subject to the fulfilment of the 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 3.00 ha. degraded forest land in Survey No. 419, Compt. no. 1144 old Survey No. 344 at Village- Majiwade, Taluka- Thane, District- Thane at the cost of the User Agency. As far as possible, a mixture of local indigenous species along with 10% RET species of Thane District shall be planted and monoculture of any species may be avoided. Atleast one water body 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 tanks/ stop dams are available and needs desilting/ repair; same shall be carried out to meet the water requirement of wild animals throughout the year;

- 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:**
- a) The State Government shall charge the Net Present Value (NPV) for the 0.9984 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, letter No. 5-3/2011-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 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. 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;
- viii. To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 1,000 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 to villagers;
- ix. The State Government shall undertake the action against the violation of FCA, 1980 as per provisions made under Para 1.21 of Handbook of Forest (Conservation) Act, 1980 published on 28.03.2019. Copy of action taken report shall be submitted along with Stage- I compliance report;

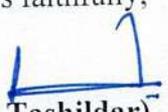
- x. State Forest Department shall undertake avenue plantation of 8 feet tall plants as per IRC norms at the cost of User Agency. Details of the same shall be submitted at the time of Stage- I compliance;
- xi. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- xii. In conformity with Wildlife Protection Act, 1972 and The Prevention of Cruelty to Animals Act, 1960, the User Agency in consultation with concerned DCF, shall construct box culverts of approximately 3 x 4 mtrs in forest area as well as non-forest area where there is traditional route of Wildlife movement, for smooth movement of Wildlife and cattle;
- xiii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xiv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xv. No labour camp shall be established on the forest land;
- xvi. 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;
- xvii. 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;
- xviii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xix. 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;
- xx. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxi. 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;
- xxii. 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;
- xxiii. 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; In this regard, MoEF&CC, New Delhi has imposed following conditions:
  - a) CA proposed for 3 hectare should be considered as penal CA since the proposal is of less than one hectare.
  - b) 5 time penal NPV since the date of violation as has been calculated with the 12% interest will be imposed on UA
  - c) State govt will initiate the disciplinary proceeding against the officials concerned for not able to prevent use of forest land for non forestry purpose without prior approval of the central government
- xxiv. 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), v, vi, ix 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.

This issues with the approval of DDGF (Central), Regional Office, MoEF& CC, Bhopal.

Yours faithfully,

  
(C.B. Tashildar)  
AIGF (Central)

Copy to:

- i. The IGF (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003.
- ii. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- iii. User agency.
- iv. Guard file.

  
(C.B. Tashildar)  
AIGF (Central)