

**Government of Maharashtra**

**By Speed Post**

No.FLD-1923/C.R.92/F-10

Revenue and Forest Department,  
Mantralaya, Mumbai- 400 032.

Dated:- 05.02.2024

To,

The Secretary,  
Ministry of Environment, Forests & Climate Change,  
Government of India,  
Indira Paryavaran Bhavan,  
New Delhi.

**Subject:- Forest Land-Pune**

Ex-post facto approval for diversion of 0.83 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for laying Water intake Pipe Line for BGPPL, at Bhigwan, Tal. Indapur, Dist. Pune in the State of Maharashtra. (FP/MH/Pipeline/48180/2020)

**Ref:-** 1) Govt. of Maharashtra even number letter dtd. 25.10.2023

2) MoEF&CC, GoI, Nagpur Letter F.No. FC-I / MH-365/ 2023-NGP / 12711, Dt.04.01.2024.

3) APCCF and Nodal Officer, Nagpur, letter No. Desk-17 / Nodal / S1 /PID-48180/ Pune / 2863 / 2023-24, Dt. 08.01.2024.

The Government of Maharashtra vide aforementioned letter in reference had submitted proposal for Ex-post facto approval for diversion of 0.83 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for laying Water intake Pipe Line for BGPPL, at Bhigwan, Tal. Indapur, Dist. Pune in the State of Maharashtra.

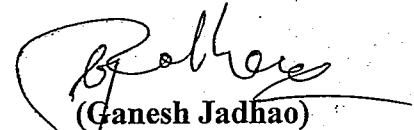
2. Subsequently, Regional Office, MoEF&CC, Government of India, Nagpur has informed that the proposal is for ex-post facto approval and hence, as per the provision of sub (2) & (5) of Rule 10 of the Van (Sanrakshan Evam Samvardhan ) Rules, 2023, the competent authority to deal such cases is the MoEF&CC, New Delhi, vide letter under reference No.2.

3. Government of India is hereby requested to grant approval to this proposal under Section-2 (ii) of the Forest (Conservation) Act, 1980.

**Encl :** As above

**Copy:-**

1. Principal Chief Conservator of Forests (HoFF), Maharashtra, Mumbai-400 032



(Ganesh Jadhao)

Under Secretary to the  
Government of Maharashtra  
Under Secretary

Revenue and Forests Department  
Hutatma Rajguru Chowk  
Madam Cama Road, Mantralaya

Mumbai-400 032

2. Deputy Director General of Forests (Central), Regional Office, Ministry of Environment, Forests & Climate Change, Government of India, Nagpur.
3. Principal Chief Conservator of Forests (Wildlife) & CWLW, Nagpur
4. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur
5. Additional Principal Chief Conservator of Forests & Nodal Officer, Nagpur.
6. Chief Conservator of Forests (T), Pune
7. Deputy Conservator of Forests (T), Pune
8. Executive Engineer, EHV Project Division, MSETCL, Bengali Camp, Mul Road, Chandrapur.
9. Select File (F-10)

Government of Maharashtra

No.FLD-1923/C.R.92/F-10

Revenue and Forest Department,  
Mantralaya, Mumbai - 400 032.

Dated:- 25.10.2023

To,

Deputy Director General of Forests (Central),  
Regional Office, MoEF&CC,  
Government of India,  
Civil Lines, Nagpur.

**Subject: Forest Land-Pune**

Ex-post facto approval for diversion of 0.83 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for laying Water intake Pipe Line for BGPPL, at Bhigwan, Tal. Indapur, Dist. Pune in the State of Maharashtra.  
(FP/MH/Pipeline/48180/2020)

The Additional Principal Chief Conservator of Forests, Maharashtra State, Nagpur has submitted Ex-post facto approval for diversion of 0.83 ha. forest land for laying water intake Pipeline for BGPPL, at Bhigwan, Tal. Indapur, Dist. Pune in the State of Maharashtra.

The details of forest land proposed for diversion are as under:-

Sr. No.	Item of Work	Name of the Village	Taluka & District	Survey No.	Gut No.	Length & Width (in Mtr)	Area (in Ha)	Legal Status
1.	Ex-post facto approval for diversion of 0.83 ha. forest land for laying of water intake pipeline for BGPPL at Bhigwan, Tal. Indapur, Dist. Pune in the State of Maharashtra.	Bandgarwadi (earlier Poundhwadi)	Indapur, Dist. Pune	30	15	1170.66 X 1.5	0.0481	Reserved Forest
				31	16		0.0837	
				33	17		0.0137	
				33	17		0.0300	
2		Kumbhargaoon		49	129	4362.32 X 1.5	0.0748	
				50	128		0.0441	
				51	127		0.0240	
				51	127		0.0036	
				52	126		0.0418	
				53	125		0.0486	

				54	124		0.0400	
				55	123		0.0054	
				56	122		0.0356	
				20	120		0.1739	
				122	55		0.1625	
Total Forest Area (in ha)							0.8299	
Say as							0.83	

2. The BGPPL required water for running its industrial unit Bhigwan and also for satisfying need of drinking water of about 1500-2000 workers engaged by the Company. The work on project has been carried out in 1996-97 by the User Agency by obtaining all the necessary permissions from concerned authorities, but without obtaining FCA clearance. Out of the total forest length of 5553 m. of the pipeline 2444.14m. is passing through a forest land, which was in the administrative control of Revenue Department (Govt. of Maharashtra) to various sections of people. The fact of existence of the forest land under alignment of pipeline was surfaced in 2019 when a fresh survey of land was carried out by the Forest Department. The pipeline is still in place. After that filed POR/FIR No.05/2019-20, dated 7/6/2019 was registered against the User Agency. A charge sheet/complaint was filed in the court of JMFC Indapur bearing RCC No.361/2020. The accused Nos. 1 to 9 were discharged on the basis of their Application. A Revision against the decision of the court of JMFC Indapur order has been proposed at Hon'ble Addl. District and Session Court, Baramati. Another POR/FIR No.E-1/2021-22, dated 27/4/2021 is filed against the User Agency regarding the remaining length of the pipeline. The enquiry in that respect is under progress.

**3. The Deputy Conservator of Forests, Pune Forest Division has certified that:-**

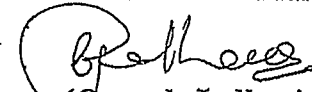
- 3.1) No suitable alternate alignment is possible and the forest land required is barest minimum.
- 3.2) The area belongs to Eco-value class-III having density is 0.1 (Tropical Deciduous Forest).
- 3.3) There is no tree felling involved in the project.
- 3.4) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 3.5) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 3.6) There is violation of Forest (Conservation) Act, 1980. The work on project has been carried out in area 0.83 ha. in 1996-97 by the user agency by obtaining all the necessary permissions from concerned authorities, but without obtaining FCA clearance.

- 3.7) Proposed project is beyond 10 kms of boundary of Protected Area (wildlife Sanctuary/National Park).
- 3.8) The non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 3.9) Compensatory Afforestation is proposed over 1.00 ha. degraded forest land in Gut No.120, at Village Kumbharaon, Tal. Indapur, Dist. Pune and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

4. The User Agency has submitted undertakings:-

- 4.1 to defray the cost of Net Present Value.
- 4.2 to defray the cost of Compensatory Afforestation.
- 4.3 to submit compliance under FRA-2006.

5. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.
6. MoEF&CC has issued guidelines regarding processing of proposals involving ex-post facto approval vide letter dt. 22.03.2022 & 08.09.2022, accordingly proposal may be submitted to Ministry level. IRO, MoEF&CC is requested to forward this proposal to Head Office of MoEF&CC at New Delhi on PARIVESH portal, as system automatically sends it to IRO, MoEF&CC office due to required forest land is below 40 ha. and project is linear in nature.
7. In the circumstances explained in aforesaid paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted under Section-2 (ii) of the Forest (Conservation) Act, 1980, subject to conditions proposed by the Principal Chief Conservator of Forests (HOFF) and Addl. PCCF & Nodal Officer, Nagpur.

  
(Ganesh Jadhao)

Under Secretary to the  
Government of Maharashtra

Under Secretary  
Revenue and Forests Department  
Hutatma Rajguru Chowk  
Madam Cama Road, Mantralaya  
Mumbai 400 032

Encl: A) Set of case papers

B) The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Area Statement

3. Commitment from the Applicant for defraying the cost of Net Present Value & Compensatory Afforestation.
4. Brief note of the project
5. Site Inspection Report.
6. Violation Report
7. Certificate in Part V.

**Copy:**

1. Secretary, Ministry of Environment, Forests & Climate Change, New Delhi
2. Principal Chief Conservator of Forests (Wildlife), M.S., Nagpur.
3. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur
4. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/Nodal/Pune/ID-13074 (25)2943/2022-23, Dt. 02.02.2023.
5. Chief Conservator of Forests (T), Pune
6. Deputy Conservator of Forest, Pune Forest Division, Pune.
7. General Manager-HR & Administration, BGPPL, Unit Bhigwan, Tehsil Indapur, District Pune.
8. Select File (F-10)

**Sub: Forest Land-Pune**

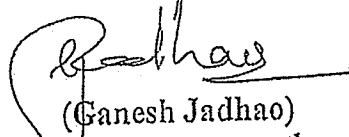
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(FP/MH/Pipeline/48180/2020)

**PART - V**

(To be filled up by the Secretary In charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

1. Recommendation of the  
State Government

The proposal is recommended  
vide Government letter  
No. FLD-1923/CR-92/F-10  
Dated: 25/10/2023

  
(Ganesh Jadhao)  
Under Secretary to the  
Government of Maharashtra

Place: Mumbai

Date:-25/10/2023

Under Secretary  
Revenue and Forests Department  
Hutatma Rajguru Chowk  
Madam Cama Road, Mantralaya  
Mumbai 400 032