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SEP Diversion of 5.5395 ha. forest land for expansion of factory for Enhancement of production capacity in village Nagalwadi Tal. Hingna District Nagpur Maharashtra FP/MH/TND/40697/2019.

Desk-11/Forest Conservation /CR 465/ /2021-22. Nagpur, Dated 14/09/2023.

Conservator of Forests (T),  
Nagpur Circle.

This has reference to Letter No. 1 vide which Government of Maharashtra has recommended diversion of forest land for the project considering it as site specific project involving expansion of existing factory which needs land in contiguous for expansion with available natural resources and common facilities.

It is informed vide reference 2/above that the proposal has been rejected in REC meeting held on 24/3/2023, in pursuance of para 1.15 of Handbook of Forest Conservation Act 1980 and guideline 2019 and subsequent relaxation clarification dated 24/01/2022. Beside this, IRO, Nagpur also raised certain clarification for which we submit following comments.

Sr. No.	Discrepancies	Compliances and clarification
1	Status of notification of the proposed zudpi land as Reserved Forest shall be submitted by the State Government.	All four survey number 18,54,58,64 in Village Nagalwadi, are notified under section 4 of Indian Forest Act, 1927. Notification copies are enclosed as Annexure I. All four survey numbers were in possession of Revenue Department till 31/05/2003 and which subsequently transferred to Forest Department vide order of District Collector dated 31.05.2003 as recorded in record of rights.
2	Details of extent of the encroachment in forest area and step taken by the State Forest Department to stop the encroachment and also action taken against the already encroached area along with efforts made towards eviction of encroachment shall be submitted by the State Government.	As per the guidelines of Central Government, the revenue department had handed over zudpi jungle land to forest department on dt 31/5/2003 and while handing over the zudpi jungle land, all survey numbers were inspected and classified as -"Area under encroachment", "Area under alternate use", "Area exclude for other use", "Balance area" likewise. At the time of survey and handing over the possession of the land by Revenue department to Forest department, area admeasuring 3.00 ha. out of total area 6.44 ha. bearing survey number 18 was mentioned as already encroached land. The details of classification of area is attached herewith as Annexure II. As reported by RFO Hingna, Survey Number 18 is having total area 6.44 ha. and out of which 2.4105 ha. is actually occupied by Indira Slum prior to 1980 known as Indira Basti. There after there is no expansion, as RFO and ACF have been instructed to ensure that there is no encroachment on any of the zudpi forest patches in their jurisdiction. ACF Nagpur (Tendu and campa) has once again directed to initiate action on removal of encroachment on gut number 13 if any.
3	Specific Comments of the State Government on inclusion of forest land in to the Industrial Zone and details of any permission under FCA, 1980 has been taken by the concern authorities.	Para 13.3.3 speaks about Industrial Zone under NMRDP as under Industries as employment hubs are zoned closer to the city and along major road corridors. Most of these are in existing established industrial areas such as Hingna, Butibori, Koradi-Khaparkheda and Mauda. KapsiKhurd on the east and Hingna on the west also have proposed industrial uses. Thus small patches of Zudpi forest interspersed within industrial zone are seen in proposed project. No specific permission is sought while preparing plan by metro region plan as this is draft proposal. However any non-forest use on such land would attract the provision of FC Act 1980.

User Agency vide reference 4 has requested to reconsider the proposal as the project is site specific involving expansion which needs land in contiguous to their existing factory due to expansion in process in series.

Keeping into the merits of the case as it does not fall in category of project under Para 1.15, the proposal is being recommended for reconsideration for following reasons

**Site specific nature of project:** This is to resubmit that Para 1.15 is categorically keep restriction for diversion of forest for non-forest purpose for non-site specific project like establishing Industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons etc. However, our proposal is not to establish a new industry which otherwise can be built up on other land, but it is for expansion of existing factory for enhancement of production capacity, as such expansion & enhancement of production capacity requires land in contiguous with existing factory set up. User agency explained the entire process during inspection and also presented through video clips of the process that the production capacity enhancement is possible only with adding the capacity of each segment in series and therefore it needs land in contiguous for main process of production.

The proposed land is adjacent to the existing factory and is suitable for expansion and enhancement of existing production capacity. While processing the proposal from RFO level to CCF level, site inspection and process inspections have been carried out by concerned authorities to ensure that the expansion project is site specific.

Elaborated audio-visuals of the entire process submitted by user agency is to prove that this proposal is for site specific project and not a new establishment as per the para 1.15 and directives spelt out in quoted circular dated 24/1/2022. As per Field Official, said land is not suitable for forestry purpose and prone to encroachment. This diversion is win-win situation for us & forest department, because user agency has consented to provide alternate non forest in Sahyandri Tiger Reserve which is already 60% covered with plantation.

While considering the project as site specific, the diversion is strongly justified on the following grounds:

- 1.00 The subjected land is rocky in nature, having no water, no trees and not suitable for any kind of afforestation. However non forest land which is to be provided is suitable for forestry.
- 2.00 The subjected land is in various small patches in isolation and difficult to manage, this was earlier managed by revenue department.
- 3.00 The proposed land, especially Part of Gut No. 18 is already encroached by a colony of slum. The satellite imageries for the last three decades indicating progressing encroachments over the land. Considering day by day increasing encroachment, it will be very difficult for forest department to hold vacant possession of the remaining open land for future though forest department is making best efforts to protect the land from encroachment.
- 4.00 Majority land of Gut No. 18 is declared as industrial zone by Nagpur regional development authority and is suitable for Industrial use only, because of barren nature of land which is devoid of tree growth and soil depth.
- 5.00 User agency explained that they have also searched land availability in surrounding/ other adjacent area for such expansion of project but suitable land is not available, only barren patches of zudpi land available which is devoid of tree growth.
- 6.00 By such expansion of existing industry, new employment opportunities would be generated, this will also help in the development of surrounding local area/ villages. Being a manufacturer project will be contributing in the Indian economy by selling goods in the domestic market as well as in the International Market.
- 7.00 Most of the Industries in the nearby MIDC area are sick and situation are not good, by this expansion project additional direct and indirect employment for skilled, semi skilled and unskilled manpower would be generated.

User agency has already procured equivalent non forest land in Sahyandri Tiger Reserve Buffer Area which has more than 60% vegetation cover. User agency have also assured CA on equivalent degraded forest in Nagpur Division, by this diversion, forest depth is benefitting more as per vegetation cover.



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Considering the above justification, Government of Maharashtra had already recommended the proposal which is being put up for reconsidering of IRO Nagpur:-

Enclosure - As above.

(Dr. Bharat Singh Hada)  
Deputy Conservator of Forests  
Nagpur Division, Nagpur

Copy submitted to: - Additional Principal Chief Conservator of Forest & Nodal Officer, M.S. Nagpur for information.  
Copy to the Senior Manager Administration, M/s. Pix Transmission Limited, J-7, MIDC, Hingna Road, Dist. Nagpur 440016 for information and necessary action.