



Govt. of Maharashtra
Forest Department

Office of the Chief Conservator of Forests, Pune Circle, Pune.

Vanbhavan Administrative Building, Bhamburda Vanvihar, Gokhalenagar, Pune.- 411 016.

Phone No - 020-25664182/83

Email - ccftpune@gmail.com/ccftpune@mahaforest.gov.in

Desk-4/Land/FCA-373/ A773 /2024-25 Pune- 411 016, Date - 11 / 10 /2024.

To,

**Additional Principal Chief Conservator of Forests
and Nodal Officer, Maharashtra State, Nagpur**

Sub - Proposal for seeking ex-post facto approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 3.36 ha. forest land in favour of National Highway Authority of India, Solapur for four laning of Pune- Solapur section NH-9 in Km 144/400 to Km 249/000 at village- Pakani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra- (FP/MH/ROAD/42876/2019)

- Ref — 1) Assistant Inspector General of Forests, Ministry of Environment, Forest and *
Climate Change (Forest Conservation Division), New Delhi letter
dt 03/10/2024.
2. Deputy Conservator of forest Solapur letter no. A/D-13/ Survey /419 /2024.25 Dt.
10/10/2024.

The above subject quarry raised by reference no 1. The Deputy Conservator of forest Solapur has fulfill the quarry reply vide their letter above reference no 2. This office compliance report is submitted as under.

Sr. No.	Condition	Compliance
i	The recommendation of the SCNBWL for the use of forest land for the construction of the proposed road within the Wildlife Sanctuary shall be submitted.	Deputy Conservator of forest Solapur compliance submitted vide above reference no 2 is attached herewith.

Enclosed- As per above in 2 Copies.


(N.R.Praveen)

**Chief Conservator of Forests,
(T) Pune.**

Copy forwarded to DCF, Solapur for information and necessary action.

Copy forwarded to Project Director, NHAI, Solapur Plat no. 2 Jay Jalaram Nagar, Behind Shivdare College, Jule Solapur Solapur -413 004 for information and necessary action.



Government of Maharashtra
Forest Department

Office of the Deputy Conservator of Forests, Solapur Forest Division, Solapur

Vanbhavan, Vijapur Road, Solapur 413 004

Phone No 0217/2345096

Email-forestofficezolapur@gmail.com.

O. No. A/D-13/Survey/ 1/13 /2024-25 Solapur, 413 004 Dt. 16/10/2024.

Sub- Proposal for seeking ex-post facto approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 3.36 ha. forest land in favour of National Highway Authority of India, Solapur for four lanning of Pune- Solapur section NH-9 in Km 144/400 to Km 249/000 at village- Pakani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra- (FP/MH/ROAD/42876/2019)

To,
Chief Conservator of Forests (T), Pune.

Ref- 1. Assistant Inspector General of Forests, Ministry of Environment, Forest and Climate Change (Forest Conservation Division), New Delhi letter dt 03/10/2024.

2. Project Director,NHAI, Solapur letter no NHAI/PIU/SLP/NH-09/Forest/2545, Dt. 09/10/2024.

The above subject quarry raised by reference no 1. The project authority has fulfill the quarry reply vide their letter above reference no 2. This office compliance report is submitted as under;

Sr. No.	Condition	Compliance
i	The recommendation of the SCNBWL for the use of forest land for the construction of the proposed road within the Wildlife Sanctuary shall be submitted.	Project authority compliance submitted vide above reference no 2 is attached herewith.

Enclosed- As per above in Four Copies.

(Lt. Kushagra Pathak)
Deputy Conservator of Forests,
Solapur Forest Division, Solapur.

1. Copy submitted to APCCF and Nodal Officer, M. S. Nagpur for information.
2. Copy to Assistant Conservator of Forests (EGS), Solapur for information and necessary action.
3. Copy to Range Forest Officer, Solapur and Mohol for information and necessary action.
4. Copy forwarded to Project Director,NHAI, Solapur for information and necessary action.



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road, Transport and Highways, Government of India)

परियोजना कार्यान्वयन, इकाई, सोलापूर (महाराष्ट्र)

Project Implementation Unit, Solapur (Maharashtra)

कार्यालय : प्लॉट नं. ई-२, जय जलाराम नगर, शिवदारे कॉलेजच्या मागे, जुळे सोलापूर, सोलापूर-४१३००४ (महाराष्ट्र)
Office : Plot No. E- 2, Jai Jalaram Nagar, Behind Shivdare College, Jule Solapur, Solapur - 413 004, Tel/Fax - 0217 2303379
ई-मेल /Email : solapur@nhai.org; piusolapur@gmail.com * वेब /Web : https://nhai.gov.in

No.: NHAI/PIU/SLP/NH-09/Forest/

2545

Date: 09.10.2024

प्रति,

उप वन संरक्षक
वन भवन, विजापुर रोड,
सोलापूर

Sub: Four laning of Pune - Solapur Section of NH-09 (New NH-65) from Km. 144.400 to Km. 249.000 in the State of Maharashtra on DBBOT basis - Compliance to the observations on diversion of 3.36 Ha. Forest proposal - Reg.

Ref.:

- AIGF GOI MoEF&CC (FC Division) New Delhi letter dated 03.10.2024.
- Proposal no. FP/MH/RPAD/42876/2019.

Sir,

With reference to the subject mentioned above, the AIGF, GOI, MoEF&CC (FC Division), New Delhi, has raised observations on the submitted proposal for the diversion of 3.36 Ha. of forest land for non-forest use vide letter ref. at (i) above.

2. The compliance to the observation is as below:

Sl. No.	Observations	Reply / Compliance
1	The recommendation of the SCNBWL for the use of forest land for the construction of the proposed road within the Wildlife Sanctuary shall be submitted.	In this regard, kindly refer to letter from CCF (Pune) bearing no. A/survey/TA/342/10-11 dated 17.07.2010 and subsequent Hon'ble Supreme Court order dated 22.07.2011 item no. 315 on page no. 3 & 15, which allows de-notification of 50 m wide land on either side of National Highway from the GIB Sanctuary for subject project. (Copy Enclosed). The same was communicated by this office vide this office letter no. 4478 dated 31.12.2022 (Copy enclosed).

3. This is for your information and needful action please.

धन्यवाद !

10.10.2024

आवक/जावक, पत्र लिपिक

उप वनसंरक्षक सोलापूर

वनविभाग, सोलापूर.

संलग्न: उपरोक्त

प्रत:

भक्षदीय

(राकेश जवादे)

महाप्रबंधक (तकनीकी) तथा परियोजना निदेशक,

भा.रा.रा.प्रा. पकाई सोलापूर

- CGM (Tech.), & RO Mumbai for information please.
- Master file.

Office of the Conservator of Forests (Wildlife), Pune, Forest Colony, Wanavdi,
Opp to Naren Hills Society, Pune - 411 022, Maharashtra.
Phone : 020-26854182, Fax : 020 - 26851143, E Mail:wildlifepune@gmail.com

Subject - Permission for 4/6 laning of NH-9 from
Km 144 400 to Km 149 000 passing through the
Great Indian Bustard Sanctuary include other
related activities

No. A/ Survey/ LA/2002/110-11 Dtd 14 July 2010

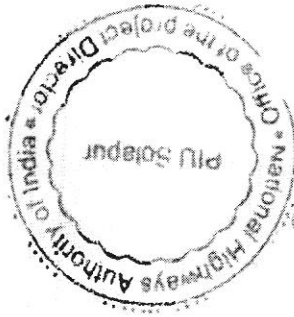
General Manager (Technical) & Project Director
National Highways Authority of India
Hoag Road, Solapur- 413 003 Maharashtra

Reference:- Your letter No. NHAI/PJC/SLT/Forest/13012/10/2/1/115, Dated 6th
June 2010

Dear Sir,

This is in reference to your letter as above requesting NOC giving permission for 4/6 laning of NH-9 from Km.144 400 to km 149 000 passing through the GIB Sanctuary, we would like to inform that Government of Maharashtra filed an Interlocutory Application No. 2342/2008 in LA No 2342 of 2008 in I.A. No. 2119 of 1483 of 005 IN I.A. No. 548 in Writ Petition (civil) No. 202 of 1995 in the Hon'ble Supreme Court of India, in August 2008. LA No 2342 of 2008 came up for orders before the Hon'ble Supreme Court on 20th October 2008. Upon hearing the parties, Hon'ble Supreme Court passed an order that the "rationalization of the Great Indian Bustard Wildlife sanctuary is to be finally decided based on the recommendation of the Committee constituted for the said purpose working under the MoEF. The Committee may take an early decision and based on the decision, the rest of the area which is excluded in such non-forest activities could be permitted".

Accordingly a proposal was submitted to the committee on rationalization of boundaries of sanctuaries and National Parks (CRBSNP) under the MoEF. Based on the field visits and meetings the CRBSNP recommended to include 1222.67 sq kms in the GIB sanctuary and exclude rest of the areas from the 8496.44 sq kms of GIB sanctuary area. This was approved by the Standing Committee of the National Board



Handwritten signature and date: 20/07/10

Yours sincerely,
(Dr. L.P. Rao)
Conservator of Forests
Wild Life, Pinnac

Thanking you

This was appertained to the meeting committee of the National Board
of Wildlife (SCNBWL) in its 18th meeting held at New Delhi on 12th April 2010. A
final interlocutory Application No. 2882 of 2010 in IA no. 2342/2008, in this matter
was filed by the Government of Maharashtra on 1st July 2010. It got a formal order
from the Hon'ble Supreme Court regarding returning the same area from 519.44
sq kms to 1222.63 sq kms as recommended by the SCNBWL in its 18th meeting. The
area proposed for widening of the National Highway (NH) No. 9 between
Kms 144.400 to Kms 249.000 passing through the Great Indian Bustard Sanctuary and
a buffer of 50 meters from the NHI corridor was excluded from the sanctuary and
do not fall in the 1222.63 sq kms or area to be retained in the GIB sanctuary. This
office has no objection for NHAI carrying out on non forest land, the road widening
of NH between Kms. 144.400 to Kms. 249.000 passing through GIB sanctuary and to
carry out other non forest activities related to the execution of the above project
stretch passing through the Great Indian Bustard (Maldivok) Sanctuary including
Land Acquisition and Tree Cutting, subject to the final order from the Hon'ble
Supreme Court in the above IA no. 2882 of 2010.

ITEM NOS. 301 to 318
MM-1

COURT NO.6

SECTION FIL/X

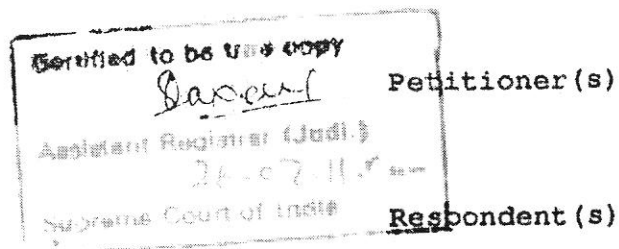
S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

MM-1 I.A. NO. 3050 OF 2010 IN W.P. (C) NO. 202 OF 1995
301. I.A. Nos. 128-129 & 144 in W.P. (C) No. 337/1995
(FOR MODIFICATION OF COURT'S ORDER DATED 28.4.2003 AND
EXEMPTION FROM FILING O.T. AND PERMISSION TO FILE REJOINDER
AFFIDAVIT)

CENTRE FOR ENVIR. LAW, WWF-I

VERSUS

U O I & ORS



302. I.A. NOS. 2881 & 3026-3027 IN W.P. (C) NO. 202/1995
(FOR RECOMMENDATION OF THE CEC IN APPLN. NO. 1228 & 1229 AND
INTERVENTION AND EXEMPTION FROM FILING O.T.)

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VS.

UNION OF INDIA & ORS.

Respondent (s)

303. I.A. NO. 141 IN I.A. NOS. 124-125 IN W.P. (C) No. 337/1995
(FOR DIRECTIONS/CLARIFICATION IN I.A. NOS. 124-125 OF 2008)

304. I.A. NOS. 147, 148 AND 149 IN W.P. (C) No. 337/1995
(FOR IMPLEADMENT, PERMISSION TO IMPLEMENT THE HARIDWAR
RISHIKESH-DEHRADUN NATURAL GAS PIPELINE IN THE ROW OF NH-58 AND
NH-72 PASSING THROUGH THE RAJAJI NATIONAL PARK AND PERMISSION
TO IMPLEMENT THE KOTA-BHILWARA NATURAL GAS PIPELINE BY
DERESERVING 1.56 HECTARES OF THE CHAMBAL WILD LIFE SANCTUARY)

305. I.A. NOS. 1433 & 1477 IN W.P. (C) 202/1995
(FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.)

306. I.A. NOS. 1598-1600 IN W.P. (C) 202/1995
(FOR IMPLEADMENT, DIRECTION AND EXEMPTION FROM FILING O.T.)

307. I.A. NO. 2296 IN I.A. 662 IN W.P. (C) 202/1995
(RECOMMENDATION OF CEC IN IA 662)

308. I.A. NO. 2297 IN W.P. (C) 202/1995
(FOR REPORT OF CEC IN APPLN. NO. WBI - 89)

309. I.A. NO. 2622-2624 & 2813 IN W.P. (C) 202/1995

(FOR PERMISSION, IMPLDEADMENT, DIRECTIONS AND PERMISSION TO FILE ADDL. DOCUMENTS)

310. I.A. NOS. 2710 & 2730 IN W.P.(C) 202/1995
(FOR INTERVENTION DIRECTIONS AND IMPLEADMENT)

311. I.A. NO. 2816 IN W.P.(C) 202/1995
(REPORT OF CEC)

312. I.A. NOS. 2942-2944 IN W.P.(C) 202/1995
(FOR IMPLEADMENT PERMISSION AND EXEMPTION FROM FILING O.T.)

313. W.P.(C) 4/2010

YASAMIN SALEEM

.....PETITIONERS

VERSUS

STATE OF U.P. & ORS.

.....RESPONDENTS

(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.)

WITH W.P.(C) NO. 567 OF 2009
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.)

WITH W.P.(C) NO. 568 OF 2009
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T. AND OFFICE REPORT)

WITH W.P.(C) NO. 574 OF 2009
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.AND OFFICE REPORT)

WITH W.P.(C) NO. 575 OF 2009
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.AND OFFICE REPORT)

WITH W.P.(C) NO. 576 OF 2009
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.AND OFFICE REPORT)

WITH W.P.(C) NO. 578 OF 2009
(WITH APPLN(S) FOR EXEMPTION FROM FILING O.T.AND OFFICE REPORT)

314. SANDALWOOD MATTERS

I.A. NOS. 1287, 1570-1571, 1624-1625, 1978, 2395, 2795-2796 IN W.P.(C) 202/1995
(REPORT OF CEC, IMPLEADMENT, DIRECTION AND EXEMPTION)

WITH

I.A.NOS.2470-2471, 2472-2473, 2474-2475, 2476-2477, 2966-2967
IN 1287 IN W.P.(C) 202/1995
(FOR IMPLEADMENT AND DIRECTIONS AND DIRECTION FOR BRINGING ON
RECORD CERTAIN SUGGESTIONS)

315. MAHARASHTRA-GREAT INDIAN BUSTARD WILDLIFE SANCTUARY
I.A. NO. 2882 IN I.A. 2342 IN I.A. NO. 2119, 1483, 1997,
2023, 2923-2925 IN W.P.(C) 202/1995
(FOR DIRECTIONS, IMPLEADMENT, PERMISSION, MODIFICATION AND
EXEMPTION FROM FILING O.T.)

316. ASKOT MUSK DEER SANCTUARY
I.A. NO. 1791-1792 IN W.P.(C) 202/1995
(FOR PERMISSION TO DEMARCATATE BOUNDARIES OF ASKOT MUSK DEER
WILDLIFE SANCTUARY AND EXEMPTION FROM FILING O.T.)

WITH

I.A. NO.139 IN IN W.P.(C) 337/1995
(FOR PERMISSION REGARDING PROPOSED RATIONALISATION OF
BOUNDARIES OF PROTECTED AREAS IN HIMACHAL PRADESH)

317. MOUNT ABU
I.A. NO. 972 IN I.A.NO. 757 WITH 789-790, 962, 986,
1042-1045,1217-1219, 1536-1538, 2660-2661, 2064, 2255-2256 AND
2949 IN 757 AND I.A. NO..... IN I.A. NO. 757 IN W.P.(C)
202/1995
(FOR DIRECTIONS, IMPLEADMENT, STAY, EXEMPTION FROM FILING
O.T.,RECOMMENDATION OF CEC AND PERMISSION TO FILE OBJECTIONS TO
THE FINAL NOTIFICATION DATED 25.6.2009))

318. I.A.NOS. 2155-2156 & 2680 IN I.A. NO. 2156 IN W.P.(C)
202/1995
(FOR IMPLEAEMENT, PERMISSION AND DIRECTION TO REJECTION OF CEC
REPORT)

Date: 22/07/2011 These applications/Petitions were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S.RADHAKRISHNAN
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For the appearing parties :

Mr. P.S. Narasimha, Sr. Adv. (A.C)
 Mr. K. Parameshwar, Adv.
 Mr. Gaurav Agrawal, Adv.
 Mr. Vijay Panjwani, Adv.
 Mr. Haris Beeran, Adv.
 Mr. P.K. Manohar, Adv.
 Mr. B.S. Banthia, Adv.

301.

Ms. A. Subhashni, Adv.
 Mrs. Jayshree Anand, Adv.
 Ms. Ekta Singh, Adv.
 Mr. Kuldip Singh, Adv.
 Ms. Asha G. Nair, Adv.
 Mr. S.S. Rawat, Adv.
 Mr. D.S. Mahra, Adv.
 Mr. Y.P. Mahajan, Adv.
 Mr. Sakesh Kumar, Adv.
 Mr. Rohit K. Singh, Adv.
 Ms. K.V. Bharathi Upadhyay, Adv.
 Mr. Pabitra Kr. Biswal, Adv.
 Mr. T.S. Doabia, Sr. Adv.
 Ms. Kiran Bhardwaj, Adv.
 Mr. S.N. Terdal, Adv.
 Mr. Sakesh Kumar, Adv.
 Ms. Suvira Lal, Adv.
 Mr. Raj Panjwani, Sr. Adv.
 Mr. Vijay Panjwani, Adv.
 Mr. Aditya Shamlal, Adv.

302.

Mr. Gurukrishna Kumar, AAG
 Mr. S. Prasad, Adv.

Ms. Hemantika Wahi, Adv.
 Mr. Ashwini Kumar, Adv.
 Ms. Sureni Banerjee, Adv.

Ms. A. Subhashini, Adv.

Mr. T. R. Andhiyarujan, Sr. Adv.
 Mr. Rajiv Tyagi, Adv.
 Ms. Chanchal Biswal, Adv.

303

Mr. T. S. Doabia, Sr. Adv.
 Ms. Kiran Bhardwaj, Adv.
 Mr. S. N. Terdal, Adv.

Ms. A. Subhashni, Adv.

Mr. Raj Panjwani, Sr. Adv.
 Mr. Vijay Panjwani, Adv.
 Mr. Aditya Shamlal, Adv.

304.

Mr. Mohan Jain, ASG
 Mrs. Sukhbeer Kaur Bajwa, Adv.
 Mr. D. K. Thakur, Adv.
 Mr. S. N. Terdal, Adv.

Mr. Parag Tripathi, ASG
 Mr. Ajit Pudussery, Adv.
 Mr. K. Vijanan, Adv.
 Mr. Dinesh Khurana, Adv.

Mr. Raj Panjwani, Sr. Adv.
 Mr. Vijay Panjwani, Adv.
 Mr. Aditya Shamlal, Adv.

Mr. Rajiv Dutta, Sr. Adv.
 Mr. Bishwajit Dubey, Adv.
 Ms. Anushree Tripathi, Adv.
 M/s. Suresh A. Shroff & Co.

Ms. Bina Madhavan, Adv.

Mr. T. S. Doabia, Adv.
 Mrs. Kiran Bhardwaj, Adv.
 Mr. S. N. Terdal, Adv.

- Mr. Manjit Singh, AAG
 Mr. Vivekta Singh, Adv.
 Mr. Tarjit Singh, Adv.
 Mr. Kamal Mohan Gupta, Adv.
- 305
 Mr. Atul Jha, Adv.
 Mr. Dharmendra Kumar Sinha, Adv.
306.
 Mr. Ajai Bhalla, Adv.
 Mr. A. K. Pandey, Adv.
 Mr. Sudhanshu Saran, Adv.
 Mrs. Swati Chandra, Adv.
 Mr. M. Khairati, Adv.
 Ms. Varuna Bhandari, Adv.
 Mr. D. S. Mahra, Adv.
 Mr. Waseem Quadri, Adv.
 Mr. Ch. Shamruddin Khan, Adv.
 Mrs. Kiran Bhardwaj, Adv.
 Mr. Rohtas Nagar, Adv.
 Mrs. Anil Katihar, Adv.
 Md. Khalid, Adv.
 Smt. varuna Bhandari, Adv.
 Mr. D. S. Mahra, Adv.
307.
 Mr. P. V. Yogeshwaran, Adv.
308.
 Ms. Asha G. Nair, Adv.
309.
 Ms. S. Janani, Adv.
 Mr. Kamal Mohan Gupta, Adv.
310.
 Mr. D. A. Dave, Sr. Adv.
 Mr. R. N. Karanjawala, Adv.
 Ms. Manik Karanjawala, Adv.
 Ms. Nandini Gore, Adv.
 Mr. Kaushik Murali, Adv.
 Mr. Ashok Parija, Adv.
 M/s Karanjawala & co., Adv.

- Ms. Anitha Shenoy, Adv.
- Mr. Shibhashish Mishra, Adv.
311. Mr. D. K. Sinha, Adv.
312. Mr. Aftab Ali Khan, Adv.
- Mr. Kamendra Mishra, Adv.
- Mr. Subodh Markandeya, Adv.
- Mr. Rajeev K. Dubey, Adv.
- Mr. Kamendra Mishra, Adv.
313. Mr. Anoop Kr. Srivastava, Adv.
- Mr. Rameshwar Prasad Goyal, Adv.
- Mr. Rakesh Khare, Adv.
- Mr. Subodh Markandeya, Sr. Adv.
- Mr. Rajeev K. Dubey, Adv.
- Mr. Kamendra Mishra, Adv.
314. Mr. Mohan Jain, ASG
- Mr. D. K. Thakur, Adv.
- Mr. Karthik Ashok, Adv.
- Mr. S. N. Terdal, Adv.
- Mr. A. Sharan, Sr. Adv.
- Mr. Zafar Sadique, Adv.
- Mr. Balraj Dewan, Adv.
- Mr. Guru Krishna Kumar, AAG
- Mr. Subramonum Prasad, Adv.
- Mr. Basava Prabhu S. Patil, Sr. Adv.
- Mr. Bipin Kalappa, Adv.
- Mr. N. Ganapathy, Adv.
- Mr. K. R. Sasiprabhu, Adv.
- Mr. M. P. Maharia, Adv.
- Ms. Sangeeta Kumar, Adv.
- Mr. Sanjay R. Hegde, Adv.
- Mr. T. N. Rao, Adv.

- Mr. Balraj Dewan, Adv.
M/s Aruputham Aruna & co.,
M/s Parekh & co., Adv.
Mr. N. Ganapathy, Adv.
Mr. G. Prakash, Adv.
Mr. Sanjay R. Hegde, Adv.
Mr. Subramonum Prasad, Adv.
Mr. T. V. George, Adv.
315. Mr. G. E. Vahanvati, A. G.
Ms. Asha G. Nair, Adv.
- Dr. Manish Singhvi, Adv.
Mr. Vijay Verma, Adv.
- 316 Mr. T. S. Doabia, Sr. Adv.
Ms. Kiran Bhandari, Adv.
Mr. S. N. Terdal, Adv.
- Ms. Rachana Srivastava, Adv.
- Mr. Wasim Qadri, Adv.
Ch. Shamsuddin Khan, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. Rohtash Nagar, Adv.
Mrs. Anil Katiyar, Adv.
- Mr. Raj Panjwani, Sr. Adv.
Mr. Vijay Panjwani, Adv.
Mr. Aditya Shamlal, Adv.
- 317 Mr. Sushil Kr. Jain, Adv.
Mr. Puneet Jain, Adv.
- Dr. Manish Singhvi, Adv.
Mr. Vijay Verma, Adv.
Mr. Milind Kumar, Adv.
- Ms. Rekha Pandey, Adv.
Ms. Anil Katiyar, Adv.
- 318 Mr. Gurukrishna AAG
Mr. Subramaniam Prasad, Adv.

UPON hearing counsel the Court made the following
O R D E R

MM-1

List the matter next Friday.

Item No.301

I.A.No.15 was earlier filed on behalf of State of U.P seeking permission for the construction of an Irrigation Project covering an area of 180.79. Prayer was allowed by this Court subject to the fulfilment of certain conditions. Learned counsel appearing for the State of U.P. submitted that condition no.2 requiring shifting of villages causing difficulties to the State, therefore, sought permission to seek variation of that conditions before NBWL. Learned counsel appearing on behalf of NBWL has submitted that of such an application is preferred within two weeks, the same would be considered in the next meeting and the decision will be placed before this Court in next hearing date. Prayer granted.

Post after six weeks.

Item No. 302

The State of Gujarat has filed an application before the Central Empowered Committee ("CEC") seeking permission to delete 2105.42.41 hectares forest area in 57 villages in four districts of Gujarat State under Section 4 of the Indian Forest Act, 1927 (hereinafter referred to as "the Act"). Details of which are furnished along with the application.

CEC placed that application with a report before this Court seeking appropriate orders on the request made by the State of Gujarat.

CEC in its report dated 23.6.2010 endorsed the deletion of the areas approved by the Forest Settlement Officer after acknowledging the rights of the villagers in response to the areas notified under Section 4 of the Act. Further it was also reported that the areas have by and large being decided to be excluded on genuine grounds as mentioned in the above mentioned Act. C.E.C, however, imposed following conditions.

1. no area will be deleted on the ground of its allotment done after the issue of notifications under Section 4 of the Indian Forest Act;
2. None of the deleted area will be allowed to be used for mining without obtaining approval under the Forest (Conservation) Act, 1980;
3. for deletion of the area approval under the Forest (Conservation) Act, 1980 will be obtained. However, no NPV or compensatory afforestation charges will be payable as the areas are to be deleted for settlement of rights as per the provisions of the Indian Forest Act, 1927 and
4. the balance areas will be notified as Reserved Forest under Section 20 of the Indian Forest Act, 1980.

Being aggrieved by condition no. 2, stated herein before, ABG Cement Limited has approached this Court seeking intervention and stated that its rights are effected by condition no.2 suggested in CEC report.

Mr. Andhyarujina, learned senior counsel appearing for the intervenor submitted that ABG Cement Limited had made an application before the Government of Gujarat for the grant of the mining lease in certain tracts of barren land aggregating 730.60 hectares of land in Village Nani

Ber for limestone mining. Further it is stated that after the order passed by the Forest Settlement Officer, the State of Gujarat has granted approval to the ABG Cement Limited for lime stone mining of 730.60 hectares of land in Village Nani Ber and by letter dated 30.6.2007 called upon the ABG Cement Limited to make the payment of Rs.32,94,500 towards the prospecting charges.

Learned senior counsel has further submitted that once the land is deleted on the proposed forest under Section 4 following the procedure under Section 11 of the Act, such land seized to be forest land and therefore provisions of Section 2 of the Forest (Conservation) Act, 1980 do not apply and there is no requirement of obtaining prior approval of the Central Government under that Act. Learned senior counsel has submitted that C.E.C has wrongly relied upon the Ministry of Environment and Forests (MoEF) guidelines, which was annexed as Annexure R-4 and stated that these guidelines do not refer to lease which are deleted under the Notification under Section 4 of the Act. Reference was also made in the judgment of this Court in Union of India vs. Abdul Jalil, 1954 4 SCR 158.

Mr. P.S. Narasimha, learned amicus curiae and the learned counsel appearing for the State of Gujarat submitted it is unnecessary to examine those contentions at this stage and the application preferred for intervention itself is premature. Further in the reply affidavit filed by the State of Gujarat it is stated that no lease has formerly been granted to the ABG Cement Limited in any of the areas notified under Section 4 of the Act and certain proposal regarding deletion of the lease submitted by the Government of India is pending consideration before the Ministry of Environment and Forests (MoEF). Further, it was also pointed out that ABG Cement Limited had also made an application for seeking approval under the Forest

(Conservation) Act, 1980 before the concerned Ministry.

We are of the view that, at this stage, it is unnecessary to examine various contentions raised by the learned senior counsel for ABG Cement Limited, since we are only concerned with the question whether the application preferred by the State of Gujarat for deletion of forest land be granted or not. CEC report is in favour of the deletion subject to certain conditions. The Ministry of Environment and Forests (MoEF) in its letter dated 7.1.2010 produced as Annexure R-3 before this Court has stated that the application be considered favourably under such circumstances we are of the view that the request made by the State of Gujarat for deletion of the area as shown in its application is justified. We therefore allow the application as prayed for.

However, with regard to the condition no.2 imposed by CEC, we express no final opinion specially in view of the stand taken by the State of Gujarat that no lease has formerly been granted to ABG Cement Limited in any of the areas as notified under Section 4 of the Act. ABG Cement Limited therefore would be aggrieved by the condition imposed by CEC, only if the State Government executes a lease deed in its favour or grants permission for mining, which is yet to happen. We therefore leave that question open.

Learned senior counsel has further submitted that he would be permitted to move an application before the Ministry of Environment and Forests (MoEF) seeking approval for the grant of lease and also to make a plea before the before the Ministry of Environment and Forests (MoEF) for permission under the Forest (Conservation) Act, 1980 and also to challenge the condition No.2. ABG Cement Limited, if so advised may raise all those contentions before the Ministry of Environment and Forests (MoEF) and it is for the MoEF to consider with which we express no final

opinion. I.A.No.2881 of 2009 preferred by State of Gujarat for deletion stands allowed, as above.

I.A.Nos.3026-3027 filed by ABG Cement Limited are accordingly disposed of.

Item No. 303

This application preferred seeking approval for diversion of additional forest land to the extent of 35 hectares in place of 10 hectares for the project fencing and construction of road along the Indo-Myanmar boarder between Boarder Pillar No. 79 to Border Pillar no. 81 on the terms and conditions as envisaged by the CWLW, Manipur and also for the consequence directions.

Earlier the National Board for Wild Life had sanctioned 10 hectares. Now the prayer is for diversion of further additional extent of 35 hectares of land which is a matter to be examined by the National Board for Wild Life if an application is made in the prescribed proforma. On receipt of an application NBWL will consider the same and make their recommendations within a period of two months thereafter.

Post the matter after two months.

Item NO. 304

In view of the decision taken by the Standing Committee of NBWL referred at p.74 of the compilation. I.A.Nos. 148 and 149 are allowed.

Application for impleadment is also allowed.

Item No. 305

Copy of the application and other relevant documents connected with I.A.No. 1433 of 2005 be furnished to Mr.P.S.Narasimha, Sr.Adv., amicus curiae.

List the matter after one month.

Item No. 306

Applications are allowed in terms of para 6 of the report of CEC dated 14/10/2009.

Item No.307

I.A. is dismissed as infructuous.

Item No. 308

Application is allowed in terms of the conditions mentioned in para 6 of the CEC report.

Item No. 309

No representation.

Perused the report of CEC.

In terms of the report of CEC, applications stand dismissed.

Item No. 310

Applications are allowed.

Liberty is also given to the other side to file additional affidavit.

Post on 5.8.2011 to file objection.