



महाराष्ट्र शासन
वन विभाग

उपवनसंरक्षक, भंडारा वनविभाग, भंडारा यांचे कार्यालय

जयस्तंभ चौक, जिल्हाधिकारी कार्यालयासमोर, भंडारा - 441904

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क्रमांक कक्ष-8 /सर्व्हे/ प्र.क्र.480 / 336 /23-24

भंडारा दिनांक 28/6/2024

विषय :- वनजमीन भंडारा

Proposal for diversion of 3.84 ha. Bade Jhad ka Jungle and Zudpi Jungle Forest land in favour of M/sAshok Leyland Ltd. for non forestry use i.e. for Industrial Unit of Ashok Leyland in District Bhandara of Maharashtra State.

(Proposal No. FP/MH/IND/149884/2021)

प्रति,

मा. वनसंरक्षक (प्रादेशिक),
नागपूर वनवृत्त नागपूर

- संदर्भ - 1) मा.अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी, म.रा. नागपूर यांचे पत्र क्र. D-17/Nodal /Nagpur/ID 12892/ 1149 / 21-22 दिनांक 05/10/2021
- 2) प्रकल्प यंत्रणेकडील पत्र क्रमांक - AL/FCA/Forest/Proposal/21-22 दिनांक 17/12/2021
- 3) या कार्यालयाचे पत्र क्र. कक्ष8/वनसंवर्धन/प्रक्र/ 1240 / दिनांक 17/1/2022
- 4) मा.अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी, म.रा. नागपूर यांचे पत्र क्र. D-17/Nodal /Nagpur/ID 13215/ 2388 दिनांक 11/02/2022
- 5) आपले कार्यालयीन पत्र क्रमांक कक्ष 10/जमीन/प्रक्र 956/1287 दिनांक 22/02/2022
- 6) मा.अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी, म.रा. नागपूर यांचे पत्र क्र. D-17/Nodal /Nagpur/ID 13215/ 77 दिनांक 08/04/2022
- 7) या कार्यालयाचे पत्र क्र. कक्ष8/सर्व्हे/30 दिनांक 05/4/2023
- 8)आपले कार्यालयीन पत्र क्रमांक कक्ष 10/जमीन/प्रक्र 956/23-24/87 दिनांक 14/04/2023
- 9) मा.अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी, म.रा. नागपूर यांचे पत्र क्र. D-17/Nodal /Nagpur/ID 13215/ 2388 दिनांक 11/02/2022
- 10) आपले कार्यालयीन पत्र क्रमांक कक्ष -10/जमीन/प्रक्र 956/23-24/899 दिनांक 29/04/2023
- 11) या कार्यालयाचे पत्र क्र. कक्ष8सर्व्हे/प्र.क्र.480/3041 / दिनांक 21/12/2023
- 12) तहसिलदार भंडारा यांचे पत्र क्र. अ.का./शा.जमीन/कावि/383 दिनांक 20/06/2024

विषयांकित प्रकरणी आपले कार्यालयीन संदर्भिय पत्र क्र 10 अन्वये कळविण्यात आलेनुसार, मा.अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी, म.रा. नागपूर यांचे संदर्भिय पत्र क्र.9 चे अनुषंगाने, मा. उच्च न्यायालय मुंबई खंडपीठ नागपूर यांचे आदेशानुसार प्रकल्प यंत्रणेस प्रकल्प चालवणेकरिता आवश्यक वनजमीन चा प्रस्ताव सादर करावा. गेले 40 वर्षांपासून अतिक्रमीत केलेले 10.37 हे. क्षेत्राचा वनभंगाचा प्रस्ताव सादर करावा आणि 3.84 हे.आर वनक्षेत्र प्रकल्पाकरिता वळतीकरण करणेबाबतचा प्रस्ताव सादर केलेला असले कारणाने उर्वरीत 6.53 हे. क्षेत्राकरिता दंडणीय नक्त वर्तमान मुल्य आकारणेबाबत शिफारस करावी. तसेच ज्या 6.53 हे. क्षेत्र महसुली वनक्षेत्राचा ताबा महसुल विभागाने यंत्रणेकडून घेतलेला आहे. त्या वनक्षेत्राचा उल्लेख 'वनजमीन'असा असल्याने सदर 6.53 हे.आर वनजमीन वनविभागाच्या ताब्यात घेण्यात यावी, असे सुचित केले आहे.त्यानुसार,

1. वन (संवर्धन) अधिनियम 1980 चे तरतुदीनुसार केंद्रशासनाकडील 28/03/2019 रोजीचे सुधारित हँडबुक, पर्यावरण व वन मंत्रालयाकडील अधिसूचना दिनांक 10/01/2003 उपखंड 7 चे मुददा क्र. 4(e) (iii) आणि अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी, म.रा. नागपूर यांचे संदर्भ पत्र क्र. 1 अन्वये निर्देशित केल्याप्रमाणे सुधारित 3.84 हे.आर वनजमीन वळतीकरणाचा प्रस्ताव संदर्भ पत्र क्र. 2 अन्वये प्रकल्प यंत्रणेने या कार्यालयास सादर केलेला असून

या कार्यालयाचे संदर्भ पत्र क्र. 3 नुसार सदर प्रस्ताव आपले कार्यालयास सादर केलेला आहे. प्रकल्प यंत्रणेच्या ताब्यात असलेले उर्वरीत 6.53 हे.आर क्षेत्र यंत्रणेच्या ताब्यात 40 वर्षांपासून होते. केंद्र शासनाचे पत्र क्र. F.No.11-42/2017-FC दिनांक 21 जानेवारी 2018 मधिल मार्गदर्शक सुचनांप्रमाणे - "B.In cases where the proposal under FC Act is under consideration and forest land is diverted before grant of FC: (i) The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest till the deposit is made." त्यास अनुसरून दंडनिय नक्त वर्तमान मुल्य Penal NPV यंत्रणेने भरणा करणेबाबत शिफारस करण्यात येत आहे.

2. प्रकल्प यंत्रणेने 40 वर्षांपासून अतिक्रमण केलेल्या राजस्व खात्याच्या ताब्यातील मौजा चिखली हमेशा येथिल गट क्र. 1,47,57 चे अभिलेखात "बडे झाड का जंगल " व मौजा गडेगाव येथिल गट क्र. 113 चे अभिलेखात "झुडपी जंगल " अशी नोंद असल्याने मौजा चिखली हमेशा मधिल एकुण क्षेत्र 10.18 हे.आर व मौजा गडेगाव येथिल क्षेत्र 0.19 असे एकुण 10.37 हे.आर क्षेत्र 'वन' या सज्जत मोडत असल्याने वनसंवर्धन अधिनियम -1980 अंतर्गत वनक्षेत्राचा वनभंगाचा प्रस्ताव (VIOLATION REPORT) तयार करून यासोबत सादर करण्यात येत आहे.
3. प्रकल्प यंत्रणेच्या ताब्यातील 6.53 हे. महसुली वनक्षेत्राचा ताबा महसुल विभागाने दिनांक 24/03/2023 रोजी यंत्रणेकडून घेतलेला असून सदर क्षेत्र वनविभागे ताब्यात देण्याची कार्यवाही करणेबाबत मा. जिल्हाधिकारी, भंडारा यांना या कार्यालयाकडून संदर्भिय पत्र क्र. 11 अन्वये विनंती करण्यात आली होती. त्यानुसार तहसिलदार भंडारा यांचे संदर्भिय पत्र क्र.12 अन्वये दिनांक 18/06/2024 रोजी मौजा चिखली हमेशा ता. भंडारा येथिल गट क्र. 1,47,57 मधिल आराजी अनुक्रमे 5.64,0.50 व 0.39 एकुण आराजी 6.53 हे आर क्षेत्र वनविभागाच्या ताब्यात देण्यात आले.

करिता आपले संदर्भिय पत्र क्रमांक 10 चे अनुषंगाने मा.अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी, म.रा. नागपूर यांनी दिलेल्या निर्देशानुसार पुर्तता अहवाल माहितीस व पुढील कार्यवाहीस सविनय सादर.

सहपत्र - वरिलप्रमाणे.

(राहुल भा.गवई)
उपवनसंरक्षक,
भंडारा वनविभाग भंडारा

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प्रतिलिपी :- मे.अशोक लेलॅन्ड लिमिटेड,1 गडेगांव, भंडारा-441904 यांना माहिती व पुढील कार्यवाहीकरिता अग्रेषित.

ANNEXURE – 1

VIOLATION REPORT

Introduction: As per the justification of the project of M/s. Ashok Leyland Limited stating that Ashok Leyland is engaged in the manufacture of commercial vehicles. In early 1980, it was envisaging extension of its business activities. Company had letter of intent for setting up its extension projects for Maharashtra and Rajasthan. In those days, Government of Maharashtra offered substantial incentives to the industries coming up as a pioneer unit in talukas where no major industries exist with the intension of, they would work as catalytic agent for development of industries. The Government of Maharashtra pursued Ashok Leyland to set up its extension project in Maharashtra as a pioneer unit in Bhandara District and promised all facilities including necessary 350 plus acre of land required for their project. Ashok Leyland selected district Bhandara for the project and gave priority over its other projects for which it had letter of intent from Government of Rajasthan.

The State Industrial & Investment Corporation of Maharashtra limited (SICOM) communicated by the letter dated 06.06.1980 (Photocopy enclosed) to the Managing Director of MIDC and clearly mentioned about the permission by Government of Maharashtra for setting up their project in Bhandara District.

Ashok Leyland worked out its total requirement of 350 Acre falling in village Gadegaon and Kesalwada of Sakoli Panchayat Taluka (Presently in Lakhani Taluka) and village Chikhli Hamesha in adjoining Bhandara Panchayat block. Government of Maharashtra agreed to give 350 acre land to fulfil the requirement of Ashok Leyland for establishing their project.

Memorandum of understanding (MoU) between Ashok Leyland and SICOM in presence of the then Chief Minister of Maharashtra and Minister of Industries, state of Maharashtra was signed on 10.12.1980 (Photocopy enclosed). Thereafter, by notification dated 12.01.1981 Government of Maharashtra declared certain areas as industrial areas under the Maharashtra Industrial Development Act (MIDC Act) and Government of India initiated step to acquire and hand over the land to Ashok Leyland Ltd. As stated above the proposed layout of entire factory premises spread over 350 acres was approved by Maharashtra Industrial Development Corporation.

Meantime, MIDC completed the formalities for handing over the land of village Gadegaon in Sakoli block on 05.06.1981 and on 05.05.1982 to Ashok Leyland (Possession receipts enclosed). Simultaneously, construction of buildings and other facilities was in progress as per MIDC approved plan i.e. on 350 acre of piece of land. But as per possession letters (05.06.81 and 05.05.82) land area was worked out to be 93.43 Ha i.e. 230 acre i.e. shortage by 120 acre when compared with the promised land of 350 acre.

In the meantime, it was observed that construction was happened outside the boundary of allotted 93.43 Ha (But within the promise land) and it was spread over 10.37 ha. only.

On 20.06.1981, the District Collector Bhandara informed commissioner Nagpur Division that the land in question, the charge of revenue department and the same is vacant.

Report regarding violation of Forest (Conservation) Act, 1980 for consideration of the committee constituted under the Chairmanship of the Chief Secretary, vide Govt. of Maharashtra, Revenue and Forest Department G.R. No. FLD-1089/475/Part-2/P-10, dated 2nd December 1991

1.	Name of the Agency	M/s. Ashok Leyland Limited
2.	Name of the Project	Diversion of 10.37 ha. of forest land for non forestry use i.e. for Industrial Unit of Ashok Leyland in District Bhandara of Maharashtra State.
2 A)	Whether the project is under EGS or plan	Not applicable as it is a private industry.
3.	Location :-	
	a) F.S. No/Compt No.	Sur. No. 1(Old No.1), 47(Old No.25), 57(Old No.26) of Village Chikali Hamesha and Sur.No. 113 of Village Gadegaon.
	b) Village	Chikali Hamesha and Gadegaon.
	c) Taluka	Bhandara
	d) District	Bhandara
4.	No. & Date of Technical Sanction	<p>Technical Sanction is not pertained. However, Memorandum of understanding between Ashok Leyland and SICOM in presence of the then Chief Minister of Maharashtra and Minister of Industries, state of Maharashtra was signed on 10.12.1980. Thereafter, by notification dated 12.01.1981 Govt. of Maharashtra declared certain areas as industrial areas under the Maharashtra Industrial Development Act (MIDC Act) and Government of India initiated step to acquire and hand over the land to Ashok Leyland Ltd. The proposed layout of entire factory premises spread over 350 acres was approved by Maharashtra Industrial Development Corporation.</p> <p>Ashok Leyland worked out its total requirement of 350 Acre falling in village Gadegaon and Kesalwada of Sakoli Panchayat Taluka (Presently in Lakhani Taluka) and village Chikhli Hamesha in adjoining Bhandara Panchayat block. Government of Maharashtra agreed to give 350 acre land to fulfil the requirement of Ashok Leyland for establishing their project.</p>
5.	No. & date of Administrative Approval	No Administrative Approval is available. However, the State Industrial & Investment Corporation of Maharashtra limited (SICOM) communicated by the letter dated 06.06.1980 (Photocopy enclosed) to the Managing Director of MIDC and clearly mentioned about the permission by Government of Maharashtra for setting up their project in Bhandara District.
6.	Date of Starting the work	Date of Starting the work is not available.
7.	Date of stopping the work	Date of stopping the work is not available. Since, the MIDC completed the formalities for handing over the land of village Gadegaon in Sakoli block on 05.06.1981


and on 05.05.1982 to Ashok Leyland (Possession receipts enclosed).

8. Details of work done on forest area							
Sr. No.	Item	shown on map enclosed as	Forest land involved in the item (In ha.)	Extent of violation on forest land (In ha.)	Amount sanctioned on the item stated Cost	Amount spent on violation on item No. 2	Remarks
1	2	3	4	5	6	7	8
1.	Heat treatment Shop No. 3 and other building	Sur. No.1 of Village Chikhli Hamesha	1.37	10.18	Not applicable as the source of the company in private sector.	No data available.	Bade jhar ka jungle
2.	LPG Storage area		0.08				
3.	Road and Yards		1.95				
4.	Rain Water Harvesting structure		0.29				
5.	Safety distance zone for LPG storage		3.99				
6.	Safety distance zone for LPG storage	Sur.No.47 of Village Chikhli Hamesha	0.50				
7.	Shop No. 4 and other building	Sur.No.57 Of Village Chikhli Hamesha	0.22				
8.	Waste water treatment plants		0.02				
9.	Roads		0.23				
10.	LPG Storage area		0.18				
11.	Safety distance zone for LPG storage		1.34				
12.	Canteen Building and approach roads		Sur.No.113 of Village Gadegaon	0.19	0.19		
Total			10.37	10.37			

9. Period of Work :-			
Sr. No.	Item of work	Quantity	Period of work done
1.	As per column No. 8 above		Not available

10. Name of officers responsible for violation.				
Sr. No.	Name of Officer	Designation	Period of violation	Remarks
1.	Not available			However, on verification of record of rights, it was noticed that all the survey nos. 1(Old No.1), 47(Old No.25), 57(Old No.26) of Village Chikali Hamesha recorded as Bade jhar ka jungle and Survey No 113 of Village Gadegaon recorded as Zudpi Jungle not handed over to State Forest Department. Therefore, fixing of responsibility on any of the officers/employees of the forest department do not arise.

11.	Whether the violation case fits in the criteria's specified in G.R. Revenue & Forest Department No. FLD-1089/	No.
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	C.R.475/Part-2/F-10 dated 21/9/1991		
11 A)	If yes in which para		Not applicable.
12.	If not why		Since the criteria specified in the GR pertain to projects related to Irrigation Department.
13.	Action proposed by the Agency against the officers responsible for violation.		
	Sr.No.	Name of Officer	Designation
	1.	Not available	
			<p>The use of land for M/S. Ashok Leyland company including construction activities carried out on the questioned forest land of 10.37 ha.</p> <p>In this regards, M/s. Ashok Leyland Limited has submitted the proposal for diversion of 3.84 ha. of forest land for forest clearance under sec-2 of Forest (Conservation), Act, 1980. Since construction works are already in place, the exact area in which the construction happened is only proposed for diversion i.e. out of 10.37 ha of forest land which was in possession of M/S Ashok Leyland only 3.84 ha land has been proposed for diversion and rest 6.53 ha forest land has been handed over to the forest department.</p> <p>Hence, the opinion of this office is that, the user agency should own the responsibility of violation committed under Forest Conservation Act 1980 and submit proposal for diversion of 3.84 ha of forest land to get forest clearance under sec-2 of Forest (Conservation), Act, 1980.</p>
14.	Deputy conservator of forests remarks as to whether he agrees with the above details:		<p style="text-align: center;"> (Rahul Gawai) Deputy Conservator of Forests Bhandara Division Bhandara</p>
15.	Remarks of Chief Conservator of Forests:		<p style="text-align: center;">(Shrilakshmi A.) Conservator of Forests (Territorial), Nagpur Circle Nagpur</p>
16.	Remarks of the Principal Chief Conservator of Forests		<p style="text-align: center;">Signature Principal Chief Conservator of Forests, M.S., Nagpur</p>