

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
(HEAD OF FOREST FORCE), MAHARASHTRA STATE, NAGPUR
 ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,
 First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.
 Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

No. Desk-17/FCA-S1/PID-37035/Thane/2023-24/145
 Nagpur - 440 001, Date:- 22/04/2024

To,
 The Deputy Director General (Central)
 Ministry of Environment, Forests, and Climate Change,
 Regional Office, Ground Floor, East Wing,
 New Secretariate Building, Civil Lines,
 Nagpur- 440001.

Sub :- Diversion of 3.36 ha Forest land in favour of National Highway Authority of India, Solapur for four laning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Villages- Pakhani, Chikhali, Hivare, District- Solapur in the State of Maharashtra-regarding.

- Ref- 1) The Government of India, MoEF&CC, Integrated Regional Office, Nagpur vide letter No.F.No.FC-I/MH-353/2023-NGP/12460, dated 09/11/2023.
 2) The Chief Conservator of Forests (T), Pune letter No.D-4/4(2) land/FCA-373/2024-25/A35, dated 12/04/2024.

Sir,

The Government of India, Ministry of Environment, Forests and Climate Change, Regional Office, Nagpur vide letter under reference No. 1 has raised back query on 06 points. Accordingly, the Chief Conservator of Forests (T), Pune vide letter under reference No. 2 has submitted the compliance report to this office. The same may be submitted as under:-

S. No.	Query	Compliance
i	Consolidated single KML file of entire road alignment under instant proposal, dully highlighting proposed forest area for diversion has not been submitted. The same needs to be submitted	The DCF, Pune on 22/02/2024, 03/04/2024 and the CCF (T), Pune vide letter dated 06/03/2024 & 12/04/2024 has submitted compliance:- Consolidated single KML file of entire road alignment under instant proposal, dully highlighting proposed forest area for diversion is enclosed herewith as (Annexure No.I)
ii	Name of the signing authority and date of submission is not mentioned by the User Agency in Part- I submitted along with the proposal. Revised Part- I mentioning name of the signing authority and date of submission shall be submitted.	The DCF, Pune on 22/02/2024, 03/04/2024 and the CCF (T), Pune vide letter dated 06/03/2024 & 12/04/2024 has submitted compliance:- Revised Part- I mentioning name of the signing authority and date of submission is enclosed herewith as (Annexure No.II)
iii	DCF, Solapur has mentioned in his violation certificate that work is already executed in 2012. Detailed violation report has not been submitted along with the proposal. A detailed report on the violation of the FCA, 1980 and action taken thereof against the officers responsible for violation of FCA, 1980 needs to be submitted by the State Government.	The DCF, Pune on 22/02/2024, 03/04/2024 and the CCF (T), Pune vide letter dated 06/03/2024 & 12/04/2024 has submitted compliance:- A detailed report on the violation of the FCA, 1980 and action taken thereof against the officers responsible for violation of FCA, 1980 is enclosed herewith as (Annexure No.III)
iv	DCF, Solapur has mentioned that proposed area for diversion is passing through Great Indian Bustard Wildlife Sanctuary and NBWL in their 18"	The DCF, Pune on 22/02/2024, 03/04/2024 and the CCF (T), Pune vide letter dated 06/03/2024 & 12/04/2024 has submitted compliance:-

	Meeting dated 12.04.2010 granted the clearance for the said proposal. However, copy of approval of NBWL is not submitted along with the proposal. The same needs to be submitted.	The copy of approval of NBWL is enclosed herewith as (Annexure No.IV)
v	Complete enumeration list of trees proposed to be felled in the proposal is not submitted. Girth wise complete enumeration list of trees proposed to be felled in the proposal needs to be submitted.	The DCF, Pune on 22/02/2024, 03/04/2024 and the CCF (T), Pune vide letter dated 06/03/2024 & 12/04/2024 has submitted compliance:- The Girth wise complete enumeration list of trees proposed to be felled in the proposal is enclosed herewith as (Annexure No.V)
vi	Details of employment potential in terms of man days of skilled, semiskilled and unskilled persons on permanent (direct and indirect) and temporary (direct and indirect) basis have not been provided. The same needs to be provided.	The DCF, Pune on 22/02/2024, 03/04/2024 and the CCF (T), Pune vide letter dated 06/03/2024 & 12/04/2024 has submitted compliance:- Details of employment potential in terms of man days of skilled, semiskilled and unskilled persons on permanent (direct and indirect) and temporary (direct and indirect) basis is shown in Part-I. The copy of the same is enclosed herewith as (Annexure No.VI)

In view of the above facts, the aforesaid compliance submitted for further needful action.

Encl : As above

Yours sincerely,


(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests
& Nodal Officer**

Copy submitted to the Principal Secretary (Forests), Revenue & Forest Department, Mantralaya
Mumbai -32 for information.

Copy to the Chief Conservator of Forests (T), Pune for information.

Copy to the Deputy Conservator of Forests, Pune Forest Division, Pune for information.

Copy to the Project Director, NHAI, Solapur for information.



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Govt. of Maharashtra
Forest Department

Office of the Chief Conservator of Forests, Pune Circle, Pune.
Vanbhavan Administrative Building, Gokhale Nagar, Pune.- 411 016.
Phone No 020/25664183 Email-ccftpune@gmail.com.

No. D-4/4(2) Land/FCA 373/2024-25/ A 35

Date: 12/04/2024.

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

Sub-Proposal for diversion of 3.36 ha. forest land in favour of National Highway Authority of India, Solapur for four laning of Pune-Solapur section of NH-9 in Km 144/400 to KM 249/00 at village Pakhani, Chikhali, Hivare, Dist.-Solapur in the State of Maharashtra (FP/MH/ROAD/42876/2019)

- Ref- 1) Government of India, Ministry of Environment Forests & Climate Change Regional Office, Nagpur letter No. FC-I/MH-353/2023- NGP/12460, Dated 09/11/2023.
2) Your Office letter no. d-17/FCA S-I/PID-42876/Pune /3491 dt. 19/03/2024.
3) Deputy conservator of Forest, Solapur letter No. A/D-13/Survey/ 04 /2024.25 Dt. 03/04/2024.

The above subject Government of India Regional Office, MOEFCC, Nagpur letter vide their reference no 1 commented the reply of quarries of following points. Deputy Conservator of forest Solapur has fulfill the quarries 1 to 5 the above reference no 3. copy of same attached herewith.

Sr. No.	Condition	Compliance
i	Name of the signing authority and date of submission is not mentioned by the User Agency in Part- I submitted along with the proposal. Revised Part- I mentioning name of the signing authority and date of submission shall be submitted.	Project authority has submitted revised part-1 vide above reference no 3. The Same is attached herewith.
ii	DCF, Solapur has violation report, but the remarks from CCF (T), Pune office note mentioned, penalty for violation not calculated in violation report and violation note not submitted along with query compliance.	The penalty for violation is calculated and violation note also prepared and attached herewith.
iii	DCF, Solapur has mentioned that proposed area for diversion is passing through Great Indian Bustard Wildlife Sanctuary and NBWL in their 18th Meeting dated 12.04.2010 granted the clearance for the said proposal. However, copy of approval of NBWL is not submitted along with the proposal. The same needs to be submitted.	Deputy Conservator of Solapur has submitted reply as per above reference no. 3 Same is attached herewith.
iv	Complete enumeration list of trees proposed to be felled in the proposal is not submitted signed copy of Deputy Conservator of Forests Solapur.	Signed copy of omplete enumeration list of trees attected in proposed road is attached herewith.

E:\CCF OFFICE LAND\and\3-Solapur Division\Solapur FCA\4 laning Pune-Solapur NH-9 road, Area 3.36 ha..doc

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2/4/24

v	Details of employment potential in terms of man days of skilled, semiskilled and Unskilled persons on permanent (direct and indirect) and temporary (direct and Indirect) basis have not been provided. The same needs to be provided	Deputy Conservator of Solapur has submitted reply as per above reference no. 3 Same is attached herewith.
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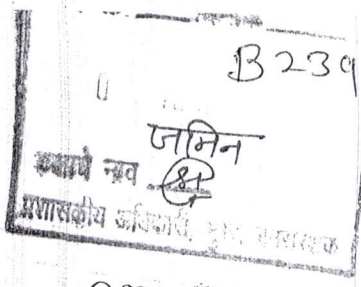
Enclosed — As per above in 3 Copies.

PUR 12/14
(N.R.Praveen)

Chief Conservator of Forests (T) Pune

Copy to - Deputy Conservator of Forests, Solapur for information.

Copy to - Project Dir., National Highways Authority of India, Solapur Plot no.2, Jai Jalaram Nagar, behind Shivdare College, Jule Solapur, Solapur- 413004. for information.



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Government of Maharashtra
Forest Department

Office of the Deputy Conservator of Forests, Solapur Forest Division, Solapur
Phone No 0217/2345096
Vanbhavan, Vijapur Road, Solapur 413 004
Email- forestofficesolapur@gmail.com

O. No. A/D-13/Survey/ 04 /2024-25
Letter.

Solapur, 413 004, Dt. 03/04/2024.

Sub:- Diversion of 3.36 ha. Forest land in favour of National Highway Authority of India. Solapur for four lanning of Pune-Solapur section of NH-9 from Km 144+400 to Km 249+000 at village Pakhani, Chikhali, Hivare District Solapur in the state of Maharashtra.

To,
The Chief Conservator of Forests (Territorial),
Pune.

- Ref- 1. The Government of India, Regional Office, Nagpur letter no FC-1/MH-353/2023-NGP/12460, Dt. 09/11/2023.
2. APPCF and Nodal officer, M. S. Nagpur letter no D-17/FCA-S1/PID-42876/Pune/3491, Dt. 19/03/2024.
3. Project Authority PD, NHAI, Solapur letter no. NHAI/PIU/SLP/F/NH-9/5951, Dt. 26/03/2024.

The above subject APPCF and Nodal officer, M. S. Nagpur vide their reference no 2 commented the reply of quarries of following points. Project authority has fulfill the quarries the above reference no 3. copy of same attached herewith. and this office has fulfilled the quarries as under;

Sr. No	Quarries	Compliance
i	Name of the signing authority and date of submission is not mentioned by the User Agency in Part-I submitted along with the proposal. Revised Part-I mentioning name of the signing authority and date of submission shall be submitted.	Project Authority has submitted reply as per above reference no 3. Same is attached herewith.
ii	DCF, Solapur has violation report, but the remarks from CCF (T), Pune office note mentioned, penalty for violation not calculated in violation report and violation note not submitted along with query compliance.	The penalty for violation is calculated and violation note also prepared and attached herewith. The remarks of CCF (T) Pune is related with CCF (T) Pune office.
iii	DCF, Solapur has mentioned that proposed area for diversion is passing through Great Indian Bustard Wildlife Sanctuary and NBWL in their 18" Meeting dated 12.04.2010 granted the clearance for the said proposal. However, copy of approval of NBWL is not submitted along with the proposal. The same needs to be submitted.	Project Authority has submitted reply as per above reference no 3. Same is attached herewith.
iv	Complete enumeration list of trees proposed to be felled in the proposal is not submitted signed copy of Deputy Conservator of Forests, Solapur.	Signed copy of complete enumeration list of trees affected in proposed road is attached herewith.
v	Details of employment potential in terms of man days of skilled, semiskilled, and unskilled persons on permanent (direct and indirect) and temporary (direct and indirect) basis have not been provided. The same needs to be provided.	Project Authority has submitted reply as per above reference no 3. Same is attached herewith.

You are requested to proceed for further necessary action.
Enclosed- As per above in four copies.

(Dhairyashil Patil)
Deputy Conservator of Forests,
Solapur Forest Division, Solapur.

1. Copy submitted to APPCF and Nodal, M. S. Nagpur for information and necessary action.
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 to Project Director, NHAI, Solapur for information and necessary action.

Violation note as per Guidelines para No. 1.21

Project Director, NHAI, Solapur has submitted a proposal of for non-forest activities i.e. Construction work of four lanning of Pune-Solapur section NH-9 from Km. 144.00 to Km 249.00 done in RF Gut no 203 of village Pakhani Tal North Solapur and Identified Forest gut no 6 of village Hivare and gut no 8, 9 of village Chikhali Tal Mohol Dist Solapur Maharashtra State.

The Construction work of four lanning of Pune-Solapur section NH-9 from Km. 144.00 to Km 249.00 is completed by project authority in between 17 August 2012 to 15 December 2012. The total area comes under violation is 3.36 Ha. The Project Director, NHAI, Solapur has agreed regarding violation of Forest Conservation Act, 1980 and its guidelines and submitted violation report with proposal on dt. 27/05/2022.

In this project the user agency has accepted the violation of FCA 1980, hence action as per guidelines para-No. 1.21 (ii) is to be proposed.

As per guidelines penalty amount is calculated as under:

$$1.21 (ii) a. \text{ Penalty amount} = 957780 \times 3.36 = 3218140.8 \times 5 = 16090704/-$$

In this project, 3.36 Ha. area has been violated. Therefore, penal Compensatory Afforestation scheme will be proposed on equivalent to violated area i.e., 3.36 ha. Along with other FCA 1980 violation provisions.

Place:- Solapur.
Date:- 03 /04/2024.

D.P. Patil
(Dhairyashil Patil)
Deputy Conservator of Forests,
Solapur Forest Division Solapur.

ds *D.P.*
Chief Conservator of Forests
(Territorial), Pune

Calculation of penalty charges against violation done in RF Gut no 203 of village Pakhani Tal North Solapur and Identified Forest gut no 6 of village Hivare and gut no 8, 9 of village Chikhali Tal Mohol Dist Solapur.

- 1) Construction work of four lanning of Pune-Solapur section NH-9 from Km. 144.00 to Km 249.00 done in RF Gut no 203 of village Pakhani Tal North Solapur and Identified Forest gut no 6 of village Hivare and gut no 8, 9 of village Chikhali Tal Mohol Dist Solapur in between 17 August 2012 to 15 December 2012 of 3.36 ha.

Say 3.36

Year	Area	Rate	Amount
2012-13	3.36	5 Time NPV @ 957780	16090704
Total			16090704
2013-14	--	12% Interest	1930884
2014-15	--	12% Interest	1930884
2015-16	--	12% Interest	1930884
2016-17	--	12% Interest	1930884
2017-18	--	12% Interest	1930884
2018-19	--	12% Interest	1930884
2019-20	--	12% Interest	1930884
2020-21	--	12% Interest	1930884
2021-22	--	12% Interest	1930884
2022-23	--	12% Interest	1930884
2023-24	--	12% Interest	1930884
Total			21239724
Grand Total			37330428

It is also certified that the amount of Rs.37330428/- (Rupees Three Crore Seventy Three Lakhs Thirty Thousand Four Hundred and Twenty Eight only) is recommended for Penalty against violation done as per the Guidelines under FCA, 1980 and MoEF & CC's Letter no.F.No.11/42/2017/FCA, Dated 29/07/2018. NPV rate is calculated as per GOI letter dtd. 06/01/2022.


(Dhairyashil Patil)

Place – Solapur
Dated – 03/04/2024.

Deputy Conservator of Forests,
Solapur Forest Divison, Solapur.

Affected Trees in Diversion of 3.36 ha. Forest land in favour of National Highway Authority of India. Solapur for four lanning of Pune-Solapur section of NH-9 from Km 144+400 to Km 249+000 at village Pakhani, Chikhali, Hivare District Solapur in the state of Maharashtra

Sr.No	Tree Local Name	Botanical Name	Girth in (CM)	Height in (M)
1	Shiras	Alberia Lebbac (Dirshanam)	35	4
2	Shiras	Alberia Lebbac (Dirshanam)	34	3
3	Shiras	Alberia Lebbac (Dirshanam)	36	4
4	Shiras	Alberia Lebbac (Dirshanam)	45	3.5
5	Shiras	Alberia Lebbac (Dirshanam)	55	3
6	Shiras	Alberia Lebbac (Dirshanam)	56	4.5
7	Shiras	Alberia Lebbac (Dirshanam)	75	6
8	Shiras	Alberia Lebbac (Dirshanam)	80	7
9	Shiras	Alberia Lebbac (Dirshanam)	86	7.5
10	Shiras	Alberia Lebbac (Dirshanam)	88	7.5
11	Shiras	Alberia Lebbac (Dirshanam)	145	10
12	Shiras	Alberia Lebbac (Dirshanam)	160	12
13	Neem	Azadirachta Indica	25	2
14	Neem	Azadirachta Indica	16	3
15	Neem	Azadirachta Indica	18	2.5
16	Neem	Azadirachta Indica	22	2
17	Neem	Azadirachta Indica	29	3
18	Neem	Azadirachta Indica	27	3.5
19	Neem	Azadirachta Indica	24	3
20	Neem	Azadirachta Indica	23	2
21	Neem	Azadirachta Indica	21	2.5
22	Neem	Azadirachta Indica	34	3
23	Neem	Azadirachta Indica	36	3.5
24	Neem	Azadirachta Indica	40	3
25	Neem	Azadirachta Indica	40	4.5
26	Neem	Azadirachta Indica	45	3.5
27	Neem	Azadirachta Indica	48	3
28	Neem	Azadirachta Indica	50	4.5
29	Neem	Azadirachta Indica	55	2
30	Neem	Azadirachta Indica	52	2.5
31	Neem	Azadirachta Indica	58	3
32	Neem	Azadirachta Indica	60	4.5
33	Neem	Azadirachta Indica	35	3
34	Neem	Azadirachta Indica	38	4.5
35	Neem	Azadirachta Indica	39	2
36	Neem	Azadirachta Indica	37	2.5
37	Neem	Azadirachta Indica	40	3
38	Neem	Azadirachta Indica	42	2
39	Neem	Azadirachta Indica	55	4
40	Neem	Azadirachta Indica	58	3
41	Neem	Azadirachta Indica	50	2.5
42	Neem	Azadirachta Indica	55	4.5
43	Neem	Azadirachta Indica	52	2
44	Neem	Azadirachta Indica	58	2.5
45	Neem	Azadirachta Indica	60	3
46	Neem	Azadirachta Indica	35	3
47	Neem	Azadirachta Indica	38	4.5
48	Neem	Azadirachta Indica	39	3
49	Neem	Azadirachta Indica	55	3.5
50	Neem	Azadirachta Indica	52	3

51	Neem	Azadirachta Indica	58	4.5
52	Neem	Azadirachta Indica	60	3.5
53	Neem	Azadirachta Indica	35	3
54	Neem	Azadirachta Indica	45	4.5
55	Neem	Azadirachta Indica	48	3
56	Neem	Azadirachta Indica	50	4.5
57	Neem	Azadirachta Indica	55	2
58	Neem	Azadirachta Indica	52	2.5
59	Neem	Azadirachta Indica	58	3
60	Neem	Azadirachta Indica	60	3.5
61	Neem	Azadirachta Indica	35	4
62	Neem	Azadirachta Indica	55	3.5
63	Neem	Azadirachta Indica	52	3
64	Neem	Azadirachta Indica	58	4.5
65	Neem	Azadirachta Indica	45	2.5
66	Neem	Azadirachta Indica	36	5
67	Neem	Azadirachta Indica	32	4
68	Neem	Azadirachta Indica	39	3
69	Neem	Azadirachta Indica	45	4
70	Neem	Azadirachta Indica	48	3.5
71	Neem	Azadirachta Indica	50	3
72	Neem	Azadirachta Indica	55	4.5
73	Neem	Azadirachta Indica	52	3.5
74	Neem	Azadirachta Indica	58	4
75	Neem	Azadirachta Indica	60	3.5
76	Neem	Azadirachta Indica	35	3
77	Neem	Azadirachta Indica	48	4.5
78	Neem	Azadirachta Indica	50	4
79	Neem	Azadirachta Indica	55	3.5
80	Neem	Azadirachta Indica	52	3
81	Neem	Azadirachta Indica	58	4.5
82	Neem	Azadirachta Indica	60	3.5
83	Neem	Azadirachta Indica	35	3
84	Neem	Azadirachta Indica	38	4.5
85	Neem	Azadirachta Indica	39	4
86	Neem	Azadirachta Indica	37	3
87	Neem	Azadirachta Indica	42	4
88	Neem	Azadirachta Indica	35	3.5
89	Neem	Azadirachta Indica	37	3
90	Neem	Azadirachta Indica	48	4.5
91	Neem	Azadirachta Indica	50	3.5
92	Neem	Azadirachta Indica	55	3
93	Neem	Azadirachta Indica	52	4.5
94	Neem	Azadirachta Indica	58	3
95	Neem	Azadirachta Indica	60	3.5
96	Neem	Azadirachta Indica	35	2.5
97	Neem	Azadirachta Indica	38	4.5
98	Neem	Azadirachta Indica	65	5
99	Neem	Azadirachta Indica	70	4.5
100	Neem	Azadirachta Indica	85	3
101	Neem	Azadirachta Indica	87	3.5
102	Neem	Azadirachta Indica	64	4
103	Neem	Azadirachta Indica	68	5.5
104	Neem	Azadirachta Indica	74	3
105	Neem	Azadirachta Indica	76	4
106	Neem	Azadirachta Indica	95	8
107	Neem	Azadirachta Indica	110	10
108	Neem	Azadirachta Indica	130	14
109	Subabul	Su Babul	20	2

110	Subabul	Su Babul	35	3
111	Subabul	Su Babul	40	2.5
112	Subabul	Su Babul	45	2
113	Subabul	Su Babul	55	3
114	Subabul	Su Babul	40	2
115	Subabul	Su Babul	44	1.5
116	Subabul	Su Babul	48	2.5
117	Subabul	Su Babul	56	2
118	Subabul	Su Babul	38	3
119	Subabul	Su Babul	36	3.5
120	Subabul	Su Babul	65	4
121	Subabul	Su Babul	75	3.5
122	Subabul	Su Babul	79	4.15
123	Subabul	Su Babul	81	3
124	Subabul	Su Babul	65	2.5
125	Subabul	Su Babul	68	3.15
126	Subabul	Su Babul	70	4
127	Subabul	Su Babul	95	4
128	Subabul	Su Babul	98	4.5
129	Subabul	Su Babul	105	3
130	Subabul	Su Babul	110	3.5
131	Subabul	Su Babul	115	3
132	Babul	Acacia Nilotica	25	2
133	Babul	Acacia Nilotica	35	2
134	Babul	Acacia Nilotica	38	3
135	Babul	Acacia Nilotica	45	2.5
136	Babul	Acacia Nilotica	48	2
137	Babul	Acacia Nilotica	50	3
138	Babul	Acacia Nilotica	55	2
139	Babul	Acacia Nilotica	59	1.5
140	Babul	Acacia Nilotica	34	2.5
141	Babul	Acacia Nilotica	38	2
142	Babul	Acacia Nilotica	36	3
143	Babul	Acacia Nilotica	58	3.5
144	Babul	Acacia Nilotica	56	2
145	Babul	Acacia Nilotica	44	3.15
146	Babul	Acacia Nilotica	65	3.5
147	Babul	Acacia Nilotica	68	4.15
148	Babul	Acacia Nilotica	70	3
149	Babul	Acacia Nilotica	85	2.5
150	Babul	Acacia Nilotica	75	3.15
151	Babul	Acacia Nilotica	72	4
152	Babul	Acacia Nilotica	78	3.5
153	Babul	Acacia Nilotica	88	4.15
154	Babul	Acacia Nilotica	63	3
155	Procipis	Procopis Juliflora	115	12
156	Bor	Ziayphus Xylopyra	35	2
157	Bor	Ziayphus Xylopyra	44	2
158	Bor	Ziayphus Xylopyra	48	3
159	Bor	Ziayphus Xylopyra	55	2.5
160	Bor	Ziayphus Xylopyra	58	2
161	Bor	Ziayphus Xylopyra	34	3
162	Bor	Ziayphus Xylopyra	50	2
163	Bor	Ziayphus Xylopyra	88	4
164	Babul ramkati	Acacia Concinna	56	3
165	Babul ramkati	Acacia Concinna	85	5
166	Gliricidia	Gliricidia Maculata	25	1.5
167	Gliricidia	Gliricidia Maculata	15	2
168	Gliricidia	Gliricidia Maculata	18	3

169	Gliricidia	Gliricidia Maculata	38	3
170	Gliricidia	Gliricidia Maculata	45	2.5
171	Gliricidia	Gliricidia Maculata	48	2
172	Gliricidia	Gliricidia Maculata	50	3
173	Gliricidia	Gliricidia Maculata	55	2
174	Gliricidia	Gliricidia Maculata	59	1.5
175	Gliricidia	Gliricidia Maculata	34	2.5
176	Gliricidia	Gliricidia Maculata	38	2
177	Gliricidia	Gliricidia Maculata	36	3
178	Gliricidia	Gliricidia Maculata	58	3.5
179	Gliricidia	Gliricidia Maculata	56	2
180	Gliricidia	Gliricidia Maculata	44	3.15
181	Gliricidia	Gliricidia Maculata	58	3.5
182	Gliricidia	Gliricidia Maculata	55	4.15
183	Gliricidia	Gliricidia Maculata	45	3
184	Gliricidia	Gliricidia Maculata	55	2
185	Gliricidia	Gliricidia Maculata	59	1.5
186	Gliricidia	Gliricidia Maculata	34	2.5
187	Gliricidia	Gliricidia Maculata	48	2
188	Gliricidia	Gliricidia Maculata	50	3
189	Sisso	Dalburgia Sisso	48	2
190	Anjan	Hardwickia Binnata	45	3.5

Dhairyashil Patil

(Dhairyashil Patil)

Deputy Conservator of Forests
Solapur Forest Division Solapur

Satish Utage

(Satish Utage)

Range Forest Officer, Mohol

Specise - wise local/scientific names and girth wise enumeration of trees as under:								
S. No.	Scientific name	Local name	(0-30)cm.	(31-60)cm.	(61-90)cm.	(91-120)cm.	(121-150)cm.	(> 150)cm.
1	Alberia Lebbac (Dirshanam)	Shiras	0	6	4	0	1	1
2	Azadirachta Indica	Neem	9	76	8	2	1	0
3	Su Babul	Subabul	1	10	7	5	0	0
4	Acacia Nilotica	Babul	1	13	9	0	0	0
5	Procopis Juliflora	Procipis	0	0	0	1	0	0
6	Ziayphus Xylopyra	Bor	0	7	1	0	0	0
7	Acacia Concinna	Babul ramkati	0	1	1	0	0	0
8	Gliricidia Maculata	Gliricidia	3	20	0	0	0	0
9	Dalburgia Sisso	Sisso	0	1	0	0	0	0
10	Hardwickia Binnata	Anjan	0	1	0	0	0	0
Total			14	135	30	8	2	1
Sub Total (No of Trees.)			190					

Satish Utage
(Satish Utage)

Range Forest Officer, Mohol

Dhairyashil Patil
(Dhairyashil Patil)

Deputy Conservator of Forests
Solapur Forest Division Solapur



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सडक परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

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

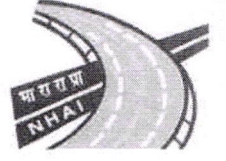
परियोजना कार्यान्वयन, इकाई. सोलापूर (महाराष्ट्र)

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



192

No. NHAI/PIU/SLP/forest/NH-9/ 5951

Date 26/03/2024

To,

Deputy Conservator of Forests (T.),
Solapur Forest Division,
Solapur.

Sub: Four laning of Pune - Solapur Section of NH-9 from Km 144+400 to Km 249+000 in the state of Maharashtra on DBFOT basis - Proposal for diversion of 3.36 Ha. forest area at Village - Pakhani, Chikhali, Hivare, District-Solapur in the State of Maharashtra.

Ref: i. RO (Central), IRO, MoEF&CC, Nagpur letter no. FC-I/MH-353/2023-NGP/12460 dated 09.11.2023

ii. APCCF & Nodal Officer Maharashtra State Nagpur letter no. Desk-17/ Nodal/SI/PID-4276/Pune/23-24/3491 dated 19.03.2024

Sir,

With reference to the subject cited above, please find enclosed herewith compliance to the observations raised by RO (Central), IRO, MoEF&CC, Nagpur on proposal submitted for diversion of 3.36 Ha. forest land into non-forest purpose for four laning of Pune - Solapur Section of NH-9 in Km 144+400 to Km 249+000 at Village Pakhani, Chikhali, Hivare, District-Solapur in the State of Maharashtra.

Sr. No.	Observation	Compliance / Reply
1.	Name of the signing authority and date of submission is not mentioned by the User Agency in Part-I submitted along with the proposal. Revised Part-I mentioning name of the signing authority and date of submission shall be submitted.	Enclosed herewith is the Revised Part-I, which includes the name of the signing authority and the date of submission.
2.	DCF, Solapur has violation report, but the remarks from CCF (T), Pune office note mentioned, penalty for violation not calculated in violation report and	Pertaining to the CCF (T.) Pune.

	violation note not submitted along with query compliance.	
3.	DCF, Solapur has mentioned that proposed area for diversion is passing through Great Indian Bustard Wildlife Sanctuary and NBWL in their 18" Meeting dated 12.04.2010 granted the clearance for the said proposal. However, copy of approval of NBWL is not submitted along with the proposal. The same needs to be submitted.	Already submitted with the proposal. Again, the same is enclosed for your information.
4.	Complete enumeration list of trees proposed to be felled in the proposal is not submitted signed copy of Deputy Conservator of Forests, Solapur.	Pertaining to the DCF (T.) Solapur.
5.	Details of employment potential in terms of man days of skilled, semiskilled, and unskilled persons on permanent (direct and indirect) and temporary (direct and indirect) basis have not been provided. The same needs to be provided	The Details of employment potential mentioned information is included in Form-A, Part-I. The revised Form-A, Part-I is Enclosed herewith.

This is for your information and necessary action please.

धन्यवाद !

भवदीय



(एस. एस. कदम)

उपमहाप्रबंधक (तकनीकी) तथा परियोजना निदेशक,
भा.रा.रा.प्रा., इकाई. सोलापूर

संलग्न: उपरोक्त

प्रत: i) Chief Conservator of Forest (T.), Pune for information please.
ii) Master file.

FORM – 'A' Form for seeking prior approval under section 2 of the proposals
By the State Governments and other authorities PART-I

PART - I
(To be filled up by user agency)

Sr. No.	Description	Comments
1.	Project details:	Proposal for diversion of 3.36 Ha forest area for four laning of Pune - Solapur Section of NH-9 from Km 144+400 to Km 249+000 in the State of Maharashtra.
(i)	Short narrative of the proposal and project/scheme for which the forest land is required.	<p>The Government of India has mandated the National Highways Authority of India (NHAI) to implement the National Highway Development Project (NHDP). The National Highway-9 (NH-65) connects the state of Maharashtra with Karnataka, Telangana & Andhra Pradesh. This is one of the major corridors from North and West to South and vice versa. This is one of the major high-density traffic corridors in India connecting Northern and Western India with Southern India and is a major and integral part of NHDP. The Section from Mumbai to Pune is already four laned and the section from Pune - Solapur - Hyderabad is under development at various stages.</p> <p>With a view to upgrade and rehabilitate the existing highways, where necessary, National Highways Authority of India (NHAI) under PIU, Solapur has envisaged up-gradation of existing highway to four lane configurations of some sections. The proposed up-gradation consists of Pune-Solapur section of existing NH-9 from km. 144+400 to km. 249+000 having total length of 104.6 km in the State of Maharashtra on DBFOT basis under NHDP Phase-III.</p> <p>Some portion of this alignment passes through forest area admeasuring 3.36 Ha, and in this forest land propse work has been done in year 2012. Therefore, it involves diversion of this forest land for non-forest purpose under Forest (Conservation) Act, 1980 with violation.</p>
(ii)	Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.	Map showing the required forest land has been shown on 1: 50,000 scale at original toposheet and enclosed at Page No.
(iii)	Cost of the project:	Rs.835.00 Crs
(iv)	Justification for locating the project in forest area.	The Government of India has mandated the National Highways Authority of India (NHAI) to implement the National Highway Development Project (NHDP). The National

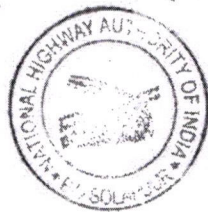
[Handwritten signature]

Sr. No.	Description	Comments															
		<p>Highway-9 (NH-65) connects the state of Maharashtra with Karnataka, Telangana & Andhra Pradesh. This is one of the major corridors from North and West to South and vice versa. This is one of the major high-density traffic corridors in India connecting Northern and Western India with Southern India and is a major and integral part of NHDP. The Section from Mumbai to Pune is already four laned and the section from Pune - Solapur - Hyderabad is under development at various stages.</p> <p>With a view to upgrade and rehabilitate the existing highways, where necessary, National Highways Authority of India (NHAI) under PIU, Solapur has envisaged up-gradation of existing highway to four lane configurations of some sections. The proposed up-gradation consists of Pune-Solapur section of existing NH-9 from km. 144+400 to km. 249+000 having total length of 104.6 km in the State of Maharashtra on DBFOT basis under NHDP Phase-III.</p> <p>Since this is an up-gradation project of existing highway, so no alternative has been examined. Wherever possible, non-forest area already used for the alignment. Since the alignment already exists through 3.36 Ha of forest land, it cannot be located in non-forest area. Hence, the consideration for up-gradation of proposed alignment through forest area is fully justified.</p>															
(v)	Cost-benefit analysis (to be enclosed).	Cost Benefit (CB) analysis is not essential as the forest area proposed for diversion for this project is <20 ha and falling in plains.															
(vi)	Employment likely to be generated.	<p>Direct and indirect employment will be generated during construction and operation period. Mostly local people will be benefited during construction as well as operation period of this project alignment.</p> <table border="1" data-bbox="715 1476 1378 1717"> <thead> <tr> <th>Type of work</th> <th>Permanent employment in persons</th> <th>Temporary employment in man days</th> </tr> </thead> <tbody> <tr> <td>Skilled</td> <td>50</td> <td>50</td> </tr> <tr> <td>Semi-Skilled</td> <td>50</td> <td>50</td> </tr> <tr> <td>Unskilled</td> <td>0</td> <td>100</td> </tr> <tr> <td>Total</td> <td>100 (Per day)</td> <td>200 (Per day)</td> </tr> </tbody> </table>	Type of work	Permanent employment in persons	Temporary employment in man days	Skilled	50	50	Semi-Skilled	50	50	Unskilled	0	100	Total	100 (Per day)	200 (Per day)
Type of work	Permanent employment in persons	Temporary employment in man days															
Skilled	50	50															
Semi-Skilled	50	50															
Unskilled	0	100															
Total	100 (Per day)	200 (Per day)															
2.	Purpose wise breakup of the total land required.	Area Statement is enclosed.															

S

Sr. No.	Description	Comments
3.	Details of displacement of people due to the project, if any.	There is no displacement of people in the forest area.
(i)	Number of Families	Nil
(ii)	Number of Scheduled Casts/Scheduled Tribe families	Nil
(iii)	Rehabilitation Plan	Not Applicable
4.	Whether clearance under environment (Protection) Act 2006 required	Yes, Environmental Clearance has been obtained from MoEF&CC, GOI vide F.No. 10-89/2010-IA-III dated on 17th November 2011.
5.	Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed).	Enclosed in Checklist
6.	Details of Certificates/documents enclosed as required under the instructions.	Enclosed at respective place in the Forest Diversion Proposal (FDP) as per the Checklist.

Date: 26/03/2024
Place: Solapur



(S. S. Kadam)
Project Director

National Highway Authority of India
PIU, Solapur

Plot No. E-2, Jai Jalaram Nagar, Behind Shivdare
College, Jule Solapur, Solapur - 413 004.

Tel/Fax- 0217-2303379

Email: solapur@nhai.org,
piusolapur@gmail.com

27 APR 2010 11:34 AM

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224



Government of India,
Ministry of Environment & Forests
(Wildlife Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi-110003

F. No. 6-43/2007 WL-1 (pt. IX)
Dated: 20th April, 2010

To,
All Members,
Standing Committee of
National Board for Wildlife.

Sub: Minutes of 18th Meeting of the Standing Committee of National Board for Wildlife.

Sir,
Kindly find enclosed a copy of Minutes of 18th Meeting of Standing Committee of National Board for Wildlife (NBWL) held on 12th April, 2010 under the Chairmanship of Hon'ble Minister of State (Independent Charge) Environment & Forests.

Yours faithfully,

Anmol Kumar
(Dr. Anmol Kumar)
Deputy Inspector General (WL)
Telefax: 011-24366842.

Encl: As above.

Great Indian Bustard (GIB) Sanctuary.

The Member Secretary informed that initially a task force under Dr. M.K. Ranjitsinh for rationalization of boundaries had recommended for deletion of area of the Great Indian Bustard Sanctuary from 8496.44 sq. kms to 347.63 sq. kms. Thereafter, as per the directives of the Hon'ble Supreme Court, a committee under Shri. V.B. Sawarkar surveyed the area in detail and recommended retention of an area of 1222.61 sq.kms in the GIB Sanctuary, reducing from 8496.44 sq. kms.

The Rationalization Committee had also examined the proposal and a site inspection was carried out by Shri. Mahendra Vyas, Member, Rationalization Committee. The rationalization committee had recommended to adopt the Sawarkar Committee report and to reduce the area to 1222.61 sq kms. subject to the condition that other suitable areas in the State would be considered for upgrading them to the sanctuary status, as follows.

Sl.No.	Name	District	Area in Sq. km.
1.	Mansinghdeo	Nagpur	182.29
2.	Rajnachi	Thane, Pune, Alibag	122.96
3.	Sudhagash Tamni	Western Ghats	220.18
4.	Tipayash	Gadchiroli	52.4
5.	Kopala	Gadchiroli	90.93
6.	Isapur Bird Sanctuary	Yavatmal	121.55

After discussion, the Standing Committee recommended reduction of the area of the sanctuary to 1222.61sq kms from the existing 8496.44 sq. kms subject to the condition that suitable areas as indicated above be considered for declaring as Protected Areas. The Chief Wildlife Warden may use his discretion in prioritizing these areas and atleast one of the above, preferably, Mansinghdeo should be declared as a Protected Area before reducing the Sanctuary area.



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय)

National Highways Authority of India

(Ministry of Road Transport & Highways)

G-5 & 6, Sector-10, Dwarka, New Delhi-110075

Project Implementation Unit, United Arcade,

Hotgi Road Solapur-413003

M. No. 9414121000 Email rc.mehtapiu@rediffmail.com

Phone 91-11-25074100/25074200

Fax 91-11-25093507/25093514

Extn. 2223/2318/2468/2553

Outward No. NHA/PIU/SOLP/pspk 411/Forest/1 Dt. 28/04/2010.

To,
The Chief Conservator of Forest,
Pune, Maharashtra.

Sub.- Four laning of Pune Solapur Section of NH 9 from Km. 144/400 to Km. 249/00 (Pkg. II) in the State of Maharashtra on DBFOT basis (Rationalisation of boundaries of Great Indian Bustard (GIB) Sanctuary.)

Ref.- Minutes of Meeting of Standing Committee of NBWL dated 12/04/2010 issued by MOEF, New Delhi.

Respected Sir,

Please refer the subject cited above, your attention is drawn towards minutes of meeting of NBWL released by MOEF, New Delhi vide which recommendation of committee under Shri. V. B. Sawarkar for retention of an area of 1222.61 Sq. Kms. In GIB Sanctuary reducing from 8496.44 Sq. Kms. have been recommended for adoption by rationalization committee.

The standing committee of NBWL has also recommended reduction of the area of the sanctuary to 1222.61 Sq. Kms. from the existing 8496.44 Sq. Kms. in their meeting dated 12/04/2010 (Copy enclosed).

It has been gathered that in above recommendation of Sawarkar Committee, Land along existing National Highways for 50 m. width each side has been excluded from, sanctuary area. Therefore requirement of Survey, Investigation & obtaining forest clearance for execution of 4 laning work in the above 50 m wide land on each side, along existing NH9 is not desirable.

Your good self is requested to kindly provide the contents of Sawarkar Committee in this regard for further necessary action in the above matter and oblige.

An early favourable action in the matter is requested.

Thanking you,

Encl.: As above

Yours faithfully,

जायक, जायक, का डिप्टी
प्रधान संरक्षक सोलापूर
कनिष्ठ, सोलापूर.

R. C. Mehta 28.4.2010
GM (Tech.) & Project Director

Copy to 1. Chief Warden, Wild Life Govt. of Maharashtra, Nagpur.
2. Deputy Conservator Forest, Solapur.

KIND ATTN: K R Khan.

(11)

1	Name of the Proposal	Proposal for permission for survey and investigation for deletion of 328.52 ha of area from the Maldhok (GTB) Sanctuary, Maharashtra for widening of NH-9.
2	Name of the protected Area involved	Great Indian Bustard Sanctuary.
3	File No	6-13/2010 WL-I
4	Name of the state	Maharashtra
5	Whether proposal is sub-judice	No
6	Area of the protected area	5,11,668 ha (Solapur Distt.)
7	Area proposal for diversion/Denotification	296.35 ha (Private/Non forest area-290.284 ha, Reserve Forest-3.11 ha and Identified forest-3.05 ha)
8	Name of the applicant agency	National Highways Authority of India.
9	Total number of tree to be felled	Nil
10	Maps depicting the Sanctuary and the diversion proposal included or not	Yes
11	Recommendation of State Board for wildlife	The State Board for Wildlife has recommended the Proposal in the meeting held on 20 th February, 2009. The widening of National Highway 9 passing through Maldhok Sanctuary is of National Infrastructural importance. The widening of NH-9 passing through Maldhok Sanctuary, survey and investigation for denotification of 6.151 ha forest area and 322,359 ha private area of the sanctuary has been approved.
12	Brief justification on the proposal as given by the applicant agency.	The National Highways Authority of India (NHAI) has been entrusted with the development, maintenance and management of National Highways under NHDP phase-III Programme of 4/6-laning of 10,000 km on BOT basis which includes the High Density Corridors/ Sections of National Highways in the country. The stretches have been identified on the basis of (i) High Traffic Density (ii) Connectivity of State Capitals with NHDP (iii) Connectivity to important centres of tourism and economic activity. The development of various National Highways where the intensity of traffic has increased or likely to increase significantly. There is a requirement of augmentation of capacity for safe and efficient movement of traffic.
13	Rare and endangered species found in the area.	Chinkara, Indian Wolf, blackbuck etc.

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14	<p>Opinion of the Chief Wildlife Warden</p> <p>The Chief Wildlife Warden has recommended the project. An exercise has already been carried out under the directives of the Hon'ble Supreme Court to rationalise the boundaries of the sanctuary with the help of panel of experts. The experts have suggested that the area of the sanctuary should be reduced 1222.61 sq kms, to encompass the viable habitats of the GIB and its associated species. The CWI has identified the area falling within the proposed rationalised boundaries of the sanctuary through which the national highway is passing. It will be important to carry out a detailed study of the likely impact of the project on wildlife and its habitats in this area. The CWI has suggested providing bypasses and this can be examined when the impact study is conducted. Since this is an application for survey only, considering the nature and spread of the GIB sanctuary, which comprises mainly non-forest land and scrub forests, CWI, W recommended the proposal.</p>
15	<p>Comment of Ministry</p> <p>The Standing Committee may like to consider the proposal.</p>

D. No. 6-43/2007 WT-1 (P-18)
Government of India
Ministry of Environment & Forests
Wildlife Division

Paryavaran Bhawan
CGO Complex, Lodi Road,
New Delhi-110003
Dated: 26.03.2010

To
The Chief Wildlife Warden,
Govt. of Maharashtra,
Department of Forests,
Van Bhawan, Ramgiri Road,
Civil Lines, Nagpur - 440001.

Sub: 18th meeting of the Standing Committee of NBWL.

Sir,
The 18th meeting of Standing Committee of NBWL would be convened on 5th April 2010 at 1500 Hrs. in Room No. 403, Paryavaran Bhawan, New Delhi under the chairmanship of Hon'ble Minister of State (Independent Charge) for Environment & Forests. During the meeting the following proposals pertaining to diversion/denotification of forest land for non-forestry purpose pertaining to Maharashtra would come up for discussion:

1. Rationalization of boundaries of Great Indian Bustard Sanctuary & Bhimashankar Sanctuary, Maharashtra.
2. Proposal for permission of NBWL to establish a panther rescue center at Belvandi in Shrigonda tahsil of Ahmednagar district in Maharashtra Site.
3. Proposal for permission for survey and investigation for delerion of 328.52 ha of area from the Malkhok (GIB) Sanctuary, Maharashtra for widening of NH-9.
4. Proposal for denotification of 14.12 ha area (10.98 ha submerged area and 3.14 ha dam construction) from Radhanagar Sanctuary for Savarde minor irrigation project.

It is requested to kindly make it convenient to attend the meeting. The user agency may also be kindly requested to be present during the meeting for making the presentation.

Yours faithfully,

(Signature)
(Dr. Anmol Kumar)
Deputy Inspector General (WL)

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& ~~to~~

*Kindly see
sent at 3.0.10
of Director & concerned
author may kindly be
D. No. 201 for finalisation
of presentation and also meeting
available to attend the meeting
on 5th April.*

*Yours
Odm (EW)
30.3.10*

Shri. Mehta (094/412/008)
PD PIU Solapur
attend the
MUKHOPADHYAYA
S.M (EW) HQ
on 5th April/2010

YCA Mehta@rediffmail.com

12010
Ru. Mumbai

PIU



635476

ITEM NOS. 301 to 318
MM-1

COURT NO. 6

SECTION PIL/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

Certified to be true copy	
<i>Daxar</i>	Petitioner(s)
Assistant Registrar (Judicial)	
26.07.1995	
Supreme Court of India	Respondent(s)

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, 1983, 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 NOTIFICATION DATED 25.6.2009)

318. I.A. NOS. 2155-2156 & 2680 IN I.A. NO. 2156 IN W.P.(C)
202/1995
(FOR IMPLEADMENT, 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. Kamalendra Mishra, Adv.

Mr. Subodh Markandeya, Adv.

Mr. Rajeev K. Dubey, Adv.

Mr. Kamalendra 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. Kamalendra 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. GuruKrishna 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.

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

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

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.

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.

Item No. 311

Copy of the CEC report be served on the Standing counsel for the State of Chhatisgarh and the report be transmitted to the Government for implementation of the recommendations. The application is disposed of.

Item No. 312

No appearance for the applicant.

Perused the report of the CEC.

In view of the report of the CEC, the application stand rejected.

Item No. 313

W.P. (C) 4 of 2010

Learned counsel for the petitioner seeks permission to withdraw the writ petition. Permission is granted. The writ petition is dismissed as withdrawn.

W.P. (C) Nos. 567, 568, 574, 575, 576, 578 of 2009

Learned counsel for the petitioner seeks permission to withdraw the writ petitions with liberty to the petitioners to seek appropriate remedy in accordance with law. Permission granted. The writ petitions are dismissed as withdrawn with liberty as prayed for.

Item No. 314

List next week as first case.

However, it is made clear that no further adjournment will be granted.

Item No. 315

We have heard Mr.G.E.Vehanvati, learned A.G and Mr.P.S.Narasimha, Sr. Adv. Amicus Curiae.

Perused the decision of the NBWL dated 12.4.2010. The committee has already approved prayer no.1.

In terms of the decision of NBWL held on 12.4.2010, prayer no.1 on this application is allowed.

Item No. 316

I.A.Nos. 1791-1792 of 2007 - List after Two weeks' for the response of the CEC.

I.A.No. 139 of 2010 - List next week as miscellaneous item.

Item No. 317

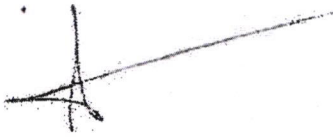
List after the sandalwood cases.

Item No. 318

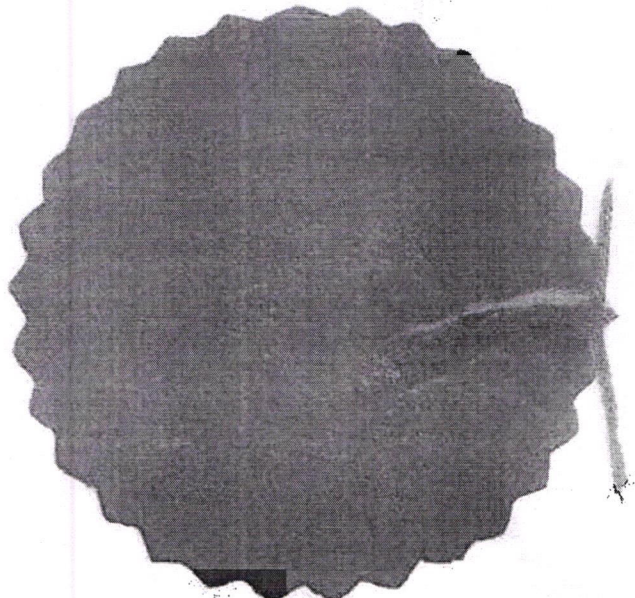
List after two weeks.

(KUSUM SYAL)
SR. P.A.

(RENUKA SADANA)
COURT MASTER



SEALED BY PRESENCE



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Ekta Singh 26/11/2011

Branch Officer
Supreme Court of India

26/11