

RE-DIVERSION OF 0.07905 Ha. FOREST LAND FOR LAYING OF 1500MM DIA M.S.GRAVITY MAIN ALONG NH-17 IN APPROVED ROW AT SURVEY NO 22 PT AND 15 PT IN VILLAGE SHITOLE, TAL-PEN, DISTT-RAIGAD TO SUPPLY WATER FOR NAVI MUMBAI IN THE STATE OF MAHARASHTRA

Specific Recommendation of Principal Chief Conservator of Forests, Maharashtra State (Head of Forest Force) with regards to acceptance or otherwise of the proposal supported by reasons

The Executive Engineer, (Hetawane) CIDCO Ltd submitted the proposal for re-diversion of 0.07905 ha forest land for laying 1500mm dia M.S. gravity main along NH-17 in approved Right of Way (ROW) in survey No 33 pt & 15 Pt in village Shitole, Tal Pen, Distt, Raigad to supply water for Navi Mumbai in the state of Maharashtra.

2. The proposed re-diversion land is out 23.6865 ha diverted forest land which was finally approved for widening (Four lanes) Panvel to Indapur section of NH-17 from Km 20/100 to 84/100 in favour of General Manager (Tech) and Project Director, NHA in Raigad District of Maharashtra vide GOI, Regional Office, Bhopal letter No 6-MHC 025/2013-BHO/1352 dated 23/08/2013. Details of area already diverted forest land is as under :-

Division	Taluka	Area in ha.
Alibag Division	Roha Taluka	13.0325
	Pen Taluka	3.2820
	Total Area	16.3145
Roha Division	Mangaon Taluka	0.7293
	Roha Taluka	6.6427
	Total Area	7.3720
Grand Total		23.6865

2.1 As per Government of India guidelines dated 07/10/2014 the user agency has submitted the fresh proposal for re-diversion of 0.07905 ha. out of previously approved 23.6825 ha forest land by GOI in favour of General Manager (Tech) and Project Director, NHA for widening (Four lanes) Panvel to Indapur section of NH-17 from Km 20/100 to 84/100. Details of previously finally approved forest land & proposed for diversion are as under :-

Sr. No	Approved Area (23.6865 Ha)					Proposed Re-diversion area 0.07905 ha				
	Village	Sy/Gat	Length x width	Area ha	Legal Status	Village	Sy/Gat	Length x width	Area ha	Legal Status
1.	Shitole	22 Pt	Irregular Shape	0.2656	Protected Forest	Shitole	22 Pt	195 x 3.10	0.06045	Protected Forest
2.	Shitole	15 Pt		0.6400		Shitole	15 Pt	60 x 3.10	0.01860	
	Total			0.9056		Total			0.07905	

c/7

3. The User Agency has highlighted that CIDCO has laid 50 kms length of 1200/1500mm dia PSC/MS pipeline from Hetawane dam to Nerul Master Blance Reservoir (MBR) under Hetawane Water supply Scheme. The scheme was successfully commissioned in the year 2002. At present , CIDCO is getting 135 MLD water from Hetawane dam and the same is being supplied to Navi Mumbai, Dronagiri, Kharghar and 68 enroute villages along the alignment of the pipeline. Due to increasing need for supply of water to the increasing population in the various nodes, there is desperate need for alternative to overcome this problem. The construction of water pipeline along the existing road has relatively low development time, cost, low operation and maintenance cost and minimal impact on the environment. The project would benefit residents of Navi Mumbai. Therefore CIDCO has proposed to laid 1500 mm dia M.S. gravity Main along NH-17 from Hamarpur Phata to Kharosi Phata to overcome the above problems.

8/12-14

3.1 The CIDCO has received permission for laying of pipeline from NHA1 within ROW of NH-17 vide letter dated 25/01/2017 and made Agreement between NHA1 and CIDCO dated 25/01/2017 to lay water supply pipe line along National Highway 17.

3.2 Considering the public utility of project for drinking water and is in public interest Therefore the project authority has submitted the re-diversion proposal for 0.07905 ha forest land for approval under Section 2 (ii) of the Forest (Conservation) Act 1980.

c/9

4. The proposal has been submitted by CCF (T), Thane vide letter Desk-10/FCA/CR-45/19-20/511/19-20 dated 10/12/2019. along with following documents :-

4.1 **Deputy Conservator of Forests, Alibag Certified that :-**

8/30,35

4.1.1 No suitable alternative non forest land is available for the purpose and demand for the required Forest land is lowest minimum demand

8/31

4.1.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it , have not been violated by user agency .

8/26,27

4.1.3 The proposed project is not included in the area of any National Park/Wildlife Sanctuary

8/28

4.1.4 The proposed area is not within 10 km of any National Park/Sanctuary.

8/29

4.1.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.

8/33

4.1.6 The forest area involved in the proposed project belongs to Eco Class – I having density 0.1.

8/37-40

4.1.7 Deputy Conservator of Forests, Alibag has submitted the site inspection reports dated 27/06/2019

8/32

4.1.8 There is no tree felling involved in the proposed project.

8/41

4.1.9 Deputy Conservator of Forests, Alibag in his project note mentioned that the primary user agency already deposited compensatory afforestation amount, Therefore in this project not required to Compensatory afforestation. The project authority is willing to bear the cost of NPV.

8/25

4.1.10 The Deputy Conservator of Forests , Alibag has certified that the non forest land covered under the project of providing and layig 1500mm dia M.S. gravity main along NH-17 under Hetawane water supply shcme (Survey No in Shitole 22 Pt , 15 Pt) of village Shitole, Tal-Pen, Distt-Raigad, Maharashtra are not under provisions of Maharashtra Private Forest (Acuisition) Act 1975 by virtue of application of section 35 of Indian Forest Act 1927 and are not

recognized as deemed Reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.

4.2 **The user agency has submitted the following undertakings :-**

- 4.2.1 To bear the cost of clearance/removal of the vegetation growth from the proposed forest land. P/45
- 4.2.2 Agrees to pay Net Present Value (NPV) for the proposed forest land . P/19,24
- 4.2.3 Agrees to bear the cost of Compensatory Afforestation. P/16
- 4.2.4 The User Agency has submitted the copy of agreement dated 25/01/2017 to lay water supply pipe line along National Highway-17 from Jite to Hamrapur between NHAI and CIDCO. along with permission letter dated 25/01/2017. P/67-76
- 4.2.5 Copy of GOI, MoEF&CC letter dated 23/08/2013 for approval of diversion of 23.6865 ha forest land for Panvel-Indapur NH-17. P/7789
- 4.2.6 The user agency has submitted the FRA-2006 certificate dated 28/09/2015 for 23.6865 ha issued by Collector, Raigad for earlier approved project of NH-17. P/102-105

5. Deputy Conservator of Forests , Alibag has recommended the proposal for approval as the project required re-diversion of forest land already diverted area for NH-17. This is infrastructure development and public use and which required less than 1.00 ha forest land. Project proponent is ready to bear all the Government levies. P/8

6. The Chief Conservator of forests (T) Thane has recommended the proposal for approval. P/9


7. In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-


- 7.1 The legal status of the land proposed under diversion shall remain unchanged.
- 7.2 The forest land shall not be used for any purpose other than specified in the proposal;
- 7.3 The user agency will defray the additional / revised cost of Net Present Value of Forest land as per the latest Guideline of Government of India.
- 7.4 Primary user agency has already deposited compensatory afforestation amount, Therefore in this re-diversion proposal compensatory afforestation should not be insist upon the new User Agency .
- 7.5 The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars., each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
- 7.6 The user agency will obtain Environmental Clearance from competent authority, if required.
- 7.7 Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
- 7.8 The user agency will make good the land after use/maintenance.

- 7.9 No damage to the flora and fauna of the adjoining area shall be caused;
- 7.10 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.11 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.
- 7.12 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.


(Dr. N. Rambabu)

Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur.


30/12/19


30/12/2019

PART -V

(To be filled in by the Secretary in charge of the Forest Department or any other authorized officer of the State Government not below the rank of under Secretary)


Sub.:- The Executive Engineer, (Hetawane) CIDCO Ltd , Navi Mumbai has submitted the proposal for Re-diversion of 0.07905 ha Protected forest land for laying 1500mm dia M.S. gravity main along NH-17 in approved Right of Way (ROW) in survey No 33 pt & 15 Pt in village Shitole, Tal Pen, Distt, Raigad to supply water for Navi Mumbai in the state of Maharashtra under Section - 2 (ii) of the Forest (Conservation) Act, 1980. The details of the forest land proposed for Re- diversion is as under :-

Sr. No	Approved Area (23.6865 Ha)					Proposed Re-diversion area 0.07905 ha				
	Village	Sy/Gat	Length x width	Area ha	Legal Status	Village	Sy/Gat	Length x width	Area ha	Legal Status
1.	Shitole	22 Pt	Irregular Shape	0.2656	Protected Forest	Shitole	22 Pt	195 x 3.10	0.06045	Protected Forest
2.	Shitole	15 Pt		0.6400		Shitole	15 Pt	60 x 3.10	0.01860	
	Total			0.9056		Total			0.07905	

Recommended:

(MoEF, Government of India, vide letter No.5-5/86-FC (Pt) dated 17/4/2000 has suggested to submit proposals for projects in social sector requiring forest area up to 5.00 Ha., directly to Government of India. Accordingly, Government of Maharashtra has delegated the power to the Nodal Officer, Maharashtra State vide No. FLD-1000/CR-187/F-10 dated 10/05/2000 to submit proposals less than 5.00 Ha. (excluding National Parks and Sanctuaries) directly to Regional Office, MoEF&CC.)

Date : 20 /01/2020
Place : Nagpur


(Sanjeev Gaur)
Additional Principal Chief Conservator of Forests
& Nodal Officer


20/01/2020

PART -IV**Nodal Officer or Principal Chief Conservator of Forests (Head of Forest Force)**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.:- The Executive Engineer, (Hetawane) CIDCO Ltd , Navi Mumbai has submitted the proposal for Re-diversion of 0.07905 ha Protected forest land for laying 1500mm dia M.S. gravity main along NH-17 in approved Right of Way (ROW) in survey No 33 pt & 15 Pt in village Shitole, Tal Pen, Distt, Raigad to supply water for Navi Mumbai in the state of Maharashtra under Section - 2 (ii) of the Forest (Conservation) Act, 1980. The details of the forest land proposed for Re- diversion is as under :-

Sr. No	Approved Area (23.6865 Ha)					Proposed Re-diversion area 0.07905 ha				
	Village	Sy/Gat	Length x width	Area ha	Legal Status	Village	Sy/Gat	Length x width	Area ha	Legal Status
	For widening (Four lanes) Panvel to Indapur section of NH-17 from Km 20/100 to 84/100 vide GOI, Regional Office, Bhopal letter No 6-MHC 025/2013-BHO/1352 dated 23/08/2013					For laying 1500mm dia M.S. gravity main along NH-17 in approved Right of Way (ROW) in survey No 33 pt & 15 Pt in village Shitole, Tal Pen, Distt, Raigad to supply water for Navi Mumbai.				
1.	Shitole	22 Pt	Irregular Shape	0.2656	Protected Forest	Shitole	22 Pt	195 x 3.10	0.06045	Protected Forest
2.	Shitole	15 Pt		0.6400		Shitole	15 Pt	60 x 3.10	0.01860	
	Total			0.9056		Total			0.07905	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 10A.

Date : 20 /01/2020

Place : Nagpur

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Sanjeev Gaur
20/01/2020



महाराष्ट्र वन विभाग

Certified by ISO

9001:2015

Office of the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State

**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) 2556916, Fax no. (0712) 2550675

E-mail- apccfnodal@mahaforest.gov.in Website: www.mahaforest.gov.in

Sub.- Re-Diversion of 0.07905 ha Protected Forest land for laying 1500mm dia M.S. gravity main along NH-17 in approved Right of Way (ROW) in survey No 33 pt & 15 Pt in village Shitole, Tal Pen, Distt, Raigad to supply water for Navi Mumbai in the state of Maharashtra.

No. : Desk-17/NC/II/ID 12157/(46) Pt II/1703/2019-20
Nagpur – 440 001, Dated: 21/01/2020

To ,

The Deputy Director General (Forests) ,
Government of India, Ministry of Environment, Forests & Climate Change,
Regional Office (WCZ), Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur 440001

Ref:- Chief Conservator of forests, (T) Thane letter No Desk-10/FCA/CR-45/19-20/OW-511/19-20 dated 10/12/2019.

The Executive Engineer, (Hetawane) CIDCO Ltd submitted the proposal for re-diversion of 0.07905 ha forest land for laying 1500mm dia M.S. gravity main along NH-17 in approved Right of Way (ROW) in survey No 33 pt & 15 Pt in village Shitole, Tal Pen, Distt, Raigad to supply water for Navi Mumbai in the state of Maharashtra.

2. The proposed re-diversion land is out 23.6865 ha diverted forest land which was finally approved for widening (Four lanes) Panvel to Indapur section of NH-17 from Km 20/100 to 84/100 in favour of General Manager (Tech) and Project Director, NHAI in Raigad District of Maharashtra vide GOI, Regional Office, Bhopal letter No 6-MHC 025/2013-BHO/1352 dated 23/08/2013. Details of area already diverted forest land is as under :-

Division	Taluka	Area in ha.
Alibag Division	Roha Taluka	13.0325
	Pen Taluka	3.2820
	Total Area	16.3145
Roha Division	Mangaon Taluka	0.7293
	Roha Taluka	6.6427
	Total Area	7.3720
Grand Total		23.6865

2.1 As per Government of India guidelines dated 07/10/2014 the user agency has submitted the fresh proposal for re-diversion of 0.07905 ha. out of previously approved 23.6825 ha forest land by

GOI in favour of General Manager (Tech) and Project Director, NHAI for widening (Four lanes) Panvel to Indapur section of NH-17 from Km 20/100 to 84/100. Details of previously finally approved forest land & proposed for diversion are as under :-

Sr. No	Approved Area (23.6865 Ha)					Proposed Re-diversion area 0.07905 ha				
	Village	Sy/Gat	Length x width	Area ha	Legal Status	Village	Sy/Gat	Length x width	Area ha	Legal Status
	For widening (Four lanes) Panvel to Indapur section of NH-17 from Km 20/100 to 84/100 vide GOI, Regional Office, Bhopal letter No 6-MHC 025/2013-BHO/1352 dated 23/08/2013					For laying 1500mm dia M.S. gravity main along NH-17 in approved Right of Way (ROW) in survey No 33 pt & 15 Pt in village Shitole, Tal Pen, Distt, Raigad to supply water for Navi Mumbai.				
1.	Shitole	22 Pt	Irregular Shape	0.2656	Protected Forest	Shitole	22 Pt	195 x 3.10	0.06045	Protected Forest
2.	Shitole	15 Pt		0.6400		Shitole	15 Pt	60 x 3.10	0.01860	
	Total			0.9056		Total			0.07905	

3. The User Agency has highlighted that CIDCO has laid 50 kms length of 1200/1500mm dia PSC/MS pipeline from Hetawane dam to Nerul Master Balance Reservoir (MBR) under Hetawane Water supply Scheme. The scheme was successfully commissioned in the year 2002. At present , CIDCO is getting 135 MLD water from Hetawane dam and the same is being supplied to Navi Mumbai, Dronagiri, Kharghar and 68 enroute villages along the alignment of the pipeline. Due to increasing need for supply of water to the increasing population in the various nodes, there is desperate need for alternative to overcome this problem. The construction of water pipeline along the existing road has relatively low development time, cost, low operation and maintenance cost and minimal impact on the environment. The project would benefit residents of Navi Mumbai. Therefore CIDCO has proposed to laid 1500 mm dia M.S. gravity Main along NH-17 from Hamarpur Phata to Kharosi Phata to overcome the above problems.

3.1 The CIDCO has received permission for laying of pipeline from NHAI within ROW of NH-17 vide letter dated 25/01/2017 and made Agreement between NHAI and CIDCO dated 25/01/2017 to lay water supply pipe line along National Highway 17.

3.2 Considering the public utility of project for drinking water and is in public interest Therefore the project authority has submitted the re-diversion proposal for 0.07905 ha forest land for approval under Section 2 (ii) of the Forest (Conservation) Act 1980.

4. The proposal has been submitted by CCF (T), Thane vide letter Desk-10/FCA/CR-45/19-20/511/19-20 dated 10/12/2019. along with following documents :-

4.1 **Deputy Conservator of Forests, Alibag Certified that :-**

- 4.1.1 No suitable alternative non forest land is available for the purpose and demand for the required Forest land is lowest minimum demand
- 4.1.2 Provisions of the Forest (Conservation) Act, 1980 and guidelines there under it , have not been violated by user agency .
- 4.1.3 The proposed project is not included in the area of any National Park/Wildlife Sanctuary
- 4.1.4 The proposed area is not within 10 km of any National Park/Sanctuary.
- 4.1.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.

- 25
- 4.1.6 The forest area involved in the proposed project belongs to Eco Class – I having density 0.1.
- 4.1.7 Deputy Conservator of Forests, Alibag has submitted the site inspection reports dated 27/06/2019
- 4.1.8 There is no tree felling involved in the proposed project.
- 4.1.9 Deputy Conservator of Forests, Alibag in his project note mentioned that the primary user agency already deposited compensatory afforestation amount, Therefore in this project not required to Compensatory afforestation. The project authority is willing to bear the cost of NPV.
- 4.1.10 The Deputy Conservator of Forests , Alibag has certified that the non forest land covered under the project of providing and laying 1500mm dia M.S. gravity main along NH-17 under Hetawane water supply scheme (Survey No in Shitole 22 Pt , 15 Pt) of village Shitole, Tal-Pen, Distt-Raigad, Maharashtra are not under provisions of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of section 35 of Indian Forest Act 1927 and are not recognized as deemed Reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.
- 4.2 **The user agency has submitted the following undertakings :-**
- 4.2.1 To bear the cost of clearance/removal of the vegetation growth from the proposed forest land.
- 4.2.2 Agrees to pay Net Present Value (NPV) for the proposed forest land .
- 4.2.3 Agrees to bear the cost of Compensatory Afforestation.
- 4.2.4 The User Agency has submitted the copy of agreement dated 25/01/2017 to lay water supply pipe line along National Highway-17 from Jite to Hamrapur between NHAI and CIDCO. along with permission letter dated 25/01/2017.
- 4.2.5 Copy of GOI, MoEF&CC letter dated 23/08/2013 for approval of diversion of 23.6865 ha forest land for Panvel-Indapur NH-17
- 4.2.6 The user agency has submitted the FRA-2006 certificate dated 28/09/2015 for 23.6865 ha issued by Collector, Raigad for earlier approved project of NH-17.

5. Deputy Conservator of Forests , Alibag has recommended the proposal for approval as the project required re-diversion of forest land already diverted area for NH-17. This is infrastructure development and public use and which required less than 1.00 ha forest land. Project proponent is ready to bear all the Government levies.

6. The Chief Conservator of forests (T) Thane has recommended the proposal for approval.


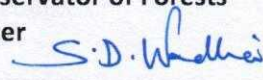
7. In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions :-

- 7.1 The legal status of the land proposed under diversion shall remain unchanged.
- 7.2 The forest land shall not be used for any purpose other than specified in the proposal;
- 7.3 The user agency will defray the additional / revised cost of Net Present Value of Forest land as per the latest Guideline of Government of India.

- 7.4 Primary user agency has already deposited compensatory afforestation amount. Therefore in this re-diversion proposal compensatory afforestation should not be insist upon the new User Agency .
- 7.5 The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars., each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
- 7.6 The user agency will obtain Environmental Clearance from competent authority, if required.
- 7.7 Construction of temporary dwelling / hutments etc. for labours will not be allowed in the forest areas.
- 7.8 The user agency will make good the land after use/maintenance.
- 7.9 No damage to the flora and fauna of the adjoining area shall be caused;
- 7.10 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.11 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.
- 7.12 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

8. It is therefore requested that the Central Government may kindly be moved to approve Re-diversion of 0.07905 ha. Forest Land in favour of Executive Engineer, (Hetawane) CIDCO Ltd for laying 1500mm dia M.S. gravity main along NH-17 in approved Right of Way (ROW) in survey No 33 pt & 15 Pt in village Shitole, Tal Pen, Distt, Raigad to supply water for Navi Mumbai in the state of Maharashtra under section (ii) of the Forest (Conservation) Act 1980

Encls : As above


 (Sanjeev Gaur)
 Additional Principal Chief Conservator of Forests
 & Nodal Officer


- Copy submitted to Principal Secretary (Forest) , Revenue & Forest Department, Mantralaya, Mumbai -32 for information alongwith a copy of proposal.
- Copy forwarded to Chief Conservator of Forests (T), Thane for information.
- Copy forwarded to Deputy Conservator of Forests, Alibag for information.
- Copy forwarded to The Executive Engineer, (Hetawane) CIDCO Ltd , 5th Floor, Raigad Bhavan, CBD Belapur, Navi Mumbai-400614.