

**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,
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No. : Desk-17/Nodal/Thane/S1/PID- 12645/24-25/2377
 Nagpur – 440 001, Dated : 23/01/2025

To,

Shri. Shokinkumar Shankarlal Jain,
 303/33, second floor, Thakur Station Road,
 Virar (West), Mumbai-401303

Sub:- Diversion of 14.93 ha. of Private Forest land in favour of Shokinkumar Shankarlal Jain, Mumbai for construction of residential projects and other non-forest activities such as amenities, open space etc., in Palghar District in the State of Maharashtra.

Ref:- The minutes of meeting of FAC held on 28/11/2024

The proposal is placed in Forest Advisory Committee meeting held on 28/11/2024.
 The decision of Advisory Committee is reproduced below:-

After detailed deliberations, the Advisory Committee recommended that the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980, Rules made thereunder and guidelines shall be applicable in toto and no relaxation with respect to applicability of site specificity may be claimed by the User Agency in lieu of providing non-forest land for CA and payment of the NPV as has been done earlier. In case the State Govt. want so submit a proposal with respect to diversion of private forest lands, a detailed proposal with complete justification, particularly on site specificity, may be submitted to Ministry and all such proposals shall be dealt as per the Rules and guidelines in place and orders of the Hon'ble Courts, on case to case basis.

2.0 This is for your information and necessary action.

Encl:- As above


 (Naresh Zurmure)

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

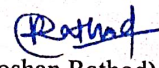
Copy to the Chief Conservator of Forests (T), Thane for information and necessary action.
 Copy to the Deputy Conservator of Forests, Thane/Dahanu Forest Division for information and necessary action.

Desk-10/FCA/CR-46/18-19/419 /24-25
 Thane- 400 603 Date – 13/03/2025

Copy forwarded to the Deputy Conservator of Forests, Dahanu for information & necessary action.

Copy to Shri. Shokinkumar Shankarlal Jain, 303/33, Second Floor, Thakur, Station Road, Virar (West) – 401 303 for information and necessary action. 873

Encl. :- As Stated.


 (Roshan Rathod)
 Divisional Forest Officer(V.), Thane
 office of the Chief Conservator of Forests (T.), Thane.

PARIVESH 1.0**Recommendations of Advisory Committee in its meeting held on 28.11.2024****Agenda No. 1****File No. 8-31/2015-FC**

Sub: Proposal for non-forestry use of balance forest land of 84.707 ha in favour of M/s D. C. Jain for mining of Iron and manganese ore in Dalpahar Iron & Manganese Ore mines located in Baitrani RF II, District Keonjhar (Odisha)-regarding.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The Government of Odisha vide their letter No. 10F (Cons.) 179/2015/16479/F & E Bhubaneswar dated 15.09.2015 submitted above subject proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980.
 - ii. The total forest area under the proposal was 101.171 ha which is located in Baitarani Reserved Forest of Keonjhar Forest Division. Leases of the user agency were comprised of five blocks namely Block-A, Block – B1, Block-B2, Block – B3 and Block-C comprising of forest area 89.9612 ha, 0.607 ha, 1.012 ha, 7.689 ha and 1.902 ha, respectively. Out of the total forest land 101.171ha, 16.464 ha forest land including safety zone of 0.887 ha has been reported to be broken prior to 1980 and was earlier approved by Government of India, MoEF&CC vide letter No.8-103/2000-FC dated.14.11.2005.
 - iii. As per details furnished in the proposal, Mining Plan of 0.31 MPTA of iron ore and 0.094 MTPA of Manganese ore for a period of 2011-12 to 2015-16 was approved by the IBM vide letter No. MS/OTF-MECH/84-ORI/BHU/2010-11 dated 24.5.2011. Total reserves estimated in the mine are 1.449 MTPA of iron and 2.007 MTPA of Manganese ore.
 - iv. The Mining lease area is entirely within Baitarani Reserved Forests which comes under 3C/C2e(iii) Moist Peninsular Valley Sal forest type with moderate to dense forest type.

through the facts of the proposal and submissions made, the committee decided to defer the proposal for want of following:

- 1) The DDGF Bengaluru shall submit his clear recommendation with respect to the instant proposal.
- 2) The State Govt. shall provide the names of the erring official responsible for violation within 15 days in response to the letter dated 13.11.2024 to the Regional Office.
- 3) As observed in the monitoring report that the CA over 47.57 ha out of 222 ha has not yet been done, the State Govt. shall submit a detailed report on CA done to the Regional Office.

Policy Issues

Agenda No. 1

Subject: Clarification on the applicability of provisions of compensatory afforestation in respect of forest land used for construction of tunnels in road/railways projects - reference received from Water Resources Department, Government of Rajasthan regarding.(File No. 11/114/2024-FC).

The matter was deferred, and it was desired that a representative/Nodal Officer of the requesting State Govt. (Rajasthan) may be present in the next meeting for further deliberations.

Agenda No. 2

Sub: Formulation of policy/guidelines for Penal Compensatory Afforestation (PCA) to ensure transparency, rationality and uniformity while imposing condition of raising penal CA in proposals involving violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (F. No. 8B/UP/06/34/2018-FC). (11/126/2024-FC)

Ref: Recommendation made by the Advisory Committee in its meeting held on 23.09.2024.

The matter was deferred for next meeting.

Agenda No. 3

Subj: Construction of residential projects in private forest lands in the State of Maharashtra – reg. (FC-II/MH-205/2022-NGP)

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 28.11.2024. The Nodal Office, Govt. of Maharashtra attend the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue.
3. The Advisory Committee, after deliberations noted the following:
 - i. This relates to diversion of 10.685 ha of forest land in favour of Sumeet R. Bhalotia and others, Thane for construction of residential project of Survey No. 69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 in Village- Walshet, Taluka- Shahapur, District- Thane in the State of Maharashtra. (Online proposal No. FC-II/MH-205/2022-NGP)
 - ii. Proposal was submitted by the Government of Maharashtra vide their letter dated 24.11.2022. Proposal involves construction of residential project in the private forest land.
 - iii. The Regional Empowered Committee, at Regional Office, Nagpur in its meeting held on 24.04.2024 while considering the proposal involving diversion of 10.685 ha of forest land in favour of Sumeet R. Bhalotia and others, Thane for construction of Residential Project of Survey No. 69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 in Thane District in the State of Maharashtra decided to seek clarification from the MoEF&CC whether such residential proposals proposed to be taken up in the restored private forest may be considered by the REC or otherwise so as to inform the State Government on applicability of rules position on such proposals in future also.
 - iv. In this regards the relevant provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued thereunder are given as under:
 - a. Provisions of the rule 10(3)(ii) read with the provisions of rule 10(5)(ii) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, the Regional Empowered Committee, after examination of the proposal and giving due regard to the various aspects mentioned therein inter-alia including that the proposed use of the forest land is not for any non-site specific purpose such as agricultural purpose, office or residential purpose or for the rehabilitation of persons displaced for any reason.
 - b. The directions provided under para 11.9 of the Chapter-11 and para 1.10 of Chapter 1 of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 provide provisions for undertaking construction of residential house in the forest land as given under:
 - Para 1.10 inter-alia provides that utilization of forest area for establishing industries, construction of residential colonies, institutes, rehabilitation of isplaced persons, etc. are nonsite- specific activities and cannot be considered on forest land as a rule. In exceptional

circumstances, residential projects up to one ha, can be considered for approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Office of the MoEFCC.

- Similarly, para 11.1 of Chapter 11 provides that the Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses. However, the Central Government has accorded permission for construction of residential houses in their private forests land for construction
- FC-II/MH-205/2022-NGP I/73182/2024 of residential or dwelling houses in the Mussoorie Dehradun Development Authority (MDDA) areas of Uttarakhand as well as Private area (Deemed Forest) of Goa subject to certain conditions prescribed therein wherein inter-alia the following is mentioned:

The construction activities shall be restricted to a maximum of 250 square meter of built-up area in each case.

- v. From the above guidelines, it may be ascertained that in case of private forests located in the Goa and Uttarakhand, residential houses for domestic purposes involving total built up area of 250 sq meter has been allowed by the Central Government, which is not applicable in Maharashtra. Similarly, the provisions of the guidelines given under para 1.10 provides that non-site-specific activities including residential projects, up to one ha, can be considered for approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Office of the MoEFCC.
- vi. The Advisory Committee observed that the Policy issue has been referred by the Regional Office, Nagpur, adverting to the submissions made by the State Government, has sought clarification whether the residential proposals proposed to be taken up in the restored private forest may be considered by the REC or otherwise so as to inform the State Government on applicability of rules position on such proposals.
 - ii. REC sought the clarification while considering a proposal of the Government of Maharashtra involving diversion of 10.685 ha of forest land in favour of Sumeet R. Bhalotia and others, Thane for construction of residential project of Survey No. 69/2A, 69/2B, 69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 in Village Walshet, Taluka Shahapur, District- Thane in the State of Maharashtra. (Online proposal No. FC-II/MH-205/2022-NGP).
 - iii. The above proposal was considered by the

Regional Empowered Committee at Regional Office, Nagpur in its meeting held on 24.04.2024 and the Committee while considering the proposal decided to seek clarification from the MoEF&CC whether such residential proposals proposed to be taken up in the restored private forest may be considered by the REC or otherwise so as to inform the State Government on applicability of rules position on such proposals.

- vii. The relevant provisions of the rule 10(3)(ii) read with the provisions of rule 10(5)(ii) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 provides that the Regional Empowered Committee shall examine the proposals giving due regard to the various aspects mentioned therein including that the proposed use of the forest land is not for any non-site-specific purpose such as agricultural purpose, office or residential purpose or for the rehabilitation of persons displaced for any reason.
- viii. The directions provided under para 11.9 of the Chapter-11 and para 1.10 of Chapter 1 of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 provide provisions for undertaking construction of residential house in the forest land inter-alia provides that utilization of forest area for establishing industries, construction of residential colonies, institutes, rehabilitation of displaced persons, etc. are nonsitespecific activities and cannot be considered on forest land as a rule. In exceptional circumstances, residential projects up to one ha, can be considered for approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Office of the MoEF&CC. vi. Para 11.1 of Chapter 11 provides that the Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses. However, the Central Government has accorded permission for construction of residential houses in their private forests land for construction FCII/MH-205/2022-NGP I/73182/2024 of residential or dwelling houses in the Mussoorie Dehradun Development Authority (MDDA) areas of Uttarakhand as well as Private area (Deemed Forest) of Goa subject to certain conditions prescribed therein wherein inter-alia the following is mentioned: The construction activities shall be restricted to a maximum of 250 square meter of built-up area in each case.
- ix. The Committee, after a situation review observed that in case of private forests located in the Goa and Uttarakhand, residential houses for domestic purposes involving total built up area of 250 sq meter has been allowed by the Central Government, which is not applicable in Maharashtra. Similarly, the provisions of the guidelines given under para 1.10 provides that non-site-specific activities including residential projects, up to one ha, can be considered for approval under the Van

(Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Office of the MoEFCC.

- x. The Nodal Officer Maharashtra informed the Committee that in the past the Central Government has been considering such approvals on case-to-case basis in the private forest lands, however, after the notification of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the REC of the Regional Office has not been considering such proposals.
- ix. The IGF informed the Committee that prior to the guidelines dated 24.01.2022 and notification of the Van (Sanraksrakshan Evam Samvardhan) Rules, 2023, projects involving construction of buildings, including residential projects involving area up to 1 ha subject to submission of justification on inescapability of the area, were used to be entertained by the Central Government.
- xi. The Nodal officer Maharashtra has made a detailed presentation before the Committee.

4. **Decision of Advisory Committee:** After detailed deliberations, the Advisory Committee recommended that the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980, Rules made thereunder and guidelines shall be applicable in toto and no relaxation with respect to applicability of site specificity may be claimed by the User Agency in lieu of providing non-forest land for CA and payment of the NPV as has been done earlier. In case the State Govt. want so submit a proposal with respect to diversion of private forest lands, a detailed proposal with complete justification, particularly on site specificity, may be submitted to Ministry and all such proposals shall be dealt as per the Rules and guidelines in place and orders of the Hon'ble Courts, on case to case basis.

(Not present)

Dr. Naveen Chandra Bisht
(non-official Member)

(Not present)

Shri S. D. Vora
(non-official Member)

(confirmed through e-mail)

Shri Manoj Pant
(non-official Member)

(confirmed through e-mail)

Dr. Mehraj Sheikh
Deputy Commissioner (NRM)
(Member)

(Not present)

Shri Sushil Awasthi
Additional Director General of Forests
(WL)
(Member)

(confirmed through e-mail)

Shri Anjan Kumar Mohanty
Additional Director General of Forests (FC)
(Member)

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(Confirmed)
Shri Ramesh Kumar Pandey
Inspector General of Forests
(Member Secretary)

(Approved)
Shri Jitendra Kumar
(Director General of Forests and Special Secretary)
(Chairperson)