



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

Integrated Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
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F.No. FC-II/MH-114/2019-NGP /11113

Date: 03.02.2023

To,

The Principal Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai – 400032.

Sub: Diversion of 35.00 ha of Reserve Forest Land in favour of Municipal Corporation of Greater Mumbai for Construction of Malad Sewage Treatment Plant at Village- Malwadi, Taluka- Borivali, District- Mumbai Sub-urban in the State of Maharashtra- regarding.

Sir,

The undersigned is directed to refer to State Government of Maharashtra letter no. FLD-1119/C.R.210/F-10 dated 16.07.2019 and APCCF & Nodal Officer (FCA), Maharashtra vide his letter No. Desk-17/NC/II/ID 12739/(69)/418/2019-20 dated 17.06.2019 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal of the State Government, '**in-principle**' approval was accorded by the Central Government vide its letter of even number dated 22.08.2019. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra has now submitted a report on the compliance of conditions stipulated in the 'in-principle' approval and requested the State Government to grant final approval to the proposal.

In this connection, I am directed to say that on the basis of compliance report submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra letter no. Desk-17/Nodal/Thane/ID-12739 (17)/2790/2022-23 dated 19.01.2023, the Central Government hereby accords '**final approval**' under Section – 2 of the Forest (Conservation) Act, 1980 for diversion of 35.00 ha of Reserve Forest Land in favour of Municipal Corporation of Greater Mumbai for Construction of Malad Sewage Treatment Plant at Village- Malwadi, Taluka- Borivali, District- Mumbai Sub-urban in the State of Maharashtra subject to the fulfilment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. Forest land will be handed over only after required non-forest land for the project is handed over by the User Agency;
- iii. **Compensatory afforestation**
 - a. Compensatory afforestation shall be taken up by the Forest Department over 35.00 ha non-forest land (9.00 ha in Village- Tarodi, Teh & Dist. Thane, Sur/ Comptt. No. 37, 17.00 ha in Village- Bhopar, Teh. Kalyan, Dist. Thane, Sur/ Comptt. No. 252 part and 9.00 ha in Village- Mogharpada, Teh & Dist. Thane, Sur/ Comptt. No. 30 part) at the cost of the User Agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;


- b. The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of Compensatory Afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
- iv. User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department;
- v. The State Government, Maharashtra/ Nodal Officer (FCA), Maharashtra shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2022 dated 28.06.2022;
- vi. To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DCF shall raise at least 25,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted in the vicinity of project area and remaining 50% of seedlings shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation/ seedling distribution to villagers;
- vii. The State Government/ User Agency shall take prior permission from Hon'ble High Court for Mangrove cutting before issue of order for diversion of the forest land in accordance with Hon'ble Mumbai High Court order dated 27/1/2010 in PIL 87 of 2006;
- viii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- ix. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- x. No labour camp shall be established on the forest land;
- xi. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xii. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- xiii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xiv. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;



- xv. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xvi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xvii. The User Agency should fulfil the compliance of conditions mentioned in CRZ Clearance issued by MoEF & CC, GoI vide letter dated 28.08.2017;
- xviii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- xix. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;


This issues with the approval of DDGF(C)/ Regional Officer (Central), Integrated Regional Office, MoEF & CC, Nagpur.

Yours faithfully,


(C.B. Tashildar)
AIGF (Central)

Copy to:

- i. The IGF (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003.
- ii. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- iii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iv. User agency.
- v. Guard file.


(C.B. Tashildar)
AIGF (Central)