



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

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F.No. FC-II/MH-114/2019-NGP/ 5632

Date: 22.08.2019

✓ To,

The 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.

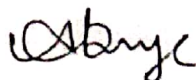
Sir,

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 and Nodal Officer (FCA), Maharashtra letter no. Desk-17/NC/II/ID 12739/(69)/843/2019-20 dated 16.08.2019 forwarding additional information as sought by this Office vide letter of even number dated 08.08.2019 and to say that the said proposal has been examined and approved by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' 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. **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

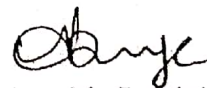
- mixture of local indigenous species shall be planted and monoculture of any species may be avoided;
- b. The non-forest land proposed for CA shall be transferred and mutated in favour of the State Forest Department;
- iii. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- iv. **NPV:**
- a. The State Government shall charge the Net Present Value(NPV) for the 35.00 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;
- b. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- v. 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 and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- vi. All the funds received from the User Agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>);
- vii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- viii. Legible copy of project layout map may be submitted by the User Agency along with Stage- I compliance report;
- ix. English translated copies of proceedings of Municipal Corporation may also be submitted along with Stage- I compliance report;
- x. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xi. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xii. No labour camp shall be established on the forest land;
- xiii. 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;



- xiv. 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;
- xv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xvi. 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;
- xvii. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xviii. 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;
- xix. The User Agency should fulfil the compliance of conditions mentioned in CRZ Clearance issued by MoEF & CC, GoI vide letter dated 28.08.2017.
- xx. 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;
- xxi. 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;
- xxii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of a report on the compliance of conditions no ii (b), iii, iv (a), vi, vii, viii, ix and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,



(Dr. E Arockia Lenin)
Scientist 'C'

Copy to:

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



(Dr. E Arockia Lenin)
Scientist 'C'