

BEFORE THE NATIONAL GREEN TRIBUNAL

AT WESTERN ZONE BENCH AT PUNE

ORIGINAL APPLICATION 46/2020

IN THE MATTER OF:

Dr Sushma Date and Ors.

..... Applicants

Versus

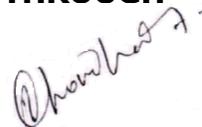
M/s Pune Municipal Corporation and Ors.

..... Respondents

INDEX

Sr. No.	Particulars	Pg. No.
1.	Rejoinder on behalf of Applicant No.1 in Repudiation to Reply Affidavit filed by Respondent No. 1 dated 23.03.21	139-148
2.	ANNEXURE A-10 A copy of the said Stage-I Forest Clearance dated 24.01.2020 for Non-Forest Activities on Sy. No. 262	149-153
3.	ANNEXURE A-11 A copy of the said Stage-I Forest Clearance dated 24.04.2020 for Non-Forest Activities on Sy. No. 38	154-157
4.	ANNEXURE A-12 Photographs evidencing felled and uprooted trees as well as debris and rubble dumped	158-161
5.	ANNEXURE A-13 Photographs displaying maintenance work undertaken by the Applicants	162-165

THROUGH



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PLACE: **Pune/Delhi**

DATE: 2.08.2021

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ORIGINAL APPLICATION 46/2020

IN THE MATTER OF:

Dr Sushma Date and Ors. Applicants

Versus

M/s Pune Municipal Corporation and Ors. Respondents

**REJOINDER ON BEHALF OF APPLICANT NO.1 IN REPUDIATION TO THE
REPLY AFFIDAVIT FILED BY THE RESPONDENT NO.1 DATED 23.03.2021**

Most Respectfully Showeth:

1. That the above titled Application has been filed under Section 14, 15 read with Section 20 of the National Green Tribunal Act, 2010 raising issue of non-forest activities undertaken within various Forest Lands situated in Pune City for the purpose of construction of GSR and ESR Water Tanks, by the Respondent No.1 Pune Municipal Corporation (hereinafter referred to as 'impugned projects')
2. That the instant rejoinder is being filed in response to the Reply of the Respondent No.1, i.e., M/s Pune Municipal Corporation ('PMC'). That at the outset, the Applicant denies each and every statement made by the said Respondent unless specifically admitted or is part of the record. The Applicant reiterates all the facts and submissions made in the Original Appeal to be true and correct and the same may be read as part of the instant rejoinder and are not all being repeated for the sake of brevity.
3. That the following is a contention-wise response to the submissions of Respondent No.1, PMCas raised in their Reply Affidavit –

ON LIMITATION

4. PMC claims on Para 10 that the Application is barred by limitation under Section 14(3) as its prescribed period of filing of application is within 6 months of cause

of action having first arisen. However, it is submitted that as is evident as per Para III, Pg. 7, that this Application is filed under Sections 14, 15 and 20.

5. That as has been prescribed under Section 15(3) of the National Green Tribunal Act, 2010:

*"15. (3). No application for grant of any compensation or relief or restitution of property or environment under this section shall be entertained by the Tribunal unless it is made **within a period of five years from the date on which the cause for such compensation or relief first arose;**"*

(emphasis supplied)

6. That therefore, it is patently evident that the present Application is well within the limitation prescribed under Section 15(3) of the National Green Tribunal Act, 2010.
7. That furthermore, the present Application pertains to continuous violations of Section 2 of the Forest (Conservation) Act, 1980. That unauthorized activities are being undertaken without obtaining prior Forest Clearance for the past several years. That therefore, every day the statutory norms as under Forest (Conservation) Act, 1980, are not complied with, a fresh cause of action is created in light of the Order of this Hon'ble Tribunal dated 7.05.2015 in *O.A. 222 of 2014 Forward Foundation and Ors v State of Karnataka and Ors.* and the same constitutes a continuing cause of action.
8. Thus, the present Application is being filed within the period of limitation as prescribed under the National Green Tribunal Act, 2010.

ON STATUS OF FOREST LAND WITHIN WHICH NON-FOREST ACTIVITIES HAVE BEEN UNDERTAKEN

9. At the outset, it is submitted that PMC has made various contradictory claims with regards to the submissions of the Applicant pertaining to the various non-forest activities viz., Cutting of Hill Slope, Levelling of Land, Excavation of stone, and felling of trees, all of which have been undertaken without prior Forest Clearance within the impugned project sites, i.e, Fergusson College Hill (Bhamburda Sy. No 262), Law College Hill (Erandwane Sy. No. 49-53); and Panchavati Hill (Sy. No. 38). That the Applicant has previously submitted that all

the impugned project sites are classified as "forest lands", and therefore, amenable to Section 2 of the Forest (Conservation) Act, 1980.

10. With regards to Forest Land status of impugned project sites, PMC has on Para 15, denied that the impugned project sites on Panchavati Hill, Law College Hill and Fergusson College Hill are classified as forest lands. However, contradictory statements have been made thereafter.

Status of Forest Land on Fergusson College Hill (Bhamburda) Sy. No 262 and Panchavati Hill Sy. No 38

11. It is submitted that PMC has itself applied for Forest Clearance for the impugned project site situated on Sy. No 262 and Sy. No. 38, and therefore the claim that the impugned projects are not situated on Forest Land is untenable and an attempt to mislead this Hon'ble Tribunal. It is submitted that PMC has itself admitted to applying for Forest Clearance for the impugned project on Sy. No. 262 as on Para 30, wherein PMC has stated:

*"I state and submit that with regard to Para (17.) at Bhamburda Survey No 262 there was existing water tanks of Pune Municipal Corporation and PMC has demolished existing water tanks for constructing new tanks. **At this place Proposed water tanks required more area for which PMC applied for forest clearance for the additional land clearance is applied to forest department vide outward no 3889 dated 20/07/2018.**"*

(emphasis supplied)

12. That therefore, such is a direct admission of the fact that Sy. No. 262 is forest land and that prior Forest Clearance is required before initiating any non-forest activity. That any demolition or construction work carried on without prior Stage-II Forest Clearance is in violation of the provisions of Section 2 of the Forest (Conservation) Act, 1980. It is submitted that PMC has been granted Stage-I Forest Clearance for the same as of 24.01.2020. That Stage-I Forest Clearance dated 24.01.2020 granted to PMC for Sy. No. 262 clearly identifies the said land as Reserved Forest. A copy of the said Stage-I Forest Clearance dated 24.01.2020 is annexed herewith as **ANNEXURE A-10.**

13. Similarly, PMC has itself applied for Forest Clearance for the impugned project on Sy. No. 38. Stage-I Forest Clearance dated 24.01.2020 granted to PMC for Sy.

No. 38 clearly identifies the said land as Identified Forest as per SC Order. A copy of the said Stage-I Forest Clearance dated 24.04.2020 is annexed herewith as **ANNEXURE A-11**.

14. That furthermore, as per the Development Plan of Pune City (2007-2027) prepared by the PMC itself, as annexed by the Applicant at ANNEXURE A-6, clearly evidences the said Sy. No 38 as falling within Reserved Forest land.
15. That therefore, such is unequivocal evidence of the PMC having full knowledge of the said Sy. No. 262 (Bhamburda) and Sy No. 38 (Panchwati), being classified as Deemed or Reserved Forest Land.

Forest Land Situated on Law College Hill (Erandwane) Sy. Nos. 49-53

16. It is submitted that PMC has not denied undertaking felling of trees on Sy. Nos. 49-53. Furthermore, PMC has not denied that the said lands are classified as "forest land" as per Government Records. PMC has only submitted that the said lands are under the ownership of PMC.
17. However, the Applicant has previously submitted evidence clearly identifying the said Sy. Nos. 49-53 as being classified as "forest land". That the PMC has failed to refute the said evidence as annexed to the present Application as ANNEXURE A-1 (Deputy Conservator of Forests letter to District Collector dated 31.03.2000) and ANNEXURE A-2 (Deputy Conservator of Forests letter to Divisional Commissioner dated 16.07.2001), both of which clearly identify the "forest" status of Sy. No. 49-53.
18. With respect to letter dated 16.07.2001, PMC has simply stated on Para 18, that the said letter "*pertains to a different issue (denying the permit for construction of a road) from the present case and is therefore not relevant.*", but has not refuted the claim of such Sy. No. 49-53 being classified as 'forest land'. That the contents of the said letter dated 16.07.2001 are reiterated below:

"It has been learnt that the Pune Municipal Corporation intends construction 100 ft, wide road connecting Balbharti with PaudPhata passing through the existing vegetation in the Law College premises on plot No. 97 . S. No. 53. Kindly note that this area is regarded as "Forest" as per the interpretation of the term under the directives of the Supreme Court of India in Judgement dt. 12.12.1996 in T.N. Godavarman V/s Union

of India reported in AIR 1997 SC 1228 and no non forest activity can be taken up in any of these areas without obtaining prior sanction of the Govt. of India to it under the Forest (Conservation) Act, 1980."

(emphasis supplied)

19. That the order of the Hon'ble Supreme Court dated 12.12.1996 in **W.P. No. 202/1995 T.N. Godavarman v Union of India**, which has been detailed in the present Application as on **Para 17**, clearly states that "forest land" as per the Section 2 of the Forest (Conservation) Act, 1980, is irrespective of the ownership of land. That the relevant paragraphs of the order dated 12.12.1996 are reproduced below:

"4...The term "forest land" occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act"

20. Thus, the status of PMC ownership of Sy. No. 49-53 is immaterial to the present Application. That the PMC has submitted no evidence on record of any Forest Clearance granted for Sy. Nos. 49-53, and therefore any non-forest activity undertaken thereon is in direct violation of the order of the Hon'ble Supreme Court as well as the Forest (Conservation) Act, 1980.

21. That therefore, the Applicant submits that since no Stage-II Forest clearance has been granted for any of the impugned project sites, i.e, Fergusson College Hill (Bhamburda) Panchavati Hill, and Law College Hill (Erandwane), and in fact, all non-forest activities have been undertaken prior to grant of Stage-I as well, all such non-forest activities undertaken in the form of leveling of hill, cutting of hill slope, excavation of stone, and felling of trees, is patently illegal and in violation of the statutory regulations as per Section 2 of the Forest (Conservation) Act, 1980.

ON NON-FOREST ACTIVITIES UNDERTAKEN WITHOUT CLEARANCE

22. PMC submits that there has been no felling of trees at Panchavati Hill (Sy. No. 38) and Fergusson College Hill (Sy. No. 262). PMC further submits that Tree Felling permission has been obtained from relevant authorities for the Law College Hill (Sy. No. 49-53). However, such statements are denied as patently

untrue and misleading. That various contradictions as made by the PMC are detailed in the ensuing paragraphs.

23. It is submitted that PMC on Para 25 and Para 30, has accepted that construction and demolition activities have taken place on Sy No 262. Furthermore, PMC has annexed several Tree Cutting permissions sought for the same from the relevant authorities. That such is direct evidence of the fact that PMC has itself applied for tree cutting permission for trees situated on Sy No. 262. Therefore, the statements made by the PMC that no tree felling on Sy. No. 262 is patently untrue, as the PMC has itself stated on Para 25 and Para 30 that tree cutting permissions have been obtained for felling of trees on Sy. No. 262. That therefore, the PMC is clearly contradicting itself on several counts.

24. Furthermore, the Applicant submits that there have been several trees felled or uprooted during the construction activities on Sy. No. 262, and large amounts of construction rubble and debris has been dumped on site leading to adverse impacts on the biodiversity of the area. Photographs evidencing such felled and uprooted trees as well as debris and rubble dumped are annexed herewith as **ANNEXURE A-12.**

25. It is submitted that the Applicant has submitted various activities such as leveling of hill slope, cutting of hill, excavation of stone, and felling of trees. That the PMC has not responded to submissions pertaining to leveling and cutting of hill slope and excavation of slope. It is submitted that such activities are also classified as non-forest activities and therefore not permitted under Forest (Conservation) Act, 1980, without prior Forest Clearance.

26. That furthermore, PMC has made concession that the impugned lands are Forest Lands in Para 18, wherein they submit that "*laying down pipe lines is permissible under forest activities*". That no justification for such has been provided by the PMC. Furthermore, it is patently evident that the activities undertaken by the PMC are not limited to only laying down of pipelines, as construction of water tanks involve cutting of hill slope, leveling of land, excavation of stone, etc. That

therefore, such a submission has been made by the PMC with the intent to mislead this Hon'ble Tribunal.

27. Furthermore, PMC has again contradicted itself in Para 32, wherein it has stated that *"water tank is permissible over the land belonging to forest department (Explanation to section 2, Forest Conservation Act, 1980)"*.

28. That the Applicant clarifies that it has not submitted any claims regarding whether construction of water tank is permissible or not, rather that no permission under Section 2 has been sought prior to initiation of non-forest activities. That such submission has not been refuted by the PMC.

29. Furthermore, the Applicant has previously submitted that activities such as excavation of stone and cutting of hill slope are detrimental to the groundwater aquifers of Pune city situated below the impugned project site at Sy. No. 49-53.

With regards to such, the PMC has stated on Para 21, that:

"PMC is constructing water tank at ground level reservoir with required excavation at surface level. Hence the interruption to the natural underground water is not at this case."

30. However, PMC has failed to adequately respond to the submissions of the Applicant wherein the Applicant has detailed (Para 9) the impact of cutting of hill slope on the groundwater aquifer. PMC has failed to address the recommendations of the ACWADAM 2019 Report, as annexed at ANNEXURE A-5, which clearly recommends a 'no compromise' protection of the area.

31. Thus, PMC has failed to provide legitimate permissions and clearances for the construction of water tanks, involving the processes of cutting of hill slope, leveling of land, excavation of stone, and felling of trees as undertaken on all three project sites.

TREE PLANTATION BY L&T

32. PMC has submitted on Para 31 that M/s L&T Constructions Ltd., the contractors engaged by the PMC for execution of the impugned project, have planted 54750 trees and has annexed receipts of tree plantation.

33. However, the Applicant submits that such annexure of receipts is misleading and untrue, and the Applicant denies that 54750 tree saplings have been planted at

the impugned project sites. It is patently evident as per photographs annexed by the Applicant at **ANNEXURE A-12**, that no plantation in the number of 54750 trees saplings has been done on the impugned project site at Sy. No. 49-53.

34. That a few saplings had been planted, as evidenced by photographs annexed by PMC, however, even those tree saplings were not maintained by M/s L&T Constructions Ltd., until November 2020, and all the work of maintaining tree saplings and ensuring its survival had been undertaken by the Applicants. That as no maintenance work has been undertaken by the authorities, there are certain saplings that have not been able to survive. Photographs displaying such maintenance work undertaken by the Applicants have been annexed herewith as **ANNEXURE A-13**.

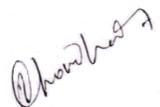
35. As the Applicant No.1 is a doctor on COVID Duty, and lockdown imposed in Pune city after 4 PM, the present Rejoinder could not be notarized. It is humbly prayed that this Hon'ble Tribunal may permit the same.

36. It is therefore humbly submitted before this Hon'ble Tribunal that the prayers in the present Original Application may be granted; furthermore, any other order may be passed as deemed fit based on the facts and circumstances of the present case.



APPLICANT NO.1

THROUGH



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Email:-litigation.life@gmail.com

Place:- Pune/Delhi

DATE: 2.08.2021

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..... Respondents

AFFIDAVIT

I, Sushma Jaydeep Date, R/o Lokmanya Hospital 13/4 off Karve Road, Pune – 411004,
do hereby state and declare on affirmation as under:

1. That I am the Applicant No. 1 in the above titled Original Application, and hence, well conversant with the facts and circumstances described in the present case and as such, I am competent to swear this affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.


DEPONENT

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at PUNE on this 2nd day of August, 2021.


DEPONENT



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

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Sub.:- Diversion of 0.7031 ha. Reserved forest land for construction of ground water reservoir capacity 13 ML, 2ML and 3.5 ML ESR in forest S. No. 262 at Village Bhamburda, Tal. Haveli, Distt. Pune in the State of Maharashtra to supply drinking water to Shivajinagar Pune area under PMC, Pune

No. : Desk-17/NC/II/ID 12764/(19)/ 1732 /2019-20
Nagpur – 440 001, Dated: 24/01/2020

To,

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

Ref:- Chief Conservator of Forests, (T) ,Pune , letter No Desk-1/Land/FCA/2019-20/79 dated 18/09/2019 and letter dated 13/12/2019.

The Chief Engineer, Water Supply Department, Pune Municipal Corporation, Pune, (PMC) has submitted the proposal for diversion of 0.7031 ha. forest land for construction of ground water reservoir capacity 13 ML, 2ML and 3.5 ML ESR in forest S. No. 262 at Village Bhamburda, Tal. Haveli, Distt. Pune in the State of Maharashtra to supply drinking water (along with intake and distribution pipeline with electric line and approach road) to Shivajinagar Pune area under PMC, Pune . No non-forest land involved in the project. The detailed area statement of forest land is shown as under :-

Name of Village	Name of Component		Forest Land Required				Legal Status
			Gut No.	Length x Width in m	Area in		
					Sq. M	ha	
Bhamburda Tal-Haveli Dist. Pune	1)	GSR Tank					
	i)	GSR tank plinth area	262	118 x 23	2714	0.2714	Reserved Forest
	ii)	GSR Open space including internal inlet & outlet Pipeline	262	Front 2 x 31 Back 3 x 31 Side 2x118x4	62 93 944	0.1099	
	2)	ESR Tank 1					
	i)	ESR tank Plinth area	262	28 x 19	532	0.0532	Reserved Forest
	ii)	ESR open space including internal inlet & outlet Pipeline & portable watch man cabin	262	Front 3 x 31 Back 3 x 31 Side 2x28x6	93 93 336	0.0522	

3)	ESR Tank 2						
	i)	ESR tank plinth area	262	41 x 19	779	0.0779	Reserved Forest
ii)	ESR open space including internal inlet & outlet Pipeline & portable watch man cabin	262	Front 3 x 31 Back 5 x 31 Side 2x41x6	93 155 492	0.074		
4)	Inlet & Outlet Pipeline						
	i)	Inlet 760 mm dia. Pipeline	262	43 x 4	172	0.0172	Reserved Forest
ii)	Outlet Pipeline 4000 & 600 mm dia. Pipeline.						
5)	Approach road with Underground Cable & street electric line and outlet Pipeline of 600 & 700 mm		262	86 x 5.5	473	0.0473	
Total Forest Required					7031	0.7031	

2. The User Agency has highlighted that Pune Municipal Corporation, Pune (PMC) has started 82 Reservoir under equitable water supply 24 x 7 project for Pune city. Project Bhamburda is one of them, of capacity 13 ML GSR, 2ML ESR, & 3.5 ML ESR (with approach road, pipeline & electric supply) under equitable water supply for Pune City. This project is Administratively approved by Govt of Maharashtra, Urban Development Department, vide GR No. Amrut-2017/C.no. 429/Up-33, dated 25th Sept 2017.

2.1 As per Pune Municipal Corporation Property record area measuring 0.1154 ha was handed over to PMC by District Collector on 03/07/1959. Three existing water tank were present at Bhamburda area but the capacity of tanks was not sufficient and supplied of water with lesser pressure than required. Therefore we proposed to construct three new water tanks. The PMC has demolished only existing water tank (GSR), which is constructed on originally handed over land. For re-construction of existing water Reservoir (GSR & ESR) with approach road, pipeline & electric supply 0.7031 ha. forest land required. Hence the User Agency has submitted the proposal for diversion of 0.7031 ha. under section 2 (ii) of the Forest (Conservation) Act, 1980.

3. The Chief Conservator of Forests (T), Pune vide letter No Desk-1/Land/FCA/2019-20/79 dated 18/09/2019 and 13/12/2019 has submitted the proposal along with following documents :-

3.1 Deputy Conservator of Forests, Pune has submitted the following certificate/documents :-

- 3.1.1 No suitable non forest land is available for the proposal and demand for the required forest land is the barest minimum .
- 3.1.2 The proposed area is not included in the area of any National Park/Wildlife Sanctuary or Nature reserve.
- 3.1.3 The proposed area is 37 km from the boundary of the protected area i.e. Tamhini Wildlife Sanctuary.
- 3.1.4 Site Inspection report of DCF, Pune dated 03/07/2019
- 3.1.5 Proposed area belongs to Eco-value Class-III, Open Forest, Density 0.1

- 3.1.6 Provisions of Forest (Conservation) Act 1980 and guidelines under it has been violated by the user agency.

The User Agency has committed violation over 603 + 1100 sqm during 05/01/2017 to 03/11/2017 work stopped on 03/11/2017.

Area measuring 1154 sqm is handed over to PMC by District Collector on 03/07/1959. The PMC has demolished only existing water tank (GSR), which is constructed on originally handed over land . PMC will construct the new proposed water tank (ESAR/GSR) only after receiving the permission from Forest Department
Violation Report enclosed.

- 3.1.7 1.00 ha degraded forest land of Reserve Forest Gut No 425 at village-Vadgaon Shinde Tal. Haveli Dist Pune (Out of 107.82 ha) has been identified for Compensatory Afforestation and is free from encroachment and suitable for compensatory afforestation
- 3.1.8 There are 34 trees felling involved in the project. Girthwise details in cms area as under :-

Below 30	30-45	46-60	61-75	Above 76	Total
00	00	07	22	05	34

- 3.1.9 The proposed site is not likely to affect any monuments site of cultural, historical, religious, archeological or recreational importance.
- 3.1.10 All Other alternates alignment for the purpose have been examined in detailed and come to conclusion that alignment No 01 is selected as alignment of length 86 m & 5.5m width is best suitable based on the slope gradient required for free flow of water with minimal frictional loss.
- 3.1.11 The non forest land proposed in the project is not included in the Identified Forest and Acquired Forest.
- 3.2 The User Agency has submitted the following documents/undertakings :-**
- 3.2.1 Agree to defray the cost of Net Present Value of the forest land proposed for diversion.
- 3.2.3 Agree to defray the cost as determined by the forest Department of compensatory afforestation
- 3.2.4 Agree to bear the cost of clearance, removal of vegetation growth from the proposed forest area
- 3.2.5 The user agency has not submitted the compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006.(FRA-2006) . However submitted the undertaking stating that the FRA-2006 Certificate will be submitted along with the Stage-I compliance.
- 3.2.6 The proposed area is outside of the scheduled tribal area.
- 3.2.7 Copy of Administrative approval accorded vide Govt of Maharashtra, Urban Development Department, vide GR No. Amrut-2017/C.no. 429/Up-33, dated 25th Sept 2017
- 3.2.8 Copy of Minutes of meeting of Estimate Committee submitted by Pune Municipal Corporation, Pune vide Outward No. Bhavan/6323, dated 17/01/2015

4. The Deputy Conservator of Forests, Pune has recommended this proposal under condition :-

To plant sapling along the approached road and material excavated while execution of construction should be used as staggered trenches and terrace and plant with native species not less than 1000 and provide water through pipeline from water tank to the forest area for the purpose of watering of plants. The period of supply should be continuous round the year. Expenditure to fulfill this condition should be borne by the project authority itself.

5. The Chief Conservator of Forests (T) Pune has recommended this proposal under condition :-

“The user agency should provide an outlet for Forest Department for making waterhole and for watering plants free of cost”.

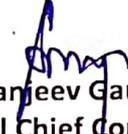
- 6. In view of this, the proposal is recommended for in-principle approval under section 2(ii) of the Forest (Conservation) Act 1980 subject to the following conditions :-**

- 6.1 The legal status of the land required will remain unchanged.
- 6.2 Compensatory afforestation will be raised at the cost of the user agency on 1.00 ha. degraded forest land of Reserve Forest Gut No 425 at village-Vadgaon Shinde Tal. Haveli Dist Pune (Out of 107.82 ha). As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on degraded forest land identified for compensatory afforestation.
- 6.3 The user agency will defray the cost of Net Present Value of 0.7031 ha. of forest land as per latest guidelines of Government of India
- 6.4 The user agency will defray the additional/ revised cost of Net Present Value as per latest guidelines of Government of India.
- 6.5 For violation of FCA, 1980 as penalty, the user agency will defray the cost (equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto (5) five times the NPV plus 12 percent simple interest till the deposit is made in accordance with Government of India advisory number 11-42/2017-FC, dated 29/01/2018.
- 6.6 The forest land shall not be used for any purposes other than specified in the project
- 6.7 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 6.8 The user agency will defray the cost of removal of 34 trees in the area. However, only the required and minimum number of trees will be felled. In situations where felling of trees is avoidable and such trees could be transplanted, all efforts to transplant such trees at a pre designated site will be taken and additional expenditure, if any, in such cases shall be at the cost of the user agency.
- 6.9 The user agency in consultation with the State Government shall create and maintain an alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nest artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- 6.10 It will be the responsibility of the project authority to ensure that the labourers, staffs engaged in construction activity do not damages nearby forest flora and fauna.
- 6.11 No labour camps shall be established on forest land.

- 6.12 The User Agency should plant sapling along the approached road and material excavated while execution of construction should be used as staggered trenches and terrace and plant with native species not less than 1000.
- 6.13 The user agency should provide an outlet for waterhole for watering plants and the period of supply of water should be continuous round the year , at the cost of user agency.
- 6.14 All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the User Agency
- 6.15 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. It is therefore requested that the Central Government may kindly be moved to approve diversion of 0.7031 ha. Reserved forest land for construction of ground water reservoir capacity 13 ML, 2ML and 3.5 ML ESR in forest S. No. 262 at Village Bhamburda, Tal. Haveli, Distt. Pune in the State of Maharashtra to supply drinking water to Shivajinagar Pune area under PMC, Pune in favour of Chief Engineer, Water Supply Department, Pune Municipal Corporation, Pune, under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encls : As above


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

Copy submitted to The Principal Secretary (Forests), Revenue & Forest Department, Mantralaya, Mumbai for information along with a copy of the proposal.

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

Copy forwarded to Deputy Conservator of Forests , Pune for information.

Copy forwarded to Chief Engineer, Water Supply Department, Pune Municipal Corporation, Pune 2nd floor, Pune Municipal Corporation Shivaji Nagar Pune-411005
 (Email-vkulkarni.stp@gmail.com)

T. C.





महागण्ड वन विभाग

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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.:- Diversion of 0.571 ha. Identified Forest land for Construction of drinking water reservoir (Along with pipeline, electric supply & approach road) to supply water to Pashan & Sutravadi area under PMC Pune in the State of Maharashtra

No. : Desk-17/NC/II/ID 12765/(19)/1706/2019-20
Nagpur – 440 001, Dated: 21/04/2020

To ,

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

Ref:- Chief Conservator of Forests (T), Pune letter No Desk-1/Land/FCA-287/2019-20/86 dated 03/10/2019 and letter dated 13/12/2019.

c/7
c/31

The Chief Engineer, Water Supply Department, Pune Municipal Corporation, Pune, Maharashtra State has submitted the proposal for diversion of 0.571 ha. forest land for Construction of drinking water reservoir (Along with pipeline, electric supply & approach road) to supply water to Pashan & Sutravadi area under PMC Pune. Total 0.106 ha non forest area involved in the project. The details of Forest land proposed for diversion is as under:-

Name of Village	Name of Component	Gut No.	Forest Land Required		Legal Status	
			Length x Width	Area		
				Sq. M.	ha	
Pashan Tal-Haveli Dist. Pune	1) GSR Tank					Identified forest (As per Hon'ble S.C. Order)
	i) GSR tank plinth area.	38	26 x 23	598	0.0598	
	ii) Four side open space including watchmen portable cabin.	38	2 x 35 x 4	280	0.0280	
			2 x 23 x 4.5	207	0.0207	
	2) Pipeline-inlet 450 mm dia.	38	250 x 1	250	0.025	
	3) Pipeline-outlet 450 mm dia.	38	250 x 1	250	0.025	
4) Existing road with underground Cable & street electric line.	38	750 x 5.5	4125	0.4125		
Total Forest Area Required				5710	0.571	

- 3.1.9 The proposed site is not likely to affect any monuments site of cultural, historical, religious, archeological or recreational importance.
- 3.1.10 All Other alternates alignment for the purpose have been examined in detailed and come to conclusion that alignment No 01 is selected as alignment of length 250 m & 2m width is best suitable based on the slope gradient required for free flow of water with minimal frictional loss.
- 3.1.11 The non forest land proposed in the project is not included in the Identified Forest and Acquired Forest.

3.2 The User Agency has submitted the following documents/undertakings :-

- 3.2.1 Agree to defray the cost of Net Present Value of the forest land proposed for diversion.
- 3.2.3 Agree to defray the cost as determined by the forest Department of compensatory afforestation
- 3.2.4 Agree to bear the cost of clearance, removal of vegetation growth from the proposed forest area
- 3.2.5 The user agency has submitted the District Collector, Pune certificate dated 10/04/2019 regarding compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006.
- 3.2.6 The proposed area is outside of the scheduled tribal area.
- 3.2.7 Copy of Administrative approval accorded vide Govt of Maharashtra, Urban Development Department, vide GR No. Amrut-2017/C.no. 429/Up-33, dated 25th Sept 2017
- 3.2.8 Copy of Minutes of meeting of Estimate Committee submitted by Pune Municipal Corporation, Pune vide Outward No. Bhavan/6323, dated 17/01/2015

4. The Deputy Conservator of Forests, Pune has recommended this proposal under condition :-

To plant sapling along the approached road and material excavated while execution of construction should be used as staggered trenches and terrace and plant with native species not less than 1000 and provide water through pipeline from water tank to the forest area for the purpose of watering of plants. The period of supply should be continuous round the year. Expenditure to fulfill this condition should be borne by the project authority itself.

5. The Chief Conservator of Forests (T) Pune has recommended this proposal under condition :-

The user agency should provide an outlet for waterhole and for watering plants free of cost to Forest Department.

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

- 6.1 The legal status of the land required will remain unchanged.
- 6.2 Compensatory afforestation will be raised at the cost of the user agency on 1.00 ha. degraded forest land of Reserve Forest Gut No 425 at village-Vadgaon Shinde Tal. Haveli Dist Pune (Out of 107.82 ha). As per GOI guidelines dated 08/11/2017 at least 1000 plants per ha. to be planted on degraded forest land identified for compensatory afforestation
- 6.3 The user agency will defray the cost of Net Present Value of 0.571 ha. of forest land as per latest guidelines of Government of India
- 6.4 The user agency will defray the additional/ revised cost of Net Present Value as per latest guidelines of Government of India.

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

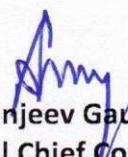
(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.- The Chief Engineer, Water Supply Department, Pune Municipal Corporation, Pune has submitted the proposal for diversion of 0.571 ha identified forest land for construction of drinking water reservoir (Along with pipeline, electric supply & approach road) to supply water to Pashan & Sutravadi area under PMC Pune in the State of Maharashtra under Section - 2 (ii) of the Forest (Conservation) Act, 1980. The details of the forest land proposed for diversion is as under :

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				Sq. M.	ha	
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	i) GSR tank plinth area.					
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Total Forest Area Required				5710	0.571	

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


 20/01/2020

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

(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 Chief Engineer, Water Supply Department, Pune Municipal Corporation, Pune has submitted the proposal for diversion of 0.571 ha identified forest land for construction of drinking water reservoir (Along with pipeline, electric supply & approach road) to supply water to Pashan & Sutravadi area under PMC Pune in the State of Maharashtra under Section - 2 (ii) of the Forest (Conservation) Act, 1980. The details of the forest land proposed for diversion is as under :

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4) Existing road with underground Cable & street electric line.	38	750 x 5.5	4125	0.4125		
Total Forest Area Required			5710	0.571		

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

T. C.

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests
& Nodal Officer









T. C.

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InFocus

T. C.

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