

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE
ORIGINAL APPLICATION NO. 23 OF 2024

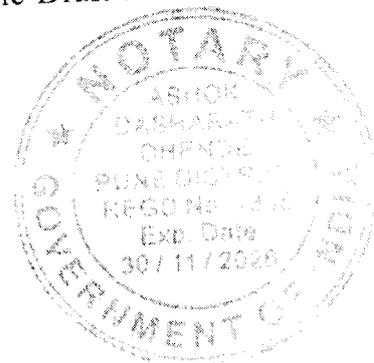
Mr. Naresh Chhetija and Another - Applicant
V/S

Maharashtra State Biodiversity Board and Others - Respondents

Affidavit in Reply to the Objections to the Working Plan issued by the Office of
the Deputy Conservator of Forests

I, Shri. Mahadev Namdev Mohite, age 47 years, working as Deputy Conservator of Forest, Pune Forest Division, Pune hereby solemnly affirms on behalf of Respondent Nos. 2, 4, 6 and 7 as under :-

1. I state and submit that I have read the copy of present Application filed by the Petitioners. I crave leave of this Hon'ble Court to further add or amend the affidavit and / or file additional affidavit, if necessary. I say that, I have been authorized to file this affidavit on behalf of the Contemnor Nos. 2, 4, 6 and 7.
2. With reference to the contents of **Para No. 1** I state that, the Working Plan shared by the Respondent No. 7 i.e. the RFO on Whatsapp on 12 June at 4.11 pm. with Concern of the Applicants is not just a copy of the Draft Plan but a





copy of the Final Approve Plan. I further state that in the Disclaimer mention of a Draft Working Plan is clerical mistake. Hereto annexed as **Annexure RO-1** is a copy of the approval Letter No. F.No.12-7/2004 (FOR)/12437, Dt.07/11/2023 issued by the Government of India (MOEF and CC) to the Working Plan.

3. With reference to the contents of **Para No. 2** I state that, the structure of a water tank construction is for irrigating new plantation drip irrigation and ensure the highest survival of plantation which is a forestry activity. I further state that the Forest Department had undertaken construction of a Compound Wall around the reserved forest for the purpose of its protection from encroachment and for that purpose there was movement of ready mix concrete trucks around the said site. The said work of ready mix is completed and each taken away from the reserved forest land there is no machinery equipment or vehicle in the said reserved forest land.
4. With reference to the contents of **Para No. 3** I state that, funds have been utilized as per the approved estimates. I state that regeneration is commensurate with felling of trees. We have sufficient funds for future maintenance.
5. With reference to the contents of **Para No. 4** I state that, replacement of 88 Gliricidia trees in the area has been done as per the Guidelines in the Working Plan. This has been done in phase wise manner, as only Gliricidia species from 2 Ha. out of total 25.52 Ha. area of Survey No. 49 has been removed.
6. With reference to the contents of **Para No. 5** I state that, we have removed only Gliricidia and retain native species. Care has been taken that no any known resting, nesting site is harmed.



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4. With reference to the contents of **Para No. 3** I state that, funds have been utilized as per the approved estimates. I state that regeneration is commensurate with felling of trees. We have sufficient funds for future maintenance.
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6. With reference to the contents of **Para No. 5** I state that, we have removed only Gliricidia and retain native species. Care has been taken that no any known resting, nesting site is harmed.



7. With reference to the contents of **Para No. 6** I reiterate that, the Working Plan supplied to the Applicant is the Final Working Plan approved by the Central Government (MOEF).

I state that Page 252 of the Working Plan states about removal of Gliricidia coupe wise. I state that this Guideline is in respect of the entire forest area of the Pune Forest Division. I further state that there were around 204 trees of various species in the park area and out of them 88 Gliricidia trees were replaced in accordance with the Plan of the Park which has been approved by the Eco Tourism Board. (Annexure R-6 of the Affidavit in Reply). I state that in the area of the Park around 788 trees of native species have been planted by replacement of Gliricidia trees. I state that the soil depth in the Park area is sufficient for the proper growth of the trees of native species. The plantation is in accordance with the Approved Working Plan.

I state that Gliricidia trees have been felled and trees of native species have been planted as per the Working Plan.

I state that Volume I as well as Volume II of the Approved Plan has been supplied to the Applicant. The Gliricidia trees have been replaced as per the Approved Working Plan. I state that the Objections of the Applicant are ill-founded and the Application is vexatious and the same deserves to be dismissed with costs.

Deponent



VERIFICATION

I, , Shri. Mahadev Namdev Mohite, age 47 years, working as Deputy Conservator of Forest, Pune Forest Division, Pune hereby solemnly affirm on behalf of the State of Maharashtra Forest Department do hereby solemnly declares that what is stated in aforesaid paragraphs is true and correct to my knowledge and I believe the same to be true and correct.

Solemnly declared at Pune)

Dated 10th August, 2024)

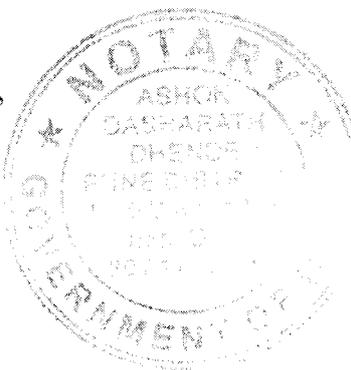
Mahadev N. Mohite,
Deputy Conservator of Forest,
Pune Forest Division, Pune

Drafted & Settled by:-

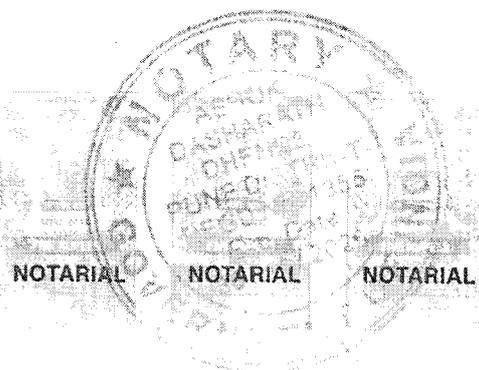
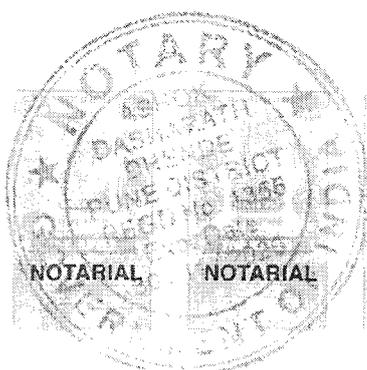
D.M. Gupte
Advocate

BEFORE ME

ASHOK DASHARATH DHENDE
NOTARY, GOVT OF INDIA
PUNE DISTRICT
REGD. No.1355



NOTED & REGISTERED AT
S.No. 371/2024 dt. 10 AUG 2024





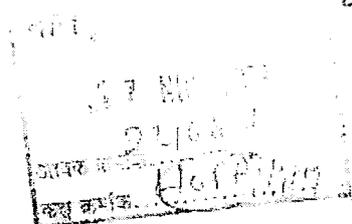
भारत सरकार
 GOVERNMENT OF INDIA
 पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
 MINISTRY OF ENVIRONMENT, FOREST
 & CLIMATE CHANGE

Regional Office
 Ground Floor, East Wing
 New Secretariat Building
 Civil Lines, Nagpur - 440001
 apcc@central-ngp-mef@gov.in
 Date: 07.11.2023

F.No. 12-7/2004 (FOR) /12437

To,

The Principal Secretary (Forests)
 Revenue and Forest Department
 Hutatma Rajguru Chowk
 Madame Cama Marg
 Mantralaya, Mumbai-400032



Handwritten notes and signatures, including '54/12/10/1' and '07.11.23'.

Sub: Approval of Working Plan of Pune Forest Division for the period 2023-24 to 2032-33- regarding.

Sir,
 The undersigned is directed to refer to PCCF (P&M), Maharashtra office letter no Desk-14/WP/ACF/19/23-24 dated 02.06.2023 on the above subject seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 and to say that DWPR of Pune Forest Division has been examined in the Regional Office in light of relevant provisions of the Forest (Conservation) Act, 1980, Rules and Guidelines framed there under.

After careful examination of the DWPR of Pune Forest Division written by Shri Ranul Patil, IFS and San V.D. Suryawanshi, IFS, the Central Government hereby accords approval to the said Working Plan for the period of 2023-24 to 2032-33 in accordance with the powers vested under Forest (Conservation) Act, 1980 and subject to the following conditions.

1. The currency of working Plan shall be for a period of 10 years i.e. from the year 2023-24 to 2032-33. Period of last Working Plan was up to the year 2021-22, the present Working Plan is approved from the year 2023-24. Interwening period i.e. 2022-23 will be considered as per the prescription of last working plan and whatever work has been carried out may be got regularized/will be considered as part of last working plan after taking approval of the competent authority wherever needed. In case there has been any work carried out in 2022-23, State Government has to submit proposal for regularization of the same.
2. The orders of Hon'ble Supreme Court in the matter of J.N. Godavarman Thirumugad Vs Union of India in W.P. (Civil) No. 202/95 and related interlocutory applications shall be strictly adhered to. Any prescription or operation at variance with the Hon'ble Supreme Court's order shall be kept in abeyance till the order is in force or otherwise modified.
3. Further, in compliance with order of Hon'ble Supreme Court's Order dated 22.09.2000, the Government of Maharashtra shall ensure that regeneration of forests is commensurate with felling carried out under this Working Plan.
4. No felling shall be carried out without allocating necessary fund for implementation of regeneration operation so as to make regeneration commensurate with felling. In the events of failure in regeneration or any shortfall in carrying out regeneration operation, no further felling shall be undertaken until the failure/shortfall is made up.
5. Following the directions issued by MoEF&CC vide letter dated 23.02.2018, Regional Offices of MoEF&CC under the chairmanship of Deputy Director General of Forests (Central) of the Regional Office of this Ministry will be competent authority for deciding the extent of harvesting that could be permitted under approved Working Plans for ensuring regeneration to be commensurate with felling. Instructional directions of the Central Government that may be issued in future in this regard shall be strictly complied with. Felling is to be done by State Government only after seeking permission from REC, RO Nagpur.

D.Y.
 A.K.A.

6. Fruits bearing naturally grown trees shall not be clear felled for any purpose whatsoever.
7. Standard thinning and silvicultural operations under the strict supervision of Assistant Conservator of Forests and above will be allowed as per norms to improve the health of growing stock while executing the prescriptions of the Working Plan.
8. Prescriptions of micro plans for JFM in forest should not deviate from the broad framework/guidelines of the Working Plan and shall be in accordance with various orders of Hon'ble Supreme Court.
9. Felling carried out on forest land after seeking approval of the Central Government under Forest (Conservation) Act, 1980 will not be treated as deviation. However, proposed felling in the forest division shall be restricted proportionately in the current/future years to compensate this removal.
10. No deviations shall be made from the prescriptions of Working Plan without prior approval of the Central Government under Forest (Conservation) Act, 1980. However, deviations of positive nature i.e. voluntary plantations carried out outside the working area under any project, schemes and compensatory afforestation may be approved by the competent authority of the State Government from time to time.
11. The exploitable girth of tree species and period of felling cycle shall not be lower than what was approved in previous working plan.
12. In the vicinity of Nalas and water bodies felling shall not be undertaken. Further felling shall not be undertaken near the known resting/roosting places of wild animals and birds.
13. No commercial felling shall be carried out along the riparian strip of all perennial Rivers of Maharashtra State as recommended by RFP in its meeting dated 24.02.2020 viz: Bhima, Godavari, Kanhan, Koyna, Krishna, Manjara, Mula, Nira, Panchganga, Pench, Penganga, Pranhita, Purna, Tapi, Vaitarna and Wainganga. Further no commercial felling shall be carried out along the strip of 500 meters of all seasonal Rivers. Only con-restoration work shall be carried out.
14. Removal of dead and diseased trees will be undertaken under the supervision of an officer not below the rank of Assistant Conservator of forests.
15. Volume details of all kinds of fellings viz. dead and diseased trees, grants of right and concession and all illicit felling should be compiled along with the estimation of their standing volumes as per the same volume table used for the assessment of growing stock. This report shall be prepared annually working circle and compartment wise by the territorial Sub-DFO and shall be submitted to the CF, Working Plan for this purpose within 02 months of the end of control year. Such removal shall be accounted vis-à-vis prescribed felling yield of the relevant year.
16. To ensure sustainable management of Non Timber Forest Produce (NTFP), scientific assessment of estimated quantity has to be done before their removal as per the prescription of Working Plan. Proper mechanism has to be in place for the collection of NTFPs in sustainable manner.
17. Status of rare, endangered and near extinct species shall be monitored closely and adequate measures will be taken for their protection and conservation.
18. Execution of Working Plan shall be in conformity with the National Forest Policies, 1988.
19. No regularization of existing encroachment should be done without following due procedure. And an appendix may be added giving details of the encroachment of the forest area in the division. A definite plan has to be made to remove encroachment and vacated area shall be planted with suitable local species as per Government of India and Hon'ble Supreme Court Orders/Guidelines in the matter.

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20. Eco-tourism shall/may be undertaken on sustainable basis. No permanent structures shall be allowed at such sites. Temporary structures made up of local forest produce may be allowed for public. Such sites will be declared as Plastic Free Zones. These eco-tourism sites will be managed by the forest department as per the prescriptions of the working plan and after taking prior approval of Central Government under Section-2 of Forest (Conservation) Act, 1980.
21. Demarcation and consolidation of Forest Boundaries will be done adequately. Identification of Land Bank in the form of degraded forest areas in the Division to be explored for CA plantations.
22. Gregarious flowering of bamboo, if any, must be reported to ICFRE and other institutes as mandated and the situation be dealt with standard protocol.
23. Proper mechanism has to be put in place to control illegal felling, grazing and fire. Proper fire management plan shall be prepared and executed meticulously.
24. Only 50% of normal yield, if silviculturally available, will be allowed for removal in case of Teak, Dhawada, Bhirra, Lendia, Chonawa, Mowal, Rahar, Shiwan, Shisham, Surya, Karai, Mokha, Palas, Dhaman, Bhilawa, etc. In case of Haldu, Ain, Bja, Tiwas, Kalam, Salai, Garadi, Khair it shall be 20% if silviculturally available.
25. Efforts should be made to undertake artificial regeneration of local species along with 10-15% RET species in such a way that it serves the purpose of biodiversity conservation as well as meeting the demand of fuel wood, fodder and timber. Planting of exotic species should be avoided.
26. Lac cultivation, if any, will be practiced as per the provisions of Forest (Conservation) Act, 1980.
27. Documents and appendices mandated in National Working Plan, 2014 Code will be incorporated in the Working Plan.
28. Attempts shall be made to grow trees outside forest areas to meet the local demand of small timber, fuel wood and fodder, as well as to achieve the 33% forest cover as envisaged in National Forest Policy, 1988.
29. Socio-economic survey is to be conducted within first year of implementation of plan and the same be appended with the Working Plan.
30. Cutback operation shall be undertaken as per standard norms and grassland will not be expanded at the expense of natural tree cover.
31. While managing forests, provisions of the Biological Diversity Act, 2002 and Wildlife Protection Act, 1972 shall be fully complied.
32. Prescriptions on Wildlife Management should be vetted by the CWLW and a certificate of the same be attached to the plan at the time of final printing.
33. Grazing to be properly regulated and grazing fee should be levied.
34. Annual Plan of Operations under Compensatory Afforestation Fund Act, 2016 and Compensatory Afforestation Fund Rules, 2018 shall be in conformity with Working Plan prescriptions.
35. All the Unclassed Forest, acquire CA areas and acquired Private Forests should be notified as RF/PF in time-bound manner at the earliest.
36. Midterm review of Working Plan shall be undertaken after five years so as to review the compliance of conditions as laid down in the approval. Modification/addition in some conditions may be made to meet the objectives, with the approval of Regional Office, Nagpur.
37. The Central Government reserves the right to review, modify, withdraw this approval at any time if any of the conditions of approval are not implemented. Relevant modifications in the

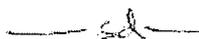
working plan are required to be carried out so as to keep it in conformity with the orders, circulars and guidelines issued by the Central Government or the Apex Court under Forest (Conservation) Act, 1980 or any other statute and National Forest Policy from time to time.

NOTE: The above mentioned approval is subject to attending shortcomings as below and submitting complete Working Plan within 6 months:

1. Information on Chapter- 1(i) i.e. Works prescribed during the Plan period in a tabular form along with annual target is not incorporated in Working Plan. The same has to be incorporated.
2. Latest data i.e. 2021-22 regarding density classification for forests as per ISFR (Indian State Forest Report) 2021-22 report of FS has not mentioned in Section- 2.4.3 (Change in Land Use, Land Use Change on basis of density classification). The same has to be incorporated.
3. Information on Section- 11.3 (Special works of improvement undertaken), and Section- 11.4 (Past yield, revenue and expenditure) is not included in the Working Plan. The same has to be incorporated.
4. Section 4.6.12 should have been Regeneration and Section 4.6.13 should have been Associated regulations and measures in Chapter- 4 i.e. Grassland Management Working Circle. The same has to be incorporated.
5. General information w.r.t General financial forecast and financial plan of operation chapter, Miscellaneous regulations chapter containing below mentioned section is not incorporated in the Working Plan.
 - a. Petty felling and extraction
 - b. Rights and Concessions
6. KML file of compartment and boundary of the division is not submitted. The soft copy of KML file needs to be submitted.
7. Maps viz. Management map, Working Plan map and Reference map and other necessary maps shall be submitted.

This issues with the approval of DDGF (Central) Region, Chief, W&F&CC, Nagpur.

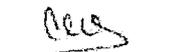
Yours faithfully,



(C.K. Sonwane)
DIGF (Central)

Copy to:

1. The IGF (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, AIGerj, New Delhi- 110003.
2. The Principal Chief Conservator of Forests (HoFF) Govt. of Maharashtra, Van Bhawan, Ramgiri Road, Civil Lines, Nagpur- 440001.
3. The Principal Chief Conservator of Forests (P&M) Govt. of Maharashtra, Van Bhawan, Ramgiri Road, Civil Lines, Nagpur-440001.
4. Guard File.


(C.K. Sonwane)
DIGF (Central)