

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**FARIDKOT HOUSE, COPERNICUS MARG NEW DELHI**



OA NO. 566/19

Prasad Bhandari ..... Applicant

-- VS --

State of Maharashtra... Respondent

**REPLY ON BEHALF OF ANSWERING RESPONDENT**

1) The answering respondent in response to the notice issued by Hon'ble National Green Tribunal is filling this present affidavit for a limited purpose to oppose the admission of the Original application and craves liberty to file an additional affidavit if contingency so arises.

2) It is submitted that, the article was published on dated April 17, 2019 in "The Times of India" newspaper with heading "State okays felling of 1,760 trees in tiger path for grenade unit". The article mentioned about 87.97 ha forest land diverted by the state government that land falls in the wildlife corridor of Bor-Pench- Melghat Tiger reserves. There are 5-6 resident tigers in and around the diverted forest area. As per forest department inspection, more than 1,760 trees will have to be razed in the actual project area of 4.73 hecters.

3) It is submitted that as per section 2 of Forest (Conservation) Act, 1980, No State Government or any other authority without prior approval by Central government can de-reservation of forests or use of forest land for non-forest purpose.

4) Government of Maharashtra by letter no FLD-3415/C.R. 185/F-10 Revenue and forest department dated 16/12/2016 submitted the proposal along with recommendation to central Government asking for the permission for diversion of 87.987 ha forest land under Forest



(Conservation) act 1980 (Annexure- A). In this letter Government of Maharashtra noted important observations after exchanging the information with various stake- holders (point No. 20)

- a. Out of 87.97 ha. Of area diverted, tree felling of 1760 tree will take place in 4.73 ha. Of area, rest of it will go under safety zone.
- b. The project is an extension of the existing factory, hence it becomes site specific project.
- c. Recent wildlife presence assessment done by the department and NGOs has revealed the presence of one tigress +3 cubs within the 5km radius of factory. There is good number of prey species also noted in the area.
- d. Wildlife wing has reported that this factory is not coming into the passage of any corridor prescribed by the Wildlife Institute of India.
- e. Two explosive factory along with 40+ commercial establishment are already functioning in North of the proposed factory site. PPCF (Wildlife) has given his recommendation for the project albeit with certain conditions.
  - i) The user agency should deposit an amount of Rs 100 lakhs in an independent Bank account of DCF Nagpur to take care of 5 years expenses, for protection, conservation and for wildlife monitoring in Kondhali and Kalmeshwar range.  
- *User agency agreed to pay Rs. 100 lakhs.*
  - ii) The user agency should not use machineries which make loud sound during the time of construction of plants. The user agency should take care of wildlife protection and should ensure that company workers should not use forest produce.  
- *User agency agreed.*
  - iii) The user agency should, in consultation with Dy. Conservator of Forest, Nagpur, Spend the amount through Corporate Social Responsibility (CSR) on such activities which will reduce dependence of local villagers on forest.  
- *User agency agreed.*
- f. In the opinion of Principal Chief Conservator of Forest (Head of Forest Force), M.S., Nagpur this factory is not likely to create any



serious obstruction to the free movement of prey-predator species of the area.

- 5) Government of India , Ministry of Environment, Forest and climate change given Stage-I Clearance/ In principle approval by letter no. F.No. 8-23/2017-FC dated 25<sup>th</sup> July, 2017 (Annexure- B) to Diversion of 87.97 ha. of forest land for the expansion of Explosive Manufacturing Unit at Mouza Chakdoh, Tal. Katol District Nagpur, Maharashtra under section 2 (ii) of Forest (Conservation) Act,1980 subject to the conditions.
- 6) Government of Maharashtra vide letter No. Desk-17/NC/I/I.D-2372/1220/18-19 dated 1.09.2018 and No. Desk-17/NC/RS-1/I.D-2372/1675/18-19 dated 28.11.2018 complied the conditions that given by Central Government while giving Stage-I clearance.
- 7) On the basis of compliance report furnished by the government of Maharashtra, Government of India by letter no. F. No. 8-23/2017-FC, dated 17, December, 2018 Ministry of environment and climate change given Stage-II/ Final approval for the Diversion of 87.97 ha. of forest land for the expansion of Explosive Manufacturing Unit at Mouza Chakdoh, Tal. Katol District Nagpur, Maharashtra under section 2 (ii) of Forest (Conservation) act,1980,(Annexure no. C) with important conditions
  - i) Legal status of the diverted forest land shall remain unchanged.
  - ii) Compensatory afforestation (CA) over identified non-forest land of 88.34 ha shall be raised within a period of three years with effect from the date of issue of stage-II clearance and maintained thereafter as per approved plan by State Forest Department from the funds deposited in Ad-hoc CAMPA account by the user agency. The state Government shall ensure that at least 1000 plants shall be planted either in identified non-forest land or identified degraded forest land of 90 ha, so that 87970 plants shall be planted.
- 8) As per the condition laid by Government of India letter No. F.No. 8-23/2017-FC dated 20<sup>th</sup> May,2019 (Annexure-D ) A plan for the improvement of wildlife habitat, involving financial provision of RS. 100 lakhs shall be prepared and implemented in consultation with the PCCF (wildlife) at the coast of user agency.



- Dy. Conservator of forest, Nagpur Prepared conservation plan for Wildlife for Kalmeshwar and Kondhali range by letter no. 513/2019-20 dated 10/08/2020 and submitted to PCCF (Wildlife), M.S. Nagpur. ( Annexure-E)
- PCCF (wildlife), M.S. approved conservation plan for wildlife for Klameshar and Kondhali by letter no. 73 (2020)/1132/2020-21 date 10/09/2020. (Annexure-F )

9) In view of aforesaid reply, the contents of petition is not maintainable and needs to be rejected.

Hence, this reply.

Nagpur

Date:- 18/03/2021

Deponent.

(Prabhu Nath Shukla)  
Deputy Conservator of Forests,  
Nagpur Division, Nagpur.

**SOLEMN AFFIRMATION**

I, Prabhu Nath Shukla, Deputy Conservator of Forests, Nagpur Division, Nagpur do hereby take an oath and state on Solemn Affirmation that I am duly authorized by the respondents to swear this Affidavit and to file the same on behalf of defendants.....I state that, this W.S has been drafted as per our instruction and informations which are gathered from our official record. I further state that, the contents of paras No.1 to 9 of this W.S are true to my best of knowledge and belief. Hence, verified and signed on this 18<sup>th</sup> Day of March 2021.

I know the Deponent

Deponent.

Advocate.

(Adv. K. H. Bhadga)  
Legal Ad. C.C.F. Nagpur

(Prabhu Nath Shukla)  
Deputy Conservator of Forests,  
Nagpur Division, Nagpur.

## महाराष्ट्र शासन

E-mail: deskf10.rfd-mh@gov.in

क्र. न्यायाप्र-२०२१/ प्र.क्र.१०६/ फ-१०

महसूल व वन विभाग,  
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,  
मंत्रालय, मुंबई-४०० ०३२  
दिनांक : १८.०३.२०२१

प्रति,

अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी, महाराष्ट्र राज्य, नागपूर  
मुख्य वनसंरक्षक (प्रा.), नागपूर  
उपवनसंरक्षक (प्रा.), नागपूर वन विभाग, नागपूर

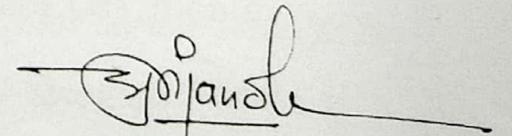
**विषय:** मा. राष्ट्रीय हरित न्यायाधिकरण येथील Original Application No. ५६६/२०१९  
श्री.प्रसाद भंडारी विरूद्ध महाराष्ट्र शासन

**संदर्भ:** अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी यांचे पत्र क्र.कक्ष-  
१७/नोसेल/मु.ले./१२५१/२०२१-२२, दि.२३.०२.२०२१

महोदय,

अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी यांनी संदर्भीय पत्रान्वये मा.राष्ट्रीय हरित न्यायाधिकरण, नवी दिल्ली येथील Original Application No. ५६६ / २०१९ मध्ये दाखल करावयाचे परिच्छेदनिहाय अभिप्राय शासन मान्यतेस्तव सादर केले असून सदर परिच्छेदनिहाय अभिप्राय न्यायाधिकरणात दाखल करण्यासाठी उपवनसंरक्षक, नागपूर यांना प्राधिकृत करण्याची विनंती केली आहे.

त्यानुषंगाने सदर परिच्छेदनिहाय अभिप्रायांस शासनाची मान्यता दर्शविण्यात येत असून सदर परिच्छेदनिहाय अभिप्राय शपथपत्राद्वारे मा.राष्ट्रीय हरित न्यायाधिकरण, नवी दिल्ली येथे दाखल करण्यासाठी उपवनसंरक्षक (प्रा.), नागपूर वन विभाग, नागपूर यांना प्राधिकृत करण्यात येत आहे. प्रस्तुत प्रकरणी मा.राष्ट्रीय हरित न्यायाधिकरण, नवी दिल्ली येथे दाखल केलेल्या शपथपत्राची प्रत शासनास पाठवावी व प्रकरणातील सद्यस्थिती वेळोवेळी शासनास सादर करावी, ही विनंती.



(सुनिल पांडरे)

अवर सचिव, महाराष्ट्र शासन

सहपत्र: परिच्छेदनिहाय अभिप्राय

By Speed Post

Annexure A

3415/C.R.185/F-10

and Forest Department,

No.456/461 Annex, Hutatma

Chowk, Madam Cama Marg,

Mantralaya, Mumbai-400 032.

Date: -16/12/2016

To,

The Secretary to the Government of India,  
Ministry of Environment, Forests and Climate Change,  
Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj,  
New Delhi.-110003

**Sub.:- Forest land- Nagpur.**

M/s. Solar Industries India Ltd. (SIIL), proposal for diversion of 87.97 ha. forest land for the Expansion of Explosives Manufacturing Unit at Mouza Chakdoh, Tal. Katol, Dist. Nagpur.

Sir,

M/s. Solar Industries India Ltd. (SIIL), Nagpur has submitted the proposal for diversion of 87.97 ha. forest land for the expansion of Explosives Manufacturing Unit at Mouza Chakdoh, Tal. Katol, Dist. Nagpur. The location of area proposed for diversion is as given below :-

District	Taluka	Village	Sury/Gut No.	Compt. No	Area (in ha)	Legal Status
Nagpur	Katol	Chakdoh	68	31	0.22	Zudpi Jungle
			76		0.14	
			77		0.61	
			80		0.48	
					54.57	
<b>Total Area (A)</b>					4.29 Ha	Reserve Forest
Nagpur	Nagpur (Gramin)	Bazargaonon	16	147	0.46	Protected Forest
			17		0.08	
					0.04	
			18		0.33	Zudpi Jungle
			27		3.14	Protected Forest
					0.02	
			32		3.45	
					0.01	
			33		0.10	
			35		0.17	Zudpi Jungle
			36		0.32	Protected Forest
			38		0.14	
			39		2.86	
			40		3.84	
			41		2.49	
					0.06	
			43		1.30	
			44		0.19	
			47		2.38	
					0.12	
			49		5.97	
					0.19	
<b>Total Area (B)</b>					27.66	
<b>Total Forest Area (A+B)</b>					87.97	

2. The density of forest land proposed for diversion is as under below :-

Sr. No	Area (In Ha.)	Eco Class	Density	Type of Forest
1.	25.66	III	> 0.7	Very Dense Forest
2.	52.08	III	0.42 to < 0.7	Dense Forest
3.	10.23	III	< 0.4	Open Forest

3. The project involves felling of total 1760 trees in compartment number 31 and 147 of village Chakdoh, Tal. Katol, Dist. Nagpur and village Bazargaon, Tal. Nagpur (Gramin), Dist. Nagpur.

4. Collector, Nagpur has certified that, no suitable alternative non forests land is available for the project and demand for the forest land is barest minimum.

5. Deputy Conservator of Forests, Nagpur Division, Nagpur has certified that, no suitable alternative non forests land is available and demand for the forest land is barest minimum.

6. Divisional Forest Officer, Chiplun has given suitability certificate for proposed compensatory afforestation land of 87.97 Ha. Private non forest land bearing Gut No.30/1, 30/2, 30/3, 30/4, 31/1, 31/2, 31/3, 31/4, 31/5, 31/6, 31/9, 31/11, 32/3, 32/5, 32/6, 32/7, 32/8, 33/1, 33/2, 33/5, 36/1, 36/2, 37, 38/1, 38/2, 38/3, 38/4, 38/5, 38/6, 39/1, 39/2, 39/3, 39/4 of Village Valwad Tal. Rajapur Dist. Ratnagiri as suitable for management purpose. However, as the tree cover is more than 60% in this area no afforestation work can be taken in this land. It is also free from encroachment and encumbrances.

7. The Deputy Conservator of Forest, Nagpur, has certified that the private area/ non-forest area acquired for the project is neither deemed Reserved Forest under the Maharashtra Private Forests (Acquisition) Act, 1975 nor identified as "Forests" by the expert committee appointed as per the Hon'ble Supreme Court order dated 12/12/1996.

8. The Divisional Forest Office, Chiplun, has certified that non forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act, 1975 by virtue of application of section 35 of Indian Forest Act 1927 and is not recognized as deemed reserved Forest as well as not included in the area identified as "Forest" as per the dictionary meaning of Forest as intimated by the Expert Committee appointed in accordance with the judgment of Hon'ble Supreme Court order dated 12/12/1996.

9. Deputy Conservator of Forest, Nagpur Division, Nagpur has certified that the work has not been started in forest land as well as in non forest land and no violation of Forest (Conservation) Act, 1980 and or its Guideline have been committed the work in forest land will be started only after Government of India accords permission.

10. User Agency has agreed to bear the cost of clearance / removal of trees.

- (9) (12)
11. User Agency has agreed to defray the cost of compensatory afforestation as well as cost for protection and regeneration of safety zone determined by Forest Department.
  12. The User Agency has submitted an undertaking to defray the cost of Net Present Value of the proposed forest land diversion.
  13. The User Agency will defray the additional/ revised cost of Net Present Value of forest land as per the latest guidelines of Government of India.
  14. Deputy Conservator of Forest, Nagpur, Division Nagpur, has certified that the area involved is not included in the area of any existing National Park, Wild life Sanctuary, Nature Reserve etc.
  15. The Deputy Conservator of Forests, Nagpur, Division Nagpur, has certified that the propose Project is beyond 10 Km from the boundary of the protected area.
  16. Deputy Conservator of Forests, Nagpur Forest Division, Nagpur has certified that the project is not likely to affect any monument site of cultural, historical, religious, archeological or recreational importance.
  17. The User Agency has submitted certificate by the District Collector under Schedule Tribes and Other traditional forest Dwellers (Recognition of Forest Rights) Act, 2006.
  18. The geo-digital map of the proposed forest land is enclosed in the proposal.
  19. Principal Chief Conservator of Forests, (Wildlife), M.S., Nagpur has recommended proposal on following 3 conditions mentioned below :-

*A) The user agency should deposit an amount of Rs.100 Lakhs in an independent Bank account of DCF' Nagpur to take care of 5 years expenses, for protection, conservation and for wildlife monitoring in Kondhali & Kalmeshwar Forest ranges.*

*- User Agency agreed to pay Rs. 100 Lakhs. However; User Agency has requested to pay the amount in five installments over a period of 5 years under Corporate Social Responsibility (CSR) at a rate 20 Lakhs per year.*

*B) The user Agency should not use machineries which make loud sound during the time of construction of plant. The user agency should take care of wildlife protection and should ensure that company workers should not use forest produce.*

*- User Agency agreed.*

*C) The user agency should, in consultation with Dy. Conservator of Forest, Nagpur, spend the amount through Corporate Social Responsibility (CSR) on such activities which will reduce dependence of local villagers on forest.*

*- User Agency agreed.*

20. After exchanging the information with various stake-holders, Principal Chief Conservator of Forests (Head of Forest Force), M.S., Nagpur has made following observations about the project:

- 1) Solar Industries is the only private industry which has been given a license to manufacture HMX explosives (equivalent to RDX, to be used in war-heads). The project proponent has claimed that there is a zero effluent discharge and seepage from the factory, there is no likelihood of noise pollution also from this unit.
- 2) Around the manufacturing and Storage-Units within the premises of the factory, a safety zone has been kept by the user agency.
- 3) Out of 87.97 ha. of area diverted, tree felling of 1760 trees will take place in 4.73 ha. of area, rest of it will go under the safety zone.
- 4) The project is an extension of the existing factory, hence it becomes site specific project.
- 5) On the recommendation of PCCF (Wildlife), the company has explored all the possibilities of reducing the area and the requirement can not be reduced further.
- 6) Recent wildlife-presence assessment done by the department and NGOs has revealed the presence of one tigress + 3 cubs within the 5 kms. radius of the factory. There is good number of prey species also noticed in the area.
- 7) Wildlife wing has reported that this factory is not coming into the passage of any corridor prescribed by the Wildlife Institute of India.
- 8) The famed Kathlabodi tigress with 3 cubs is moving 5 kms away from the area in demand. Her presence is noticed in Nimji, Linga, Bajargaon, Khairi, Dhamkund beat of Kalmeshwar Range and Dhamkund, Garamsur, Shakepur of Kondhali Range as per survey conducted by the field officers.
- 9) Two explosive factories alongwith 40+ commercial establishments are already functioning in North of the proposed factory site. PCCF (Wildlife) has given his recommendation for the project albeit with certain conditions.

In the opinion of Principal Chief Conservator of Forests (Head of Forest Force), M.S., Nagpur this factory is not likely to create any serious obstruction to the free movements of prey-predator species of the area.

21. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.

22. In the circumstances explained in above paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted for the non-forestry use on the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State,

(10)  
(12)

Nagpur and the condition that the User Agency shall only fence 56.83 ha. area by non-abusive chain link and remaining 31.14 ha. area shall only be demarcated on ground and be available for unobstructive movement of wildlife. The matter may kindly be placed before Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act, 1980 and the same may please be obtained and communicated to this Government at earliest.

Yours faithfully,

*Virendra Tiwari*  
(Virendra Tiwari) 16/12/16  
Chief Conservator of Forests (Mantralaya)

Encl: A) Set of case papers

b) **The following documents are enclosed:-**

1. Prescribed form as per Rules.
2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Index map of suitable scale
5. Commitment from the Applicant for defraying the cost of exploitation as well as cost of compensatory plantation.
6. User Agency has given an undertaking of Net Present Value.
7. Brief note of the project from the project authority
8. Map of non forest land for compensatory afforestation
9. Site Inspection Report by Deputy Conservator of Forests, Nagpur.
10. Certificate that there is no violation of Forest (Conservation) Act, 1980
11. Certificate in Part V.

**Copy to:**

- 1) Secretary (Tribal), Tribal Development Department, Mantralaya, Mumbai.
- 2) Principal Chief Conservator of Forests (Wildlife) M.S. Nagpur
- 3) Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur.
- 4) Additional Principal Chief Conservator of Forests (CAMPA), Maharashtra State, Nagpur
- 5) Chief Conservator of Forests (T), Nagpur
- 6) Collector, Nagpur
- 7) Deputy Conservator of Forests, Nagpur
- 8) M/s. Solar Industries India Limited, 11, Zade layout, Bharatnagar Nagpur-440033
- 9) Select File F-10.

F. No. 8-23/2017-FC  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Aliganj Jorbagh Road,  
New Delhi-110003

Dated: 24 July, 2017

To

The Principal Secretary (Forests),  
Government of Maharashtra,  
Mumbai.

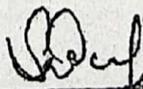
**Sub: Diversion of 87.97 ha of forests land for the Expansion of Explosives Manufacturing Unit at Mouza Chakdoh, Tal. Katol, District Nagpur, Maharashtra under Section 2 (ii) of Forest (Conservation) Act, 1980.**

Sir,

I am directed to refer to the State Government of Maharashtra's letter No. FLD-3415/CR-185/F-10 dated 16.12.2016 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *Stage-I Clearance/ In-principle* approval of the Central Government is hereby granted for diversion of 87.97 ha of forests land for the Expansion of Explosives Manufacturing Unit at Mouza Chakdoh, Tal. Katol, District Nagpur, Maharashtra under Section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions:

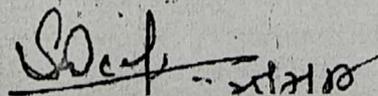
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation (CA) over the non-forest land equal in extent to the forest land being diverted shall be raised within three years from the date of issue of stage-II Clearance and maintained thereafter as per approved plan at the cost of the user agency;
- (iii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;
- (iv) The non-forest land which is 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 local Forest Act. The Nodal Officer, Forest (conservation) Act, 1980, Government of Madhya Pradesh must report compliance within a period of 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 local Forest Act local forest as the case may be, to this Ministry for information and record;
- (v) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate as directed and advised by State Forest Department in the Ad-hoc CAMPA account of the State concern through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vi) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995



25/7/17

and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;

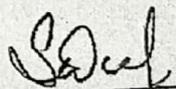
- (vii) It is learnt that the non-forest area proposed for Compensatory afforestation is having vegetation density of more than 60 per cent. In this backdrop it is recommended that the non-forest area of 87.97 ha which is proposed for compensatory afforestation shall be transferred, mutated and handed over to forest department prior to stage II approval. State government shall prepare a plan for enrichment and protection of the area transferred in the name of forest department. Plantation at the rate of 1000 plants per ha shall be taken over on degraded forest land and 87970 plants shall be planted. State government shall identify degraded forest land area and plantation scheme shall be prepared to carry out plantation at the rate of 1000 plants per ha. The cost shall be borne by the user agency.
- (viii) Complete compliance of FRA certificate shall be submitted prior to stage II approval
- (ix) It is reported that actual area on which non-forestry activity will take place is only 4.73 ha. It is therefore recommended that user agency shall strict to non-forestry activity over 4.73 ha only. Rest of the area proposed for diversion shall be maintained as green cover by planting plants in the area, at the cost of user agency and no non-forestry activity except fencing and watch tower shall be allowed over such land;
- (x) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (xi) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- (xii) The user agency shall protect and conserve the proposed diverted forest area, which is not in operational use, by way of plantation in blanks;
- (xiii) The user agency shall take necessary measures to prevent fire hazards, fire extinguishers shall be provided as per the recommended scale during drilling and work-over operations.
- (xiv) The user agency shall prepare emergency response plan for effective implementation of fire prevention and protection. Persons employed shall be trained in the use of fire extinguishers. Regular fire drills shall be held for this purpose.
- (xv) The State Govt. and the user agency ensure that the safety of the plant shall be maintained as per the statutory requirements and various National & International Codes.
- (xvi) Any fund received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA through online portal of Ad-hoc CAMPA account of the State Concerned;
- (xvii) User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xviii) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;
- (xix) State Government of the Odisha and the user agency shall undertake Rehabilitation and Resettlement (R & R) of the project affected families, if any, in a time bound and transparent manner;
- (xx) Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxi) No labour camp shall be established on the forest land;
- (xxii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person;



- (xxiii) User agency shall provide alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xxiv) Boundary of the forest land proposed to be diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xxv) User agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (xxvi) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- (xxvii) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year regularly;
- (xxviii) Any other condition that the Regional Office, Bhubaneswar of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxix) The State Government and user agency shall ensure compliance for the provisions of all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of compliance report on fulfilment on the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

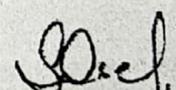
Yours faithfully,

  
 (Sandeep Sharma) 25/7/13

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur.
2. The Nodal Officer (FCA), Office of the PCCF, Government of Maharashtra, Nagpur.
3. The Addl. PCCF (Central), Regional Office, Nagpur.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF.
6. Guard File.

  
 (Sandeep Sharma) 25/7/13

Assistant Inspector General of Forests (FC)

Annexure-C  
Annexure C

14

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F. No. 8-23/2017-FC  
Government of India

Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Aliganj Jorbagh Road,  
New Delhi-110003

Dated: 17<sup>th</sup> December, 2018

To,  
The Principal Secretary (Forests),  
Government of Maharashtra,  
Mumbai.

Sub: Diversion of 87.97 ha of forests land for the Expansion of Explosives Manufacturing Unit at Mouza Chakdoh, Tal. Katol, District Nagpur, Maharashtra under Section 2 (ii) of Forest (Conservation) Act, 1980.

Sir,

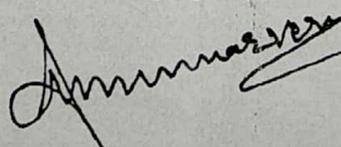
I am directed to refer to the State Government of Maharashtra's letter No. FLD-3415/CR-185/F-10 dated 16.12.2016 on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted under Section-3 of the said Act, *In-principle* approval was granted vide this Ministry's letter of even number dated 25.07.2017 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Maharashtra vide their letters No. Desk-17/NC/VI.D-12372/1220/18-19 dated 17.09.2018 and No.Desk-17/NC/RS-1/ID-12372/1675/18-19 dated 28.11.2018, **Stage-II/Final approval** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 87.97 ha of forests land for the Expansion of Explosives Manufacturing Unit at Mouza Chakdoh, Tal. Katol, District Nagpur, Maharashtra under Section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions:

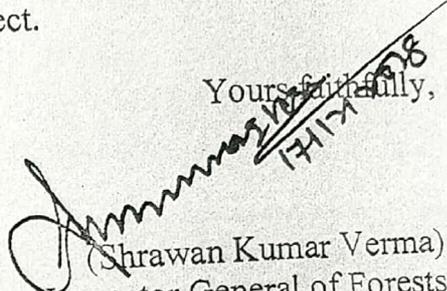
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation (CA) over the identified non-forest land of 88.34 ha shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter as per approved plan by the State Forest Department from the funds deposited in Ad-hoc CAMPA account by the user agency. The State Government shall ensure that at least 1000 plants shall be planted either in identified non-forest land or identified degraded forest land of 90.00 ha, so that 87970 plants shall be planted;
- (iii) The State Govt. shall ensure that the non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation towards the instant proposal, 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 local Forest Act;

- (iv) **The State Govt. ensure that the non-forestry activity shall be undertaken only in 4.73 ha. and rest of the area being diverted shall be maintained as green cover by planting plants in the area at the cost of user agency and no non- forestry activity except fencing and watch tower shall be allowed over such land;**
- (v) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (vi) The State Government shall ensure that the process of settlement of rights has been completed in accordance with provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- (vii) The State Govt. shall ensure that the user agency shall take necessary measures to prevent fire hazards, fire extinguishers shall be provided as per the recommended scale during drilling and work-over operations;
- (viii) The State Govt. shall ensure that the user agency shall keep ready emergency response plan for effective implementation of fire prevention and protection. Trained persons may be deployed for purpose of fire extinguishers. Regular fire drills etc.;
- (ix) The State Govt. and the user agency ensure that the safety of the plant shall be maintained as per the statutory requirements and various National & International Codes;
- (x) User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xi) The State Govt. and the user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xii) The State Govt. shall ensure that the user agency shall undertake Rehabilitation and Resettlement (R & R) of the project affected families, if any, in a time bound and transparent manner;
- (xiii) The State Govt. and the user agency shall ensure that Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xiv) The State Govt. shall ensure that no labour camp shall be established on the forest land;
- (xv) The State Govt. shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person;
- (xvi) The State Govt. shall ensure that user agency shall provide alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xvii) The State Govt. and the user agency shall ensure that boundary of the forest land proposed to be diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xviii) The State Govt. shall ensure that the State Forest Department shall implement the plan to create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

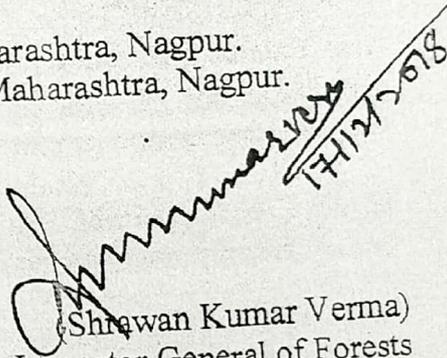


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97
- (xix) The State Govt. shall ensure that the user agency shall submit the annual self-compliance report in respect of the above conditions and also to the conditions stipulated in Stage-I order dated 25.07.2017 to State Government, concerned Regional Office and this Ministry by the end of March every year regularly;
- (xx) Any other condition that the Regional Office, Nagpur of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
- (xxi) The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,  
  
(Shrawan Kumar Verma)  
Dy. Inspector General of Forests

**Copy to:**

1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur.
2. The Nodal Officer (FCA), Office of the PCCF, Government of Maharashtra, Nagpur.
3. The Addl. PCCF (Central), Regional Office, Nagpur.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.
6. Guard File.

  
(Shrawan Kumar Verma)  
Dy. Inspector General of Forests

Annexure-D

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417  
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F. No. E-23/2017-FC  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Aliganj, Jorbagh Road,  
New Delhi-110003  
Dated: 20<sup>th</sup> May, 2019

मु. व. सं. महा. स. सं.  
नगर-४३० ००१  
२४ मई २०१९  
१५४२  
५४  
To

The Principal Secretary (Forests),  
Government of Maharashtra,  
Mantralaya, Mumbai.

**Sub: Diversion of 87.97 ha of forest land in favour of M/s Solar Industries India Limited for the expansion of explosive manufacturing unit at Chakdoh, Taluka katol, District, Nagpur (Maharashtra) – reg.**

Sir,

I am directed to refer to the State Government of Maharashtra's letter No. FLD-3415/CR.185/F-10 dated 5<sup>th</sup> March, 2019 on the above subject wherein certain additional conditions, to be stipulated in the Stage-II approval dated 17<sup>th</sup> December, 2018 accorded for the proposal, were recommended to the Ministry and to inform that these additional conditions recommended by the State Government were examined in the Ministry. Accordingly, following additional conditions, based on the recommendation of the State Government, are stipulated in the Stage-II approval dated 17<sup>th</sup> December, 2019:

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P

- (i) A Plan for the improvement of wildlife habitat, involving financial provisions of Rs. Rs.100 lakhs shall be prepared and implemented in consultation with the PCCF (Wildlife) at the cost of User Agency. Said Plan shall take into account the measures such as protection, conservation and wildlife monitoring in Kondhali and Kalmeshwar Forest ranges. Cost of the implementation of the Plan shall be deposited into the account of State CAMPA. A copy of the Plan, along with progress report shall be submitted to the Ministry, along with half yearly compliance report of Stage-II approval dated 17<sup>th</sup> December, 2018.
- (ii) The User Agency will not use machineries which make loud sound during the time of construction of plant. The User Agency will take care of wildlife protection and will ensure workers do not use forest produce.
- (iii) The User Agency will, in consultation with Dy. Conservator of Forests, Nagpur, spend the amount through Corporate Social Responsibility (CSR) on such activities which will reduce dependence of local villages on forest.

This issues with the approval of competent authority of the MoEF&CC.

Yours faithfully,

2-17/185-I  
24/5/19

*(Signature)*  
2015/19  
(Naresh Kumar)

Dy Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Government of Maharashtra, Nagpur for information.
2. The Addl. DG (Central), Regional Office, Nagpur.
3. The Addl. PCCF & Nodal Officer (FCA), O/o of the PCCF, Govt. of Maharashtra, Nagpur.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.

519  
27/05/19

*(Signature)*  
2015/19  
(Naresh Kumar)  
Dy Inspector General of Forests

Immediately  
Communicate to  
C&F ranges  
and User Agency  
By 24/05/19

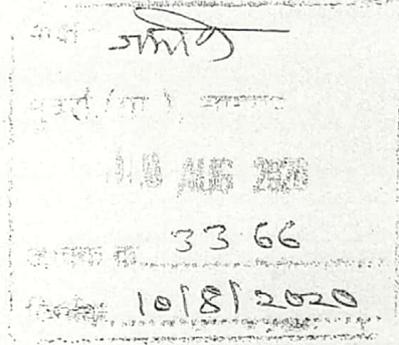
## उपवनसंरक्षक, नागपूर वनविभाग, नागपूर यांचे कार्यालय

वॉल्वस एन.एल. संचारलक्ष्मी बिल्डिंग, कस्तरचंद पार्क समोर, नागपूर-४४०००१, दूरध्वनी क्र. ०७१२ २५६५६२४, ईमेल-dycfnagpur@maharforest.gov.in

## विषय: - वनजमीन नागपूर

वन (संवर्धन) अधिनियम १९८० अंतर्गत मौजे चाकडोह ता.काटोल जि. नागपूर येथे संरक्षणसामुग्री उत्पादनाच (स्फोटके निर्मिती युनिट) विस्तारीकरण प्रकल्पास ८७.९७ हे. वनजमीनीचा मे.सोलर इंडस्ट्रीज इंडिया लि. यां प्रस्ताव.

क्रमांक कक्ष-११/वनसंवर्धन/प्र.क्र.११८/ 513 /२०१९-२०२०,  
नागपूर दिनांक 10/08/2020



प्रति,  
मुख्य वनसंरक्षक (प्रादेशिक),  
नागपूर वनवृत्त.

- संदर्भ :- १. केंद्र शासन पत्र क्र. ८-२३/२०१७-एफसी, दिनांक १७/१२/२०१८.  
२. केंद्र शासन पत्र क्र. ८-२३/२०१७-एफसी, दिनांक २०/०५/२०१९.  
३. मे.सोलर इंडस्ट्रीज इंडिया लि. नागपूर यांचेकडील पत्र क्र. SIII/CF-Forest/२०२०-२१, दि.१०/७/२०२०.

वन (संवर्धन) अधिनियम, १९८० अंतर्गत मौजे चाकडोह, ता.काटोल, जि. नागपूर येथे संरक्षण सामुग्री उत्पादना (स्फोटके निर्मिती युनिट) विस्तारिकरण प्रकल्पास ८७.९७ हे. वनजमिन वळतीकरणाच्या प्रस्तावास विधीवत मान संदर्भिय पत्र क्र. २ अन्वये प्राप्त झालेली आहे.

तसेच केंद्र शासनाने संदर्भिय पत्र क्र. २ मधील अट क्र. १ नूसार प्रकल्प यंत्रणेकडून वन्यजीव विषयक व करण्याकरिता Consevation Plan for wildlife तयार करुन प्रधान मुख्य वनसंरक्षक (वन्यजीव) याचेकडे र करण्याच्या सुचना आहेत. सदर Consevation Plan for wildlife चा खर्च रु. १०० लक्ष (अक्षरी रुपये एक कोटी फ प्रकल्प यंत्रणेकडून स्टेट कॅम्पा मध्ये जमा करण्यात आलेला आहे.

उक्त क्षेत्र हे वन्यजीव अभयारण्याचे सीमेपासून १५ कि.मी. अंतरावर असुन सदर प्रकल्प बाधित क्षेत्र हे ना (प्रादेशिक) वनविभागाच्या कोंढाळी व कळमेश्वर वनपरिक्षेत्रा अंतर्गत येत असून खालीलप्रमाणे संवर्धन आरा (Consevation Plan for wildlife) सादर करण्यात येत आहे.

## Tentative cost of implementing the scheme

(Rs. In Lakh)

S N	Activity	Phacing			Total
		2020-21	2021-22	2022-23	
1	Wildlife Management including Habitat Development Work				
	a) Lantana Removal	7.00	4.00	1.50	12.50
	b) Water Holes Creation	10.00	0.00	0.00	10.00
2	SMC Work	10.00	0.00	0.00	10.00
3	Protection				
	a) Barrier	2.00	0.00	0.00	2.00
	b) Protection Hut - 1	8.00	0.00	0.00	8.00
	c) Labour in Protection Hut	3.00	4.00	4.00	11.00
	d) Petrol, Oil & Lubricants	2.00	2.00	2.00	6.00

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4	Livelihood & JFM	15.00	0.00	0.00	15.00
5	Wildlife Rescue	8.00	1.00	1.00	10.00
6	Inner Road Repairs	5.00	5.00	5.00	15.00
7	Repairing of Quarters in Khairi Nursery	0.50	0.00	0.00	0.50
<b>Total</b>		<b>70.50</b>	<b>16.00</b>	<b>13.50</b>	<b>100.00</b>

विषयांकित प्रकरणी रु. १००.०० लाख संवर्धन आराखडा आपणाकडे मंजुरी करीता सादर करण्यात येत आहे. उक्त निधीचा विनियोग वन्यजीवांचा वावर असलेल्या कॉरीडोर मध्ये करण्यात येईल. उक्त आराखड्यास मंजुरी प्रदान करून सद निधी उपवनसंरक्षक (प्रा.), नागपूर यांना उपलब्ध निधीचा विनियोग करण्याची परवानगी देण्यास विनंती आहे.

(डॉ. प्रभू नाथ शुक्ल)  
उपवनसंरक्षक,  
नागपूर वनविभाग, नागपूर

प्रतिलिपी: अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी म.रा. नागपूर यांना माहितीस सविनय सादर.

प्रतिलिपी: मुख्य कार्यकारी अधिकारी (महाकॅम्पा) म.रा. नागपूर यांना माहितीस सविनय सादर.

प्रतिलिपी:- सहा.वनसंरक्षक (काटोल), नागपूर वनविभाग, नागपूर यांना माहितीस व आवश्यक कार्यवाहीस अग्रेषित

प्रतिलिपी:- वनपरिक्षेत्र अधिकारी, काटोल व कळमेश्वर वनपरिक्षेत्र, नागपूर वनविभाग यांना माहितीस व आवश्यक कार्यवाहीस अग्रेषित.

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# Annexure-F

वन विभाग

रक्षक (वन वन्य जीव) महाराष्ट्र राज्य, यांचे कार्यालय  
O/o Principal Chief Conservator of Forests (HoFF), Maharashtra State

Phone No:- 0712-2560933

E-mail - pccf@wingspccf.mahaforest.gov.in  
Website - www.mahaforest.gov.in

प्रधान मुख्य वनसंरक्षक (वन्यजीव) महाराष्ट्र राज्य,  
Principal Chief Conservator of Forest (Wildlife) Maharashtra State  
"Van Bhavan", 3<sup>rd</sup> Floor, Rangiri Road, Civil Lines, Nagpur - 440 001.

क्रमांक वक्ष-२३(२)/वजी/सर्व्/प्र.क्र.७३(२०२०)/११३२ /२०२०-२१, दिनांक १०/०९/२०२०

प्रति,  
मुख्य वनसंरक्षक (प्रादेशिक),  
नागपूर,

विषय :- वनजमिन - नागपूर, वन (संवर्धन) अधिनियम १९८० अंतर्गत मौजा चाकडोह ता. काटोल, जि. नागपूर येथे संरक्षणसामुग्री उत्पादनाच्या (स्फोटके निर्मिती युनिट) विस्तारीकरण प्रकल्पास ८७.९७ हे. वनजमिनीचा मे. सोलर इंडस्ट्रीज इंडिया लि. यांचा प्रस्ताव.

संदर्भ :- १. केंद्र शासनाचे पत्र क्र. एफ.क्र.२३/२०१७-एफसी, दिनांक २०/०५/२०१९.  
२. आपले कार्यालयीन पत्र क्र. वक्ष-१/५/जमीन/५६६, दिनांक १०/०९/२०२०.

वन (संवर्धन) अधिनियम १९८० अंतर्गत मौजा चाकडोह ता. काटोल, जि. नागपूर येथे संरक्षणसामुग्री उत्पादनाच्या (स्फोटके निर्मिती युनिट) विस्तारीकरण प्रकल्पास ८७.९७ हे. वनजमिनीचा मे. सोलर इंडस्ट्रीज इंडिया लि. यांचे प्रस्तावास संदर्भीय पत्र क्र. १ अन्वये केंद्र शासनाची विधीवत मान्यता प्राप्त झाली आहे. सदर पत्रातील अट क्रमांक १ नुसार प्रकल्प यंत्रणेकडून वन्यजीव संरक्षण व संवर्धनासाठी कामे करण्याकरीता वन्यजीव संवर्धन आराखडा तयार करून या कार्यालयास सादर करण्याच्या सूचना आहेत.

त्या अनुषंगाने मुख्य वनसंरक्षक (प्रादेशिक), नागपूर यांनी वरील संदर्भ क्रमांक २ अन्वये वन्यजीव संवर्धन आराखडा (Conservation Plan for Wildlife) सादर केलेला आहे. संदर्भ क्रमांक २ चे पत्रात नमूद केल्याप्रमाणे प्रकल्प यंत्रणेने सदर संवर्धन आराखडयाचे खर्चाकरीता रु. १.०० कोटी (रु. एक कोटी) स्टेट कॅम्पा खात्यामध्ये जमा केल्याचे आपण कळविले आहे.

सदर संवर्धन आराखडयास खालील स्वाक्षरीकर्ता यांचेकडून मंजूरी देण्यात येत असून, सदर निधी उपवनसंरक्षक (प्रादेशिक), नागपूर यांना आराखडयात नमूद बाबींवर खर्च करण्याची परवानगी देण्यात येत आहे.

सहपत्र :- मंजूर आराखडयाची प्रत  
(द्विभाजित)

*(Handwritten Signature)*  
(नितीन ह. काकोडकर)  
प्रधान मुख्य वनसंरक्षक (वन्यजीव)  
महाराष्ट्र राज्य

प्रांतलिपी :- १. अपर प्रधान मुख्य वनसंरक्षक व केंद्ररथ अधिकारी, महाराष्ट्र राज्य, नागपूर यांना माहितीस अग्रेषित.  
२. उपवनसंरक्षक (प्रादेशिक), नागपूर यांना माहिती व आवश्यक कार्यवाहीस अग्रेषित.