



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

Regional Office (WCZ)
Ground Floor, East Wing
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Date: 17th May, 2017

F. No. FC-I/MH-45/2016-NGP/1800

To

The Secretary,
Govt. of Maharashtra,
Revenue & Forest Department,
Mantralaya, Mumbai-400032.

Sub: Diversion of 0.91 ha Forest land in favour of Executive Director (Planning), Mumbai Metro Railway Corporation, Bandara (East), Mumbai for construction of Bandra Kurla Railway Station for Metro Rail Project-III in Mumbai Suburban District in the State of Maharashtra – regarding.

Sir,

I am directed to refer to the Addl. PCCF and Nodal Officer (FCA), Government of Maharashtra's letter no. Desk-17/NC/II/ID 12446/(60)/885/16-17 dated 9.08.2016 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and letter no. Desk-17/NC/II/ID 12446/(60)/1745/16-17 dated 14.12.2016 and Desk-17/NC/II/ID 12446/(60)/218/17-18 dated 26.04.2017 forwarding additional information as sought by the Regional Office vide its letter of even number dated 9.09.2016 and 10.02.2017, respectively and to say that the said proposal has been examined by the Regional Office (WCZ) in light of relevant provisions of the Forest (Conservation) Act, 1980 and Rules and Guidelines framed thereunder.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, the Central Government hereby accords 'in-principle' under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 0.91 ha Forest land in favour of Executive Director (Planning), Mumbai Metro Railway Corporation, Bandara (East), Mumbai for construction of Bandra Kurla Railway Station for Metro Rail Project-III in Mumbai Suburban District in the State of Maharashtra subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation, over 1.0 ha of degraded forest land in lieu of forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- iii. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years. A copy of the CA scheme in accordance with the MoEF&CC's guidelines dated 14.02.2012 shall be submitted along with the compliance report;
- iv. The area proposed for diversion as well as land identified for the purpose of compensatory afforestation shall be clearly depicted on a Survey of India toposheets of 1:50,000 scale.
- v. The *in-situ* Mangrove Restoration Plan, as approved by the Mumbai Mangrove Conservation Unit (MMCU), Mumbai shall be implemented by the User Agency in consultation with the MMCU at the project cost;

- vi. The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- vii. 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;
- viii. All the funds 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 e-challan, in the Saving Bank Account pertaining to the State concerned;
- ix. *The permission of Hon'ble High Court of Bombay shall be obtained for implementing the project in mangrove areas in accordance with directions of the Hon'ble contained in its order dated 27.01.2010 passed in PIL No. 87 of 2006.*
- x. *The User Agency shall obtain permission of the competent authority under the CRZ Notifications, if required;*
- xi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xii. No labour camp shall be established on the forest land;
- xiii. The User Agency shall provide fuels preferably 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;
- xiv. The boundary of the diverted forest land 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;
- xv. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xvi. The forest land shall not be used for any purpose other than that specified in the proposal;
- xvii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xviii. No damage to the flora and fauna of the adjoining area shall be caused;
- xix. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xx. The user agency shall undertake comprehensive soil conservation measures at the project cost in consultation with State Forest Department, if required and a plan on the same shall be submitted to the Regional Office along with the compliance report;
- xxi. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests 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;
- xxii. The State Government shall ensure that process of settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights)



Act, 2006, if any, on the land to be diverted, has been completed in accordance with the relevant guidelines issued by the MoEF;

- xxiii. The User Agency shall abide by the conditions stipulated by the Maharashtra Maritime Board and necessary approvals from the Board shall be obtained for the use of land, if required;
- xxiv. The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- xxv. The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- xxvi. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- xxvii. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of a report on the compliance of conditions no (iii), (iv), (vi), (viii), (ix), (xx), (xxi) and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully

—*cd*—

Charan Jeet Singh
Scientist 'C'

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur
2. The Nodal Officer FCA, O/o of the PCCF, Government of Maharashtra, Nagpur.
3. The Director (RoHQ), MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj New Delhi.
- ✓ 4. User Agency.
5. Guard File.

Charan Jeet Singh

(Charan Jeet Singh)
Scientist 'C'