

**Subject : Diversion of 115.874 ha. of Forest land in favour of M/s JAIPRAKASH ASSOCIATES LTD. for PROPOSED DIVERSION OF FOREST LAND AT VILL. KOTA IN TAHSIL ROBERTSGANJ, DISTRICT SONBHADRA FOR JP SUPER CEMENT PLANT & IT'S TOWNSHIP (A UNIT OF JAIPRAKASH ASSOCIATES LTD. SEC. 128, NOIDA) in District Sonbhadra , State Uttar Pradesh.**

1. The State Government of Uttar Pradesh vide their letter no. **130/14-2-2019-800(162)/2018** and date **25.02.2019** submitted the above mentoned proposal to obtain prior approval of central Government,in accordance with Section-2 of the Forest(Conservation)Act,1980.

2. Details indicated in the proposal submitted by the Government of Uttar Pradesh are as below

**FACT SHEET**

1.	<b>Project Details</b>	
(i)	Proposal No	FP/UP/IND/23246/2016
(ii)	Name of the Proposal	PROPOSED DIVERSION OF FOREST LAND AT VILL. KOTA IN TAHSIL ROBERTSGANJ, DISTRICT SONBHADRA FOR JP SUPER CEMENT PLANT & IT'S TOWNSHIP (A UNIT OF JAIPRAKASH ASSOCIATES LTD. SEC. 128, NOIDA)
(iii)	Short Narrative of the proposal and Project/scheme for which the forest land is Required	PROPOSAL FOR SEEKING THE PERMISSION TO USE THE FOREST LAND FOR NON FORESTRY PURPOSE AT VILL. KOTA IN TAHSIL ROBERTSGANJ, DISTRICT SONBHADRA FOR JP SUPER CEMENT PLANT & IT'S TOWNSHIP (A UNIT OF JAIPRAKASH ASSOCIATES LTD. SEC. 128, NOIDA) AS PER ENCL.-01
(iv)	Category	Industry
(v)	Total Area of the Forest Land ( <b>in ha.</b> ):	115.874
(vi)	Total period for which the forest land is proposed to be diverted( <b>in years</b> )	50
2.	<b>Location:</b>	
(i)	State	Uttar Pradesh
(ii)	District	Sonbhadra
3.	<b>Detail of user agency</b>	
(i)	Name of the user agency	JAIPRAKASH ASSOCIATES LTD.
(ii)	Shape of forest land proposed to be diverted	Non Linear
(iii)	Legal status of User Agency	Private

**4. Legal status of forest land proposed for diversion**

S. No.	Division	Forest Land(ha.)	Legal Status
1	Forest Division Obra	115.874	Reserved Forest

**5. Land use plan**

<b>Component wise breakup</b>			
S.no	Component	Forest Land(ha.)	Non-Forest Land(ha.)
1	JP SUPER CEMENT PLANT AREA, GREEN BELT & ROADS	95.07	3.93
2	TOWN SHIP, GREEN BELT & ROADS	20.804	44.96

<b>Total</b>	<b>115.874</b>	<b>48.89</b>
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## 6. Vegetation

(i) Species-wise and diameter class wise enumeration of trees

### 1. Division Name : Forest Division Obra

Species-wise local/scientific names and girth-wise enumeration of trees at FRL

S. No.	Scientific Name	Local Name	(0-30)cm.	(31-60)cm.	(61-90)cm.	(91-120)cm.	(121-150)cm.	(>150)cm.
1	embelica officinalis	AMLA	3					
2	Psidium Guajava	AMROOD	1					
3	Terminalia Tomentosa	ASAN	192	1				
4	Acacia Nilotica	BABOOL	21					
5	Terminalia bellerica	BAHEDA	1					
6	Melia Azadirachta	BAKAYAN	4	1				
7	Others	BANSA	5		1			
8	Ficus Bengalensis	BARGAD			1			
9	Aegle Marmelos	BEL	20	1				
10	Others	BER	14					
11	Others	BHARCHEE	13					
12	Others	CASIYA SEMIA	134	19				
13	Others	CHANNAN	1					
14	Holoptelia integrifolia	CHILBIL	26	5				
15	Others	DHANWA	21					
16	Others	DHAULA	265	2				
17	Eucalyptus	EUCALYPTUS	7	2				
18	Others	GADER	6					
19	Gmelina Arborea	GAMHAR	7					
20	Others	GUCHHA	8					
21	Ficus Racemosa	GULAR	17	4	1			
22	Delonix Regia	GULMOHAR	2					
23	Others	HALDU	143	8				
24	Others	HARNI	1					
25	Tamarindus Indica	IMALI	1					
26	Syzigium Cumini	JAMUN	2	3				
27	Others	JIGNA	1825	142	2			
28	Others	KADAM		2				
29	Terminalia Arjuna	KAHUA	6	2	2			
30	Others	KAKAR	7					

31	Others	KARI	41				
32	Abies Alba	KATHMAULI		1			
33	Others	KHAIR	104	3			
34	Others	KHAJJA	5				
35	Others	KHATAI	6				
36	Others	KIRAH I	3	2			
37	Others	KUKATH	70	1			
38	Others	KURIA	11				
39	Others	KURLI	139	10			
40	Others	KUSUM	1				
41	Mangifera Indica	MANGO	7	11			
42	Moringa oleifera	MOONGA	1	1			
43	Others	NAHENA	1				
44	Azadirachta Indica	NEEM	99	32	1		
45	Butea Monosperma	PALAS	22	8			
46	Others	PAPAD	3				
47	Hardwickia Binnata	PARSIDHA	171	10			
48	Others	Patdhamini	9				
49	Ficus Religiosa	PEEPAL	17	7	6	3	
50	Others	Piyar (Chironji)	40	1			
51	Others	RAR	260	13			
52	Others	ROHINA	2				
53	Others	RORI	1				
54	Shorea Robusta	SAKHU	3	3			
55	Boswellia Serrata	SALAI	109	338	8		
56	Others	SARAI	15	6			
57	Others	SEGUD	21	7			
58	Others	SEHUN	16	7			
59	Others	SEKHW A	1				
60	Bombax Ceiba	SEMAR	158	16		1	
61	Albizia Procera	SERAS	95	7	1		
62	Dalburgia Sisoo	SHEESAM	12				
63	Lagerstroemia Parviflora	SIDH	108				
64	Others	SILWAT	1				
65	Diasporus Melanoxy lon	TENDU	661	10			
66	Others	TETAR	3				
67	Others	TILBAR	7				

68	Others	UDAR	13												
69	Pterocarpus Marsupium	VIJAYSAL	5												
70	Others	VYOHAR	8												
(ii)	Density of Vegetation	<table border="1"> <thead> <tr> <th>S.No.</th> <th>Division Name</th> <th>Density</th> <th>Eco Class</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Forest Division Obra</td> <td>0.3</td> <td>Eco 3</td> </tr> </tbody> </table>						S.No.	Division Name	Density	Eco Class	1	Forest Division Obra	0.3	Eco 3
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(iii)	Total numbers of trees to be filled	<table border="1"> <thead> <tr> <th>S.No.</th> <th>Division Name</th> <th>Total numbers of trees</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Forest Division Obra</td> <td>5715</td> </tr> </tbody> </table>						S.No.	Division Name	Total numbers of trees	1	Forest Division Obra	5715		
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7.	Vulnerability of area to soil erosion	<table border="1"> <thead> <tr> <th>S.No.</th> <th>Division Name</th> <th>Vulnerability of area</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Forest Division Obra</td> <td>Proposed area is already constructed, So there is no erosion</td> </tr> </tbody> </table>						S.No.	Division Name	Vulnerability of area	1	Forest Division Obra	Proposed area is already constructed, So there is no erosion		
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8.	Approximate distance of proposed site for diversion from boundry of forest (in Km.)	<table border="1"> <thead> <tr> <th>S.No.</th> <th>Division Name</th> <th>distance from boundry of forest(Km.)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Forest Division Obra</td> <td>0</td> </tr> </tbody> </table>						S.No.	Division Name	distance from boundry of forest(Km.)	1	Forest Division Obra	0		
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9.	<b>Significance of the forest land proposed for diversion from wildlife point of view</b>														
(i)	Details of wildlife present in and around the forest land proposed for diversion	<table border="1"> <thead> <tr> <th>S.No.</th> <th>Division Name</th> <th>Details of wildlife diversion</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Forest Division Obra</td> <td>The area affected in the project is not under wildlife.</td> </tr> </tbody> </table>						S.No.	Division Name	Details of wildlife diversion	1	Forest Division Obra	The area affected in the project is not under wildlife.		
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(iii)	Whether the forest land proposed for diversion is located within eco-sensitive zone(ESZ) of the Protected Area notified under Wildlife(Protection) Act,1972 (Note: In case, ESZ of a Protected Area is not notified,then,10kms distance	<table border="1"> <thead> <tr> <th>S.No.</th> <th>Division Name</th> <th>Diversion is located within ESZ</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Forest Division Obra</td> <td>No</td> </tr> </tbody> </table>						S.No.	Division Name	Diversion is located within ESZ	1	Forest Division Obra	No		
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	from boundary of the Protected Area should be treated as ESZ)::																							
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(v)	Whether any rare/endangered/unique species of flora and fauna found in the area :	<table border="1"> <thead> <tr> <th>S.No.</th> <th>Division Name</th> <th colspan="2">flora and fauna found in the area</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Forest Division Obra</td> <td colspan="2">No</td> </tr> </tbody> </table>	S.No.	Division Name	flora and fauna found in the area		1	Forest Division Obra	No															
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10.	Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. if so, the details thereof with NOC from competent authority, if required.	<table border="1"> <thead> <tr> <th>S.No.</th> <th>Division Name</th> <th colspan="2">Details of with NOC from competent authority</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Forest Division Obra</td> <td colspan="2">No</td> </tr> </tbody> </table>	S.No.	Division Name	Details of with NOC from competent authority		1	Forest Division Obra	No															
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11.	Whether the requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.if no,recommended area item-wise with details of alternatives examined.	Yes																						
12.	Whether any work in violation of the Act has been carried out(yes/No).if yes,details of the same including of the work done,action taken on erring officials. Whether work in violation is still under progress.	<table border="1"> <thead> <tr> <th colspan="4">Details of violation(s), if any ,committed</th> </tr> <tr> <th>Division Name</th> <th>Details of violation(s)</th> <th>Period of Work done(year)</th> <th>Area of forest land involved in violation (in ha.):</th> </tr> </thead> <tbody> <tr> <td>Forest Division Obra</td> <td>JP Super Plant and residential construction and of</td> <td>7</td> <td>115.874</td> </tr> </tbody> </table>			Details of violation(s), if any ,committed				Division Name	Details of violation(s)	Period of Work done(year)	Area of forest land involved in violation (in ha.):	Forest Division Obra	JP Super Plant and residential construction and of	7	115.874								
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13.	<b>Details of compensatory afforestation scheme</b>																							
(i)	Patch wise details of non-forest or Revenue forest land to be provided by User Agency for CA																							
	<table border="1"> <thead> <tr> <th colspan="4">Patch Wise Details</th> </tr> <tr> <th>S.no</th> <th>District Name</th> <th>Village</th> <th>Area(in ha.)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Mirzapur</td> <td>Markundi</td> <td>115.874</td> </tr> <tr> <td>2</td> <td>Sonbhadra</td> <td>Kota</td> <td>26</td> </tr> <tr> <td colspan="2"><b>Total</b></td> <td colspan="2"><b>Area :141.874</b></td> </tr> </tbody> </table>				Patch Wise Details				S.no	District Name	Village	Area(in ha.)	1	Mirzapur	Markundi	115.874	2	Sonbhadra	Kota	26	<b>Total</b>		<b>Area :141.874</b>	
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1	Mirzapur	Markundi	115.874																					
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(ii)	Patch wise details for Degraded Area (To be earmarked by DFO)																							
	No Data																							
(iii)	Total Financial Outlay for C.A(lacs):	<table border="1"> <thead> <tr> <th>S.No.</th> <th>Division Name</th> <th>Total Financial Outlay for C.A(lacs)</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	S.No.	Division Name	Total Financial Outlay for C.A(lacs)																			
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		1	Forest Division Obra	437.06
(iv)	Whether the land identified by User Agency is suitable for CA and from management point of view:	<b>S.No.</b>	<b>Division Name</b>	<b>Land is suitable for CA</b>
		1	Forest Division Obra	Yes
14.	Documentary evidence in support of settlement of rights in accordance with the provisions of the scheduled Tribes and other Traditional Forest Dwellers (Recognition of forest Rights) Act, 2006 on the forest land proposed to be diverted enclosed.	The District Collector Sonbhadra, Government of UP has issued FRA certificate vide its letter no. nil dated 10.02.2017 certifying the information in respect of all clauses of the MoEF's advisory dated 05.07.2013 i.e. diversion of 586.178 ha. forest land for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, discussion on the proposal in meeting of concerned Gram Sabha (s) maintaining the prescribed quorum, etc. The concerned Gram Sabha (s) of Kota, Pdrach & Panari Village. Documentary evidences in support of complete settlements of FRA, 2006 are with the FRA certificate submitted and same is available at Pg.92-116.		
15.	Whether the project requires environment Clearance	<b>(a). Status of the Environmental Clearance to the Project:</b> EC obtained <b>(b). Environmental Clearance File No.:</b> F.No. J-11011/449/2009-IA-II(I) Dt, 30.09.2010		
16.	Catchment Area Treatment Plan	Not applicable.		
17.	<b>Rehabilitaion of Outstee</b>			
(i)	Number of SC Families	0		
(ii)	Number of ST Families	0		
(iii)	Number of Backword Families	0		
(iv)	Copies of R&R Plan	Not applicable		
18.	Cost Benefit Analysis	The proposal is pertaining to the establishment of industrial units. Therefore, Cost benefit is not applicable as per the Ministry s guidelines letter dated 01.08.2017 Pg.85-90.		
19.	Total cost of the project( <b>in crore</b> ):	135000		
20.	Employment Potential	Permanent Employee : 400 Temporary Employee : 2000 Total Employee : 2400		
21.	<b>Details of Mining lease</b>	No		
22.	Undertaking to bear the cost of CA and NPV	Yes attached at Page No. 135-137.		

### 23. District Profile

S.no	District Name	Geographical area of the district (in ha.)	Forest area of the district (in ha.)	Total forest area diverted since 1980 (in ha.)	No. of Approved Cases	Forest Land including penal C.A. (in ha.)	Progress of compensatory afforestation as on (date)	Forest land (in ha.)	Non-forest land (in ha.)
1	Sonbhadra	678800	378286	661.131	68	0	22/09/2018	842.754	0

24.	Total area proposed for afforested since 1980 -	Degraded forest land -	0
		Penal CA over Forest land -	842.754
		Non-Forest land -	0

		Total-	842.754
25.	Total area afforested since 1980 -	Degraded forest land -	0
		Penal CA over Forest land -	842.754
		Non-Forest land -	0
		Total-	842.754

## 26.Site Inspection Report

Division	Circle	Site Inspection By	Date Of Visit	Brief Details of SIR at DFO
Forest Division Obra	Mirzapur Circle Mirzapur	DFO	23/04/2018	Site Inspection has been carried out by the DFO, Obra & Sonbhadra on dated 17.03.2018 Pg.80 and it is reported that the diversion of forest land is recommended in the purview of the Honble NGT order dated 30.05.2016 Pg.65-66
		Nodal Officer	12/10/2018	No site inspection report.

## 27.Recommendation with Specific conditions,(if any)

### DFO/CF/PCCF/Nodal Officer

Division	Circle	Recommendation By	Recommendation	Remarks/Conditions
Forest Division Obra	Mirzapur Circle Mirzapur	DFO	Recommended	Recommended Pg.13 with the purview of the Honble NGT order dated 30.05.2016 Pg.65-66
	Mirzapur Circle Mirzapur	CF	Recommended	Recommended as per the site inspection report of DFO , Obra dated 12.07.2018.
		Nodal Officer	Recommended	प्रभागीय वनधिकारी ओबरा की संस्तुति दिनांक 22.09.2018 तथा मुख्य वन संरक्षक मिर्जापुर की संस्तुति दिनांक 12.10.2018 के के क्रम मे संस्तुति की जाती है । पेज संख्या 58

## 28. Specific recommendation of the State Government

State	Recommendation By	Recommendation	Remarks/Conditions
Uttar Pradesh	State Secretary	Recommended	जनपद-सोनभद्र के ओबरा वन प्रभाग में मै० जय प्रकाश एसोसिएट्स द्वारा ग्राम -कोटा मे जे०पी० सुपर सीमेंट व आवासीय क्षेत्र की स्थापना हेतु ११५.८७४ हे० आरक्षित वन भूमि के हस्तांतरण का प्रस्ताव संख्या FP/UP/IND/23246/2016 पर वन अनुभाग- २ के शासनादेश संख्या 130/14-2-2019-800(162)/2018 दिनांक 25.02.2019 के द्वारा प्रस्ताव पर संस्तुति सहित अनुमोदनर्थ अग्रसारित । पेज संख्या 59

29.	Forwording Letter for Nodal Officer		The Nodal Officer vide letter no. 1407/11-C-FP/UP/IND/23246/2016 dated 16.01.2019 has forwarded the above proposal to the Principal Secretary Forest UP for further necessary action.
30.	Forwording Letter for State Government		

The Special Secretary Forest, UP has forwarded the proposal vide letter No. 130/14-2-2019-800(162)/2018 dated 25.02.2019 to the MoEF& CC for diversion of 115.874 ha. of Forest land in favour of M/s JAIPRAKASH ASSOCIATES LTD. for PROPOSED DIVERSION OF FOREST LAND AT VILL. KOTA IN TAHSIL ROBERTSGANJ, DISTRICT SONBHADRA FOR JP SUPER CEMENT PLANT & IT& rsquo S TOWNSHIP (A UNIT OF JAIPRAKASH ASSOCIATES LTD. SEC. 128, NOIDA) in District Sonbhadra , State Uttar Pradesh.

**Brief detail of SIR by RO**

**Site inspection report -Proposed diversion of 115.874 hectare of forest Land in favour of M/S Jai Prakash Associates Ltd for JP Super Cement plant and establishment of residential colony at Village Kota, District Sonbhadra**

**Reference** Letter no. 8-07/2019-FC dated 25.03.2019 of MoEF& CC

(FC Division) Indira Paryavaran Bhawan, NewDelhi

**Date of Inspection** -16.04.2019

**Name and Designation of Inspecting officer** K. K. Tiwary, DIG (Central)

The site inspection of the proposal was carried out by the undersigned in presence of following officials-

Sri Mool Chandra	Territorial DCF	Obra Forest Division
Sri Sunil Kumar Sharma	General Manager	JP associates
Sri J. P. Singh	SDO Forest	Obra subdivision
Sri T. V. Rao	Unit Head	Dalla Cement Factory

Sri Pradeep Sharma, Approved Surveyor and others officers/field staff of the Forest Department as well as user agency, were also present. Following observation was made -

1. **Legal status of the forest land proposed for diversion** The area in question was excluded from section 4 of Indian Forest Act in the year 2007 by the Forest Settlement Officer and was accordingly kept out of notification under section 20 of Indian forest Act by the State Government. But the status of the land was reversed by the order dated 21.04.2016 of Hon& rsquo ble National Green Tribunal and the land and was brought under the provision of Indian Forest Act 1980. The procedural formalities under section 20 has been completed vide notification dated 10.06.2016 and ownership of the land lies with the State forest Department. The legal status of the land is Reserve Forest.

2. **Item-wise break-up of the forest land proposed for diversion**

The diversion of Forest land is proposed with following land use

- (a) Cement plant named as JP Super Cement Plant area - 40.000 Ha.
- (b) Already existing part of residential colony,  
Hospital, Schools etc. - 20.804 Ha.
- (c) Connecting road to State Highway No. 5 and Green belt area - 55.070Ha.

**Total 115.874 Ha.**



Development and Maintenance of a green belt is proposed in and around Cement Plant as per the CPCB guidelines to mitigate the effects of air emission. A green belt has to be developed in atleast 33% area in and around another cement plant of M/s JAL located on a non-forest land as per the condition stipulated in environmental clearance accorded by MoEF& CC, IA Division vide letter dated 30.09.2010.

**3. Building and other Infrastructure** The Cement plant exists at the site measuring 95.070 hectare (including connecting road to State Highway no. 5 and Green belt area) which is reported to be constructed during 2007. In addition 20.804 hectare of the land is under township and ancillaries comprising 1326 Residential quarters, hospital, guest house, electric substation, Play Ground, Schools and other structures. The present proposal seeks diversion of 95.070+20.804 115.874 hectare of Forest land, as mentioned above. Concrete Pillars have been erected around forest land proposed for diversion. A High tension line passes through proposed Forest Area.

**4. Total cost of the project** at present rates is reported to be 135000 Lacs.

**5. Vegetation** -The vegetation density is about 0.3 under Eco-class III. Total number of trees to be felled are 5715. Important species are Asan,Dhaura,Casia Semia, Haldu, Khair, Kendu, Seamal, Sidha, Hardwickia etc. Number of trees to be felled of girth above 60 cm is 27.

**6. Background note on the proposal** - The State Uttar Pradesh from time to time had issued notifications u/s 4 of the Indian Forest Act declaring the intention to constitute the reserved forest in respect of about 7.89 lakhs ha. area falling in Tehsil- Dudhi and Robertsganj. It was the subject matter of the case listed before the Hon& rsquo ble Supreme Court in Writ Petition(Criminal) No.1061 of 1982 (Banwasi Sewa Ashram V/s State of U.P. & Ors ). The Hon& rsquo ble Supreme Court by judgement dated 20.11.1986 laid down a detailed procedure for settlement of claims, in respect of the land notified u/s section 4 of the Indian Forest Act, based on the grievances relating to the claims of the Adivasis living in Dudhi and Robertsganj Tehsil in the District of Mirzapur.

Dalla Cement Complex was developed by erstwhile U.P. Cement Corporation Ltd. (UPSCCL) since the year 1972. The Complex comprises of Cement manufacturing Unit, limestone mines, residential colony, other infrastructure facilities etc. M/s Jai Prakash Associates Ltd acquired the assets of UPSCCL in competitive bidding under supervision of Hon& rsquo ble High Court Judicature Allahabad. Subsequently JP Super Cement Plant (A Unit of Jai Prakash Associates Ltd.) was established in the land which was earlier in possession of UPSCCL (In Liquidation) and where crusher and ancillary units were in operation.

The above land was excluded from section 4 of Indian Forest Act by Forest Settlement officer in the year 2007 and this status was reiterated by order dated 07.01.2008 of Hon& rsquo ble District Judge, Sonbhadra. Accordingly, the land measuring 599.211 hectare was excluded from the list of lands notified under Section 20 by the State Government. The change of the Forest land to Non-forest land in Revenue record was illegal and in violation of the Conservation Act, 1980. It may be mentioned that Regional Office of MoEF& CC issued various letters (viz letter dated 27.03.2009 and 10.06.2009) requesting Principal Secretary Forest U.P/ Principal Chief Conservator, U.P. and Chief Conservator of Forests, Mirzapur to stop illegal construction and other non-forest activities being carried out by M/s Jai Prakash Associates Ltd. in violation of F C Act but no effective steps were taken. An affidavit dated 02.12.2014 has been filed by Regional Office MoEF& CC, Lucknow before Hon& rsquo ble Supreme Court in the matter of I. A No. 2939-2940 of 2010 and I.A No. 2782 of 2010 in the Writ Petition 202 of 1995 T. N. Godavarman Thriumalkapad v/s Union of India on behalf of MoEF& CC, Government of India and the details of the fact have been submitted before the Hon& rsquo ble Court.

Based on a public complaint filed before Central Empowered Committee, a Writ Petition No. 2469 of 2009 was filed by the State Government in Hon& rsquo ble Supreme Court to decide the status of the said land. The matter was referred to Hon& rsquo ble National Green Tribunal by the Hon& rsquo ble Supreme Court. Ultimately, the decision of District Court was reversed by the order dated 21.04.2016 of Hon& rsquo ble National Green Tribunal. The status of the Forest land was restored and a direction for disposal of the proposal /Application under Section 2 of the Forest Conservation Act in a time bound manner was issued by Hon& rsquo ble National Green Tribunal. The land in question was notified under Section 20 of Indian Forest Act, 1980 by the state Government vide notification dated 10.06.2016. In the light of above order of Hon& rsquo ble NGT, Forest clearance for the existing plant land and other infrastructure facilities has been sought under Forest Conservation Act, 1980 by JP Associates Ltd.

**7. Compensatory afforestation** -Compensatory Afforestation has been proposed on 115.874 hectare of Revenue land (Non-Forest land) at village Markundi in Tehsil Robertsganj under District Sonbhadra which falls under jurisdiction of Gurma Range of Kaimur Wild life Division, Mirzapur. However approximately 26 ha of this CA land is falling under water bodies.

To compensate the loss of net plantation area due to presence of water bodies, an additional 26 hectare of Degraded Forest land has been proposed under Obra Forest Division, Sonbhadra.

**Suitability of land for compensatory afforestation** The site suitability certificates along with geo reference maps have been submitted.

The land is stated to be free from encroachments and other encumbrances.

The land is not important from Religious/Archaeological point of view.

**Map with details** Geo referenced Maps of proposed CA lands have been submitted by the User Agency.

**8. Violation of Forest (Conservation) Act, 1980** -The exclusion of Forest land in question from purview of Section 4 and Section 20 of Indian Forest Act by State authorities and construction of JP Super cement plant in the year 2007 without obtaining permission under FC Act is in violation of the provisions of Conservation Act, 1980. Development of Township on a forest land was done in the year 1976 i.e prior to enactment of Forest Conservation Act, 1980. Though the Cement plant is not in operation but existence of residential quarters of company & its employees and continued use of other infrastructures without Forest Clearance is also in violation of FC Act. The above violations have taken place prior to submission of application/proposal of forest diversion which needs examination in the light of recent guidelines of the Ministry regarding violations of FC Act issued vide letter no.11-42-2017(FC) dated 29.01.2019.

**9. Rehabilitation of displaced persons** - No displacement of habitation is proposed.

**10. Cost benefit ratio.** As per guidelines, proposal of Forest diversion for activities such as Habitation and establishment of industrial units on being detrimental to protection and conservation of Forests, as a matter of policy, would be rarely entertained.

**11. Recommendations of the Principal Chief Conservator of Forests/State Government.** Recommended by Nodal officer, FC Act, Uttar Pradesh.

**12. Recommendations of Regional Chief Conservator of Forests & ndash** Recommended.

**13. Utility of the project.** Approximately 400 persons on regular employment and about 2000 persons on temporary basis may be benefited.

**14. Land being diverted has not been reported for socio-cultural/religious value.** Further, sacred grove or very old growth trees/forests is also not existent in the areas proposed for diversion. The land under diversion does not form part of any unique eco-system.

**15. Wildlife and Situation w.r.t. any P.A** - Presence of rare, engendered, and specific wild life is not reported in Forest area proposed for diversion.

No National Park/Wildlife Sanctuary/Tiger Reserve/Elephant Corridor is reported to exist within 1 km radius of the land proposed for diversion. Dudhi RF and Singrauli RF area are located at a distance more than 10 km from the proposed site. It is noted that Kaimur Wildlife Sanctuary is located at a distance of about 2 km from plant site separated by a natural barrier i.e Sone River. Keeping in view the proximity of the area to Kaimur Wild life Sanctuary, Wild life Conservation Plan must be prepared /implemented in consultation with Chief Wild life Warden of the state to ensure in-built monitoring mechanism to ensure protection of Wildlife.

**17. Any other information relating to the project -**

(a)The State Government of Uttar Pradesh has constituted a committee to enquire into the matter related to the inclusion of Forest land in bidding process for Sale of Assets of Uttar Pradesh Cement Corporation Ltd. and exclusion of Forest land from section 4 of Indian Forest Act in the year 2008 vide memo no. 946A/14-2-2006-405(96)/96 dated 22.04.2016.

(b) The National Company Law Tribunal Bench, Allahabad vide order dated 02.03.2017 has permitted the user agency M/s Jai Prakash Associates Ltd to transfer their cement plants to Ultra Tech Cement Ltd. M/s Jai Prakash Associates Ltd has entered into an agreement with M/s Ultra Tech Cement Ltd., to transfer the forest land involved in the above proposal with all assets existing thereupon to later, after obtaining the necessary forest clearance. So, the forest land shall ultimately be utilized by M/s Ultra Tech Cement Ltd

**Comments of Additional Information By :**

**i. DSS & GIS Division Remarks**

**ii. Scientist-C/TO Remarks**

1. The State Government of Uttar Pradesh vide their letter No.130/14-2-2019-800(162)/2018 dated 25.02.2019 forwarded a fresh proposal to obtain prior approval

of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 115.874 ha. of Forest Land for JP super cement plant and establishment of residential colony use of non-forestry purpose in favour of M/s Jai Prakash Associates, at Village Kota in Tehsil Robertsganj, District Sonbhadra, Uttar Pradesh.

2. Before considering the proposal in the FAC meeting. A meeting was held on 06.08.2019 at 5 00 P.M. in the Krishna Conference Hall for discussion on the above proposal. The following points were discussed in the meeting

- a. The land use plan of the proposed forest area with KML/Shape file in distinct colour.
- b. Deficiencies in SIR.
- c. History of the proposal in chronological order.
- d. All relevant Court orders i.e. Hon& rsquo ble High Court, Supreme Court and NGT.
- e. Justification for submission of only 115.874 ha area for diversion under FCA, 1980.

3. The IGF (FC) started the meeting by welcoming all the members present in the meeting.

4. The list of the participants is annexed (Pg.368/c).

5. Brief History of the Proposal provided by the Nodal officer, UP. The detailed history in chronological order is given below-

उ.प्र. सरकार द्वारा वर्ष 1954 में चुर्क व डाला सीमेन्ट फैक्ट्री स्थापित की गई थी।

जनपद सोनभद्र (जो पूर्व में मिर्जापुर जिले का भाग था) के अवैबरा वन प्भाग के ग्राम-कोटा (डाला) में राज्य सरकार द्वारा सीमेन्ट फैक्टरी की स्थापना की गई थी जिसे वर्ष 1972 में उत्तर प्रदेश राज्य सीमेन्ट कारपोरेशन को हस्तान्तरित कर दिया गया ।

जनपद-सोनभद्र (पूर्व में मिर्जापुर) के परगना- अगोरी में जमीन्दारी 1 जुलाई 1953 को टूटी और उस समय जो किसी की भूमिधारी थी तथा जो मौके पर खेती होती थी व आबादी को छोड़कर शेष भूमि राज्य सरकार में निहित हो गई और चूंकि परगना-अगोरी में जमीन्दारी विनाश अधिनियम की धारा 117(1) की विज्ञप्ति नहीं हुई थी, इसलिये राज्य सरकार ने शासनादेश दिनांक 10 अक्टूबर 1953/ 16 नवम्बर 1953 द्वारा कैमूर पर्वत के दक्षिण (जहाँ ग्राम-कोटा पडरछ व पनारी पडता है) में स्थित समस्त भूमि को प्रबंधन के लिये वन विभाग को हस्तान्तरित कर दिया।

उ०प्र० शासन द्वारा वर्ष 1977-78 में ग्राम-कोटा, वर्ष 1969 में ग्राम-पनारी (ओबरा पनारी) तथा वर्ष 1970 में ग्राम-पडरछ में भारतीय वन अधिनियम 1927 की धारा-4 की विज्ञप्ति हुयी।

वर्ष 1982 में वनवासी सेवा आश्रम के संस्थापक श्री प्रेम भाई ने मा० उच्चतम न्यायालय में 1061/1982 में एक जनहित याचिका दाखिल की, जिसमें मा० उच्चतम न्यायालय ने दिनांक 20.11.1986 को कैमूर पर्वत माला के दक्षिण भूमि क्षेत्रों के भौमिक अधिकार एवं सर्वे सेटिलमेंट करने का आदेश पारित किया ।

मा० उच्चतम न्यायालय के निर्देशानुसार हुई सर्वे व रेकार्ड आपरेशन की कार्यवाही में ग्राम-कोटा, पडरछ, व पनारी की काफी भूमि सर्वे व रेकार्ड आपरेशन की कार्यवाही में अपीलीय न्यायालय (अपर जिला जज) द्वारा भूमि के सम्बन्ध में राज्य सरकार द्वारा जारी भारतीय वन अधिनियम-1927 की विज्ञप्ति को सही मानते हुये, सुरक्षित वन के पक्ष में निर्णीत की गई । जिसके आधार पर तत्कालीन सहायक अभिलेख अधिकारी द्वारा सुरक्षित वन के पक्ष में निर्णीत भूमि को सुरक्षित वन के खाते में दर्ज किया गया। जिसके क्रम में ग्राम-कोटा व पनारी की भूमि के सम्बन्ध में भारतीय वन अधिनियम-1927 की धारा-20 की कार्यवाही चल रही थी ।

उत्तर प्रदेश राज्य सीमेन्ट कारपोरेशन डाला की फैक्ट्री के लगातार घाटे में चलने के कारण उसे Sick Industries घोषित कर उसे दिनांक-08.12.99 को wound up कर लिक्विडेशन के अधीन कर दिया गया तथा आफिसियल लिक्विडेटर नियुक्त किया गया।

उत्तर प्रदेश राज्य सीमेन्ट कारपोरेशन डाला की फैक्ट्री के wound up होकर उसकी परिसम्पत्तियों की बिक्री के लिए कम्पनी कोर्ट लिक्विडेशन के माध्यम से निविदा आमंत्रित की गई ।

उ०प्र०रा०सीमेन्ट कारपोरेशन के परिसमापन (लिक्विडेशन) के सम्बन्ध में मा० उच्च न्यायालय में चल रही कार्यवाही के दौरान उत्तर प्रदेश राज्य सीमेन्ट कारपोरेशन की परिसम्पत्तियों के क्रेता को दी जाने वाली छूट के सम्बन्ध में उत्तर प्रदेश शासन के राज्य औद्योगिक विकास अनुभाग-1 द्वारा कार्यालय जापन सं० 3623/77-1-2008-15 (बीआईएफआर)/92 दिनांक 10 10 2006 को मा०

उच्च न्यायालय में प्रस्तुत किया गया, जिसके प्रस्तर 9, जो कम्पनी के पक्ष में लाइमस्टोन के पट्टे का नवीनीकरण किये जाने के सम्बन्ध में था, उसमें वन क्षेत्र में पडने वाले लीज के क्षेत्र के सम्बन्ध ने निम्न तथ्य अंकित किये गये थे -

& ldquo यह उल्लेखनीय है कि यदि भूमि वन में अवस्थित है तो उसके क्रेता को नवीनीकरण के सम्बन्ध में वन संरक्षण अधिनियम 1980 के प्राविधानों तथा समय-समय पर भारत सरकार द्वारा जारी किये गये दिशानिर्देशों एवं मा० उच्चतम न्यायालय द्वारा पारित आदेशों के अनुसार प्रस्ताव आने पर सक्षम स्तरों से अनुमोदन / स्वीकृति प्राप्त कर वांछित शुल्क प्राप्त कर कार्यवाही की जायगी। यदि भूमि सेंचुरी में अवस्थित है तो, उसके गैरवानिकी कार्यों के प्रयोग हेतु अनुमति निर्धारित प्रक्रिया के अनुसार उच्चतम न्यायालय से पूर्वानुमति प्राप्त कर दी जायेगी।

यह भी उल्लेखनीय है कि जो हिस्से वन भूमि में पडते हैं उनका नवीनीकरण भारत सरकार की पूर्व अनुमति से तथा वांछित शुल्क के भुगतान के पश्चात ही सम्भव है। अतः यथा समय अधिनियम के तहत एवं मा० सर्वोच्च न्यायालय के आदेशों को ध्यान में रखते हुये वन विभाग द्वारा भी आवश्यक कार्यवाही की जानी होगी। यह उल्लेख भी समाचीन है कि राज्य सरकार की ओर से पट्टों के नवीनीकरण के सम्बन्ध में कोई भी वित्तीय छूट का उल्लेख नहीं है। इस प्रकरण में भू-तत्व एवं खनिकर्म विभाग एवं तत्पश्चात कुछ प्रकरणों में वनविभाग द्वारा अग्रेतर कार्यवाही की जायगी।

उ०प्र०राज्य सीमेन्ट निगम लि० (परिसमापनाधीन) की इकाईयों के विक्रय से सम्बन्धित अनुतोष एवं रियायतों में आच्छादित भूमि में से जो भूमि वन में अवस्थित है उनके क्रेता फर्म के हस्तान्तरण के सम्बन्ध में देय राशि के भुगतान के सम्बन्ध में वन विभाग द्वारा दिशा-निर्देश जारी किये जायेंगे।

उत्तर प्रदेश शासन की तरफ से प्रस्तुत उपरोक्त कार्यालय ज्ञापन के आधार पर मा० उच्च न्यायालय कम्पनी कोर्ट द्वारा दिनांक-11.10.2006/ 12.10.2006 को जे०पी०ऐशोसिएट्स के पक्ष में विक्रय की पुष्टि कर दी गई।

मै० जय प्रकाश एसोसिएट्स लि० द्वारा उ०प्र० शासन द्वारा दिये गये उपरोक्त दिशा निर्देश के विपरीत लीज क्षेत्र के अन्तर्गत आने वाली वन भूमि के सम्बन्ध में मा० एफ०एस०ओ० द्वारा न्यायालय में क्लेम दाखिल किया गया। जिसके क्रम में एफ०एस०ओ० व डी०जे० द्वारा कुल 1083.203 हे० क्षेत्र को भारतीय वन अधिनियम-1927 के अन्तर्गत धारा-4 से पृथक कर दिया गया। जिसके सम्बन्ध में मा०एन०जी०टी० नई दिल्ली द्वारा दिनांक 04.05.2016 को वन विभाग के पक्ष में निर्णय पारित कर दिया गया।

मा० उच्च न्यायालय में उत्तर प्रदेश शासन के राज्य औद्योगिक विकास अनुभाग-1 द्वारा कार्यालय ज्ञापन सं०3623/77-1-2008-15 (बीआईएफआर)/92 दिनांक 10.10.2006 पर मा० उच्च न्यायालय कम्पनी कोर्ट द्वारा पारित आदेश दिनांक 11.10.2006 के परिपेक्ष्य में जेपी ऐशोसिएट्स को लीज के नवीनीकरण हेतु प्रार्थना पत्र देना चाहिए था, जिसे नए सिरे से लीज हेतु दिया गया प्रार्थना पत्र मानकर उस पर वन संरक्षण अधिनियम 1980 व मा० उच्च न्यायालय द्वारा टीएन गोडावर्मन बनाम भारत सरकार की याचिका में पारित निर्णय दिनांक 12-12-1996 के अनुसार कार्यवाही की जाती किन्तु जेपी ऐशोसिएट्स द्वारा लीज के नवीनीकरण के संबंध में प्रार्थना पत्र न देकर उत्तर प्रदेश सीमेंट कार्पोरेशन की लीज के क्षेत्र के अंतर्गत आने वाली व मा० उच्चतम न्यायालय के निर्देशानुसार हुई सर्वे की कार्यवाही में ग्राम & ndash कोटा, पडरछ व पनारी, मारकुण्डी व मकरीबरी की कुल 1083.203 हैक्टेयर सुरक्षित वन भूमि के पक्ष में निर्णीत भूमि को वन संरक्षण अधिनियम की प्रयोज्यता (applicability) को समाप्त करने तथा लीज लेने में वन संरक्षण अधिनियम के अंतर्गत दी जाने वाली आवश्यक देयताओं को बचाने के उद्देश्य से सुरक्षित वन के प्रस्ताव से प्रथक करने के संबंध में वन बंदोबस्त अधिकारी के न्यायालय में वर्ष 2007 में भारतीय वन अधिनियम 1927 की धारा 9/11 के तहत वन भूमि के संबंध में निम्न वाद प्रस्तुत किया गया-

क्र०सं०	मु०नं०	ग्राम	वादी	प्रतिवादी	रकबा (हे०में)
1	180/353/07	Kota	JP Associates	Forest Dept. /State Govt.	27.824
2	181/354/07	Kota	JP Associates	Forest Dept. /State Govt.	210.056
3	386/388/07	Kota	JP Associates	Forest Dept. /State Govt.	18.272

4	395/397/07	Kota, Padrachh	JP Associates	Forest Dept. /State Govt.	221.955 51.064
5	396/398/07	Panari	JP Associates	Forest Dept. /State Govt.	70.012
6	398/400/07	Markundi	JP Associates	Forest Dept. /State Govt.	253.176
7	399/401/07	Markibari	JP Associates	Forest Dept. /State Govt.	230.844
<b>Total</b>	<b>1083.203</b>				

कुल 1083.203 हे० क्षेत्र का प्रभागवार विवरण निम्नानुसार है-

क्र०सं०	प्रभाग का नाम	ग्राम का नाम	क्षेत्रफल
1	Obra	Kota	478.107
		Obra Panari	70.012
		Padrachh	51.064
2	Sonbhadra	Makaribari	230.844
3	Kaimoor WL, Mirjapur	Markundi	253.176
<b>Total</b>	<b>1083.203</b>		

मा. सर्वोच्च न्यायालय के आदेश दिनांक-20.11.1986 के क्रम में उपरोक्त कुल 1083.203 हे० क्षेत्र में से सोनभद्र वन प्रभाग के ग्राम- मकरीबारी का 230.844 हे० छोड़कर शेष क्षेत्र के सम्बन्ध में वन वन्दोवस्त अधिकारी सोनभद्र द्वारा पूर्व में (वर्ष 1993-94 व वर्ष 1998-99) ही वन विभाग के पक्ष में निर्णय पारित किया जा चुका था, जिसकी पुष्टि अपर जिला जज द्वारा की गयी।

परन्तु जे०पी० एसोसिएट्स लि० की तरफ से जनवरी 2007 में कुल 1083.203 हे० क्षेत्र के सम्बन्ध में पुन नये सिरे से मा० एफ०एस०ओ० न्यायालय में धारा-9/11 के अन्तर्गत प्रस्तुत उपरोक्त वादों में वन वन्दोवस्त अधिकारी, सोनभद्र द्वारा प्रश्नगत क्षेत्र को धारा-4 की विज्ञप्ति से पृथक करने का आदेश पारित किया गया। जिसकी पुष्टि जिला जज द्वारा भी कर दिया गया था।

उ०प्र० शासन के उक्त निर्देश के क्रम में वर्ष 2008 में जे०पी० एसोसिएट्स के क्लेम के आधार पर धारा-4 की विज्ञप्ति से पृथक किये गये क्षेत्रों को छोड़कर विज्ञप्ति संख्या-4952/14-2-2008-20(17)/2008 दिनांक-25.11.2008 से ग्राम -कोटा तथा विज्ञप्ति संख्या-4953/ 14-2-2008-20(17)/2008 दिनांक- 25.11.2008 से ग्राम-ओबरा पनारी तथा विज्ञप्ति संख्या-4951/14-2-2008-20(16)/2008 दिनांक-25.11.2008 से ग्राम मकरीबारी का भारतीय वन अधिनियम-1927 के अन्तर्गत धारा 20 की विज्ञप्ति जारी किया गया।

जे०पी० एसोसिएट्स लि द्वारा अनाधिकृत रूप से वन भूमि कब्जा करने के सम्बन्ध में कतिपय व्यक्ति द्वारा सीईसी में शिकायत दर्ज करायी, जिस पर सीईसी द्वारा सम्बन्धित पक्षों से रिपोर्ट/ आख्या मांगी गयी। पक्षों द्वारा प्रस्तुत आख्या पर विचार करने के उपरान्त सीईसी द्वारा अपनी संस्तुति मा० उच्चतम न्यायालय नई दिल्ली को प्रेषित किया गया। जिसका संज्ञान लेते हुए, उ०प्र० शासन द्वारा मा० उच्चतम न्यायालय में रिट संख्या -2469/2009 दाखिल की गयी, जिसे मा० उच्चतम न्यायालय द्वारा एन०जी०टी० न्यायालय, नई दिल्ली को सुनवाई करने का निर्देश दिया गया। जिसके क्रम में मा० राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली द्वारा एम०ए० नं० 1166/2015 में दिनांक-14.05.2016 को जे०पी० एसोसिएट्स लि० से सम्बन्धित कुल 1083.203 हे० (जिसमें से ओबरा वन प्रभाग का 599.183 हे० है) क्षेत्र को वन विभाग के पक्ष में निर्णय पारित किया गया।

मा० राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली के आदेश दिनांक 14.05.2016 के अनुपालन में ग्राम कोटा ओबरा पनारी के सम्बन्ध में पूर्व में जारी धारा 20 की विज्ञप्ति को निष्प्रभावी मानते हुये कुल 1083. 203 हे० क्षेत्र को सम्मिलित करते हुए ओबरा सोनभद्र एवं कैमूर वन्य जीव प्रभाग मीरजापुर के अन्तर्गत पुन भारतीय वन अधिनियम 1927 की धारा-20 की विज्ञप्ति जारी किया गया, जिसका प्रभागवार, ग्रामवार विवरण निम्नानुसार है-

क्र०सं०	प्रभाग का नाम	ग्राम का नाम	एन०जी०टी० न्यायालय से आच्छादित क्षेत्र	कुल क्षेत्रफल	विज्ञप्ति सं० व दिनांक
1	Obra	Kota	478.107	12440.413	1142/14-2-2016-20(4)/2016 Dated 23.06.2016
		Obra Panari	70.012	1912.751	1141/14-2-2016-20(3)/2016 Dated 10.06.2016
		Padrachh	51.064	51.064	1140/14-2-2016-20(2)/2016 Dated 10.06.2016
2	Sonbhadra	Makaribari	230.844	398.5570	1139/14-2-2016-20(1)/2016 Dated 10.06.2016
3	Kaimoor WL, Mirjapur	Markundi	253.176	904.768	1192/14-2-2016-20(5)/2016 Dated 10.06.2016
Total	1083.203	15707.553	1083.203		

After that the UA has submitted the proposal for diversion of 115.874 ha of forest land for obtaining the permission under FCA, 1980.

6. During the discussion a presentation along-with KML file of the diverted area and related maps in distinct colour given by the User Agency (JAL). As per the information provided by the UA the total area of the plant is about 43.0 ha out of which 40.0 ha area of plant is constructed on forest land and remaining 3.0 ha on non-forest land. About 20.804 ha area is used by already constructed residential colony, Hospital and Schools. About 55.070 ha area is used by connection of road to State Highway No. 5 and green belt area. Hence the total required area for plant and other purposes is area is 115.874 ha.

7. Regarding the total lease boundary of the project it has been apprised by the Nodal officer UP that another proposal under the Mining category bearing online proposal no. FP/UP/23437/2016. Presently this case is under draft category and it is pending for identify the suitable non-forest land for CA. That is the reason for which combined proposal was not submitted.

8. During the meeting the DDGF (Central), RO Lucknow has submitted the SIR. According to SIR following recommendations are made by the DDGF(Central), RO Lucknow -

As evident from the Site Inspection Report, Construction of JP Super Cement Plant in the year 2007 is in violation of the provisions of Forest (Conservation) Act, 1980. However, Dalla Cement Complex and its township was developed by erstwhile U.P. Cement Corporation Ltd., a State Government undertaking, in the year 1976 i.e. prior to enactment of Forest (Conservation) Act, 1980. Since Cement Plant and associated township of the Forest Land involved may be considered only after following clarification is received from the State Government -

a. The State Government should clarify that what action has been taken for unauthorised use of forest land

b. What action has been taken against erring officers who has issued orders for use of forest land for non-forestry purpose in gross violations of Forest (Conservation) Act, 1980

c. Whether all court orders pertaining to the project has been complied with or not?

d. It has come to the notice that the present project will be transferred to M/s Ultra Tech Cement Ltd. State Government need to clarify why the permission for diversion of forest land is not being taken in the name of M/s Ultra Tech Cement Ltd.

9. The Signed copy of SIR is also enclosed herewith.

10. In view of the facts given by the state at Para 5 above it is proved that this is a case of gross violation of FC Act, 1980. If agreed we may ask the queries raised by the DDGF (Central) RO Lucknow and action taken by the SG after the decision of Hon'ble NGT for doing wilful violation.

11. The above para 8 were communicated to the State Government of Uttar Pradesh vide this Ministry's letter dated 28.08.2019 (Pg.530/c). Now, the State Government of Uttar Pradesh vide their letter No.565/81-2-2020-800(162)/2018 dated 04<sup>th</sup> March, 2020 (Pg.531-592/c) forwarding pointwise reply is given as under

S. No.	Observations raised by the MoEF& CC	Reply submitted by the Nodal Officer (FCA) Govt. of UP
		<p>जे०पी० एसोसिएट्स लि० द्वारा अनाधिकृत रूप से वन भूमि कब्जा करने के संबद्ध में कतिपय 1 व्यक्ति द्वारा सी०ई०सी० में शिकायत दर्ज करायी, जिस पर सी०ई०सी० द्वारा सम्बन्धित पक्षों से रिपोर्ट / आख्या मांगी गयी। पक्षों द्वारा प्रस्तुत आख्या पर विचार करने के उपरान्त सी०ई०सी० द्वारा अपनी संस्तुति मा० उच्चतम न्यायालय नई दिल्ली को प्रेषित किया गया। जिसका संज्ञान लते हुए, उ०प्र० शासन द्वारा मा० उच्चतम न्यायालय में रिट संख्या-2469-2009 दाखिल की गयी, जिसे</p> <p>मा० उच्चतम न्यायालय द्वारा एन०जी०टी० न्यायालय, नई दिल्ली को सुनवाई करने का निर्देश दिया गया। जिसके क्रम में मा० राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली द्वारा एम०ए० नं० 1166/2015 में दिनांक 04.05.2016 को जे०पी०एसोसिएट्स लि० से सम्बन्धित कूल 1083.203 हे० (जिसमें से ओबरा वन प्रभाग का 599.183 हे० है) क्षेत्र को वन विभाग के पक्ष में निर्णय पारित किया गया।</p> <p>मा० राष्ट्रीय हरित न्यायाधिकरण नई दिल्ली के आदेश</p>

1.	The State Government should clarify that what action has been taken for unauthorised use of forest land	<p>दिनांक-04.05.2016 के अनुपालन में ग्राम कोटा, ओबरा पनारी के सम्बन्ध में पूर्व में जारी धारा 20 की विज्ञप्ति को निष्प्रभावी मानते हुये कूल 1083.203 हे० क्षेत्र को सम्मिलित करते हुए ओबरा वन प्रभाग के ग्राम कोटा में विज्ञप्ति संख्या-1142-14-2-2016-20(4)/2016 दिनांक 23.06.2016 द्वारा कूल 12440.413 हे०, ग्राम ओबरा पनारी में विज्ञप्ति संख्या 1141/14.2.2016-20(3)/2016 दिनांक 10.06.2016 द्वारा कूल 1912.751 हे०, सोनभद्र वन प्रभाग के ग्राम मकरीबारी में विज्ञप्ति संख्या 1139/14-2-2016-20(1) /2016 दिनांक 10.06.2016 द्वारा कुल 398.5570 हे० तथा केंमूर वन्य जीव प्रभागी मीरजापुर के ग्राम मरकुंडी में विज्ञप्ति संख्या 1192/14-2-2016-20(5)/2016 दिनांक 10.06.2016 द्वारा कुल 904.768 हे० क्षेत्र का पुन भारतीय वन अधिनियम 1927 की धारा 20 की विज्ञप्ति जारी किया गया।</p> <p>मा० राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली के आदेश दिनांक 30.05.2016 के अनुपाल में मे० जेपी०पी०एसोसिएट्स लिमिटेड, डाला द्वारा जै०पी० सुपर प्लान्ट व आवासीय क्षेत्र स्थापना हेतु 115.874 हे० वन भूमि हस्तान्तरण का पूर्ण प्रस्ताव उपलब्ध कराया गया था, जिसके क्रम में प्रस्ताव उच्च स्तर पर प्रेषित किया जा चुका है।</p> <p>यह भी अवगत कराना है कि MoEF&amp; CC guideline No. 11-42/2017-FC dated 29.01.2018 (activities which constitutes violation of provision of Forest (Conservation) Act, 1980 and Rules made thereof and guideline issued in this behalf by user agency and quantum of penalty to be imposed-regarding common guideline to be followed by FAC/REC while considering the proposal under Forest (Conservation) Act, 1980).</p> <p>3. Accordingly the ministry has decided to adopt following guidelines while imposing penalty in various cases, on the recommendation of FAC/REC after due deliberation in its meeting, for use of forest land for non-forestry purpose in violation of provision of forest (Conservation) Act ,1980, Rules made their of and guideline issued for time to time to implement FC act and Rules</p> <p>E. In cases where (forest land) has been changed to (non-forest land) in government records If the violation is not attributable to the user agency, no penalty should be imposed.</p>
2.	What action has been taken against erring officers who has issued orders for use of forest land for non-forestry purpose in gross violations of Forest (Conservation) Act, 1980	<p>2008 में मे० जे०पी० एसोसिएट्स लि० के क्लेम के अधार पर वन वनदोवस्त अधिकारी जिला जज द्वारा अपने न्यायलय में नये सिरे से वादों की सुनवाई करते हुए प्रश्नगत क्षेत्र धारा 4 की विज्ञप्ति से पृथक कर दिया गया था, प्रश्नगत क्षेत्र के सम्बन्ध में मा० एन०जी०टी०, नई दिल्ली द्वारा दिनांक 04.05.2016 को वन विभाग के पक्ष में निर्णय पारित किया गया, जिसके अनुपालन में प्रश्नगत क्षेत्र को सुरक्षित वन के पक्ष में अमलदरामद कराते हुए, धारा 20 की विज्ञप्ति जारी किया तथा मा 0 एन०जी०टी० नई दिल्ली के आदेश दिनांक-30.05.2016 के अनुपालन में मे० जे०पी 0 एसोसिएट्स लि० द्वारा वन भूमि हस्तान्तरण का प्रस्ताव प्रेषित किया गया है । प्रश्नगत वन भूमि का उपयोग करने हेतु प्रभाग स्तर से कोई आदेश निर्देश निर्गत नहीं किये गये हैं । इसके अतिरिक्त वन भूमि के गैर वानिकी प्रयोग के सम्बन्ध में बिन्दु संख्या 1 में स्थिति स्पष्ट की गयी है ।</p>
3.	Whether all court orders pertaining to the project has been complied with or not?	<p>विषयक प्रकरण सम्बन्ध के संबंध में मा०एन०जी०टी०, नई दिल्ली के आदेश दिनांक 04.05.2016 के अनुपालन में प्रश्नगत क्षेत्र को सुरक्षित वन के पक्ष में अमलदरामद कराते हुए, धारा 20 की विज्ञप्ति जारी किया जा चुका है । मा 0 एन०जी०टी०, नई दिल्ली के आदेश दिनांक 30.05.2016 के अनुपालन में मे० जै०पी० एसोसिएट्स लि० द्वारा प्रश्नगत क्षेत्र का भूमि हस्तांतरण का प्रस्ताव प्रेषित किया गया है ।</p>



4.

It has come to the notice that the present project will be transferred to M/s Ultra Tech Cement Ltd. State Government need to clarify why the permission for diversion of forest land is not being taken in the name of M/s Ultra Tech Cement Ltd.

इस सम्बन्ध में विस्तृत आख्या वन भूमि हस्तान्तरण के प्रस्ताव में संलग्न मुख्य वन संरक्षक, मीरजापुर क्षेत्र, मीरजापुर के स्थलीय निरीक्षण टिप्पणी में इंगित प्रभागीय वनाधिकारी, ओबरा के पत्रांक 304/ओबरा/15 भू0ह0, दिनांक 28.07.2018 में सन्नहित है ।  
(Pg.539-541/c).

In view of the above facts related to the proposal, it is proposed that proposal may be submitted to the Forest Advisory Committee (FAC), in its meeting scheduled to be held on **23.04.2020**.

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