

PMU-Mawkyrwat/P/SD/08/III/2610

Dated: Mawkyrwat the 01st March, 2021

To,
The Divisional Forest Officer
East Khasi Hills Territorial Division
Government of Meghalaya

Sub: "Proposal for diversion of 16.107 hectare of forest land (15.296 Ha Protected Forest and 0.811 Ha Deemed Forest) at Upper Shillong Protected Forest between km 1+390 (21/2 Mile Upper Shillong) to km 8+890 (Pomlum PHC, Baniun) in the State of Meghalaya for Improvement/Widening to 2-lane with paved shoulder/4-laning of stretch Shillong - Dawki road (km 0+000 to 71+520)" Reg: "Compliance of the conditions stipulated in In-Principle Approval"

Ref:- In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020.

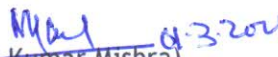
Sir,

With reference to the subject mentioned above, it is intimated that compliance to the conditions stipulated in the "In - Principle Approval", granted by RO-MoEF & CC vide letter dated 06.03.2020, is submitted herewith alongwith the various undertakings for the conditions, wherever applicable for your kind perusal & further necessary action in respect of processing the subject proposal for final approval from MoEF&CC Govt. of India & handing over of land for the work "Improvement/ Widening to 2-lane with paved shoulder/4-laning of NH-40 between Shillong to Dawki road upto Bangladesh Border including Dawki bridge from km 81+740 to km 93+490 (Design km 0+000 to km 10+670) & Improvement/Widening to 4-lane with paved shoulders of NH-44 from design length km 0+000 to km 9+930, total length of 11.600 km in the State of Meghalaya for execution of EPC mode under JICA funding (Package - I)".

2. An early action is requested from your good office.



Yours sincerely,


(Manoj Kumar Mishra)
General Manager (P)
NHIDCL, PMU-Mawkyrwat

Encl: i) Compliance report (04 pages)
ii) Undertakings (Annex- I to V (05 pages)
iii) This office letter no 2007 dated 07.08.2020
iv) Certified copy of Handing/taking over of CA land b/w NHIDCL & Forest Dept.

Copy to for kind information of:

1. PCCF & HoFF, Govt. of Meghalaya :
2. CCF, Nodal Officer, FCA, Govt. of Meghalaya
3. Secretary, PWD (R&B), Govt. of Meghalaya
4. Executive Director (V), HQ-NHIDCL, New Delhi
5. Executive Director (P), RO-Shillong, Shillong.

**Compliance of the conditions laid down in "In Principle Approval"**

Sr. No.	Condition laid down in "In-Principle approval"	Compliance from NHIDCL (user agency)
1.	Legal status of the forest land shall remain unchanged	Agreed to.
2.	Forest land will be handed over only after required non-forest land for the project is handed over by the user agency	Non-forest land of 16.107 Ha area at Nongumiang village for compensatory afforestation has been handed over on 25.02.2021 to forest dept., represented by Sh. F.S Wann, Asst. Conservator of Forest, Office of DFO West & South West Khasi Hills District. Certified copy of agreement with forest dept. for handing over/ takeover of possession of land, duly signed by General Manager (P), NHIDCL PMU-Mawkyrwat and Asst. Conservator of Forest for DFO West & South West Khasi Hills, is submitted herewith.
3.	The Compensatory Afforestation shall be taken up by the Forest Department over 16.107 ha equivalent non-forest land Nongumiang Nongstoin in West Khasi Hills District at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided	Rs. 1,07,35,708/- (Rupees One Crore Seven Lakh Thirty Five Thousand Seven Hundred and Eight) only has been deposited by NHIDCL to Adhoc CAMPA Account on 06.08.2020 for Compensatory Afforestation, and already intimated to DFO, EKH & Ri-Bhoi (T) Div. vide this office letter no 2007 dated 07.08.2020 (copy enclosed). Further action to be taken up by forest department.
4.	The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.	NHIDCL has already deposited Rs. 1,07,35,708/- for compensatory afforestation to Adhoc CAMPA account on 06.08.2020 & Rs. 40,21,836/- for demarcation with boundary pillars to DFO vide DD no 899937 dated 19.05.2020, and already intimated to DFO, EKH & Ri-Bhoi (T) Div. vide this office letter no 2007 dated 07.08.2020 (copy enclosed).



5.	The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department before granting work permission to the user agency as the proposal being linear proposal. <u>The copy of the mutation notification/order should be submitted to the Regional Office, Shillong after which working permission may be granted.</u>	Non-forest land of 16.107 Ha area at Nongumiang village for compensatory afforestation has been handed over on 25.02.2021 to forest dept., represented by Sh. F.S Wann, Asst. Conservator of Forest, Office of DFO West & South West Khasi Hills District. Certified copy of agreement with forest dept. for handing over/ takeover of possession of land, duly signed by General Manager (P), NHIDCL PMU-Mawkyrwat and Asst. Conservator of Forest for DFO West & South West Khasi Hills, is submitted herewith.
6.	The State Government shall charge the Net Present Value (NPV) for the 16.107 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon' ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by Ministry vide letters No. 5-1/1998-FC(Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.	Rs. 1,67,99,601/- for Net Present Value has already been deposited by NHIDCL to Ahoc CAMPA account on 06.08.2020 and already intimated to DFO, EKH & Ri-Bhoi (T) Div. vide this office letter no 2007 dated 07.08.2020 (copy enclosed).
7.	The Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.	Undertaking for Additional amount of the NPV attached herewith as Annex - I
8.	The User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.	Rs. 12,01,184/- for felling of trees already deposited by NHIDCL to DFO, EKH & Ri-Bhoi (T) Div. vide demand draft no 899937 dated 19.05.2020, and already intimated to DFO, EKH & Ri-Bhoi (T) Div. vide this office letter no 2007 dated 07.08.2020 (copy enclosed) Felling of trees in the diverted forest land shall be restricted to minimum number
9.	All the funds received from the user agency along with the funds for avenue plantation under the project shall be transferred/ deposited to CAMPA fund only through e-portal . (http://parivesh.nic.in/).	Complied with.





10.	The Divisional Forest Officer shall prepare a soil moisture conservation plan to mitigate the adverse impact of this project on the water catchment area and the user agency shall deposit the estimated amount for the same as per guideline.	Rs. 9,40,900/- for cost of soil & moisture conservation structures already deposited by NHIDCL to Adhoc CAMPA account on 06.08.2020, and already intimated to DFO, EKH & Ri-Bhoi (T) Div. vide this office letter no 2007 dated 07.08.2020 (copy enclosed)
11.	The User Agency shall bear and deposit the amount of the cost of demarcation of the land proposed for diversion directly to the concerned Divisional Forest Officer. The concerned Divisional Forest Officer shall demarcate the land proposed for diversion on the ground by erecting at least 4 high cement-concrete pillars duly numbered, forward and backward bearing and distance from pillar to pillar written on the pillars and DGPS co-ordinates to be inscribed on the pillars. The competent authority shall verify and issue a certificate to this effect. Photographs showing permanent boundary pillars with GPS co-ordinates to be submitted.	Rs. 40,21,836/- for cost of demarcation of the land proposed for diversion already deposited by NHIDCL to the concerned DFO, EKH & Ri-Bhoi (T) Div. vide demand draft no. 899937 dated 19.05.2020, and already intimated to DFO, EKH & Ri-Bhoi (T) Div. vide this office letter no 2007 dated 07.08.2020 (copy enclosed)
12.	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.	Scheduled Tribes & other Traditional Forest Dwellers (Recognition of Forest Right) Act 2006 is not applicable for proposed diversion of forest land. Copy of the FRA certificate is enclosed herewith.
13.	The user agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.	Rs. 50,12,068/- for cost of raising avenue plantation already deposited by NHIDCL to Adhoc CAMPA account on 06.08.2020, and already intimated to DFO, EKH & Ri-Bhoi (T) Div. vide this office letter no 2007 dated 07.08.2020 (copy enclosed)
14.	The speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.	Undertaking for the condition enclosed as Annex-I
15.	The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendations of CWLW/ NBWL/ FAC/ REC, wherever applicable	No recommendation received by/ intimated to NHIDCL for providing under/over pass in protected area/ forest area. Complied with.
16.	The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.	Environmental Clearance not required for the project, as per MoEF guidelines. Complied with.
17.	The layout plan of the proposal shall not be changed without prior approval of Central Government.	Undertaking for the condition enclosed as Annex - II.



M

18.	No labour camp shall be established on the forest land.	Undertaking for the condition enclosed as Annex - II.
19.	Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.	Undertaking for the condition enclosed as Annex - III.
20.	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	Undertaking for the condition enclosed as Annex - III.
21.	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.	Agreed to by NHIDCL.
22.	The forest land shall not be used for any purpose other than that specified in the project proposal.	Undertaking for the condition enclosed as Annex - IV.
23.	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.	Undertaking for the condition enclosed as Annex - IV.
24.	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF & CC Guidelines F. No. 11-42/2017-FC, dt 29/01/2018	Agreed to by NHIDCL.
25.	Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection & development of forests & wildlife.	Agreed to by NHIDCL.
26.	The compliance report shall be uploaded on e-portal(http://parivesh.nic.in/)	Complied with.
27.	As per Ministry's letter no. 11-30/96-FC(Pt) dt. 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5 (five) years, the in-principle approval would summarily be revoked considering that the user agency is no longer interested in the project.	Compliance to the conditions submitted herewith.
28.	All other clearance/NOCs under different applicable rules/regulations/ local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guidelines No. 11-9/1998-FC(pt) dated 03.08.2009 dated 03.08.2009 shall be complied with.	Undertaking for the condition enclosed as Annex - V.



M2

ANNEX-I

Undertaking for Additional Net Present Value

(Para VII of In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020)

NHIDCL, the User Agency, hereby undertakes that the additional amount of NPV of the diverted forest land, if any, becoming due after finalisation of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be deposited by the NHIDCL to Adhoc CAMPA Account.


(Manoj Kumar Mishra)

General Manager (P)

NHIDCL, PMU-Mawkyrwat

**General Manager (P)
NHIDCL, Mawkyrwat
Meghalaya**

Undertaking for Speed Regulating Signages

(Para XIV of In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020)

NHIDCL, the User Agency, hereby undertakes that the speed regulating signages will be erected along the road at regular intervals in the Protected Areas/ Forest Areas on work "Improvement/ Widening to 2-lane with paved shoulder/4-laning of NH-40 between Shillong to Dawki road upto Bangladesh Border including Dawki bridge from km 81+740 to km 93+490 (Design km 0+000 to km 10+670) & Improvement/Widening to 4-lane with paved shoulders of NH-44 from design length km 0+000 to km 9+930, total length of 11.600 km in the State of Meghalaya for execution of EPC mode under JICA funding (Package - I)".


(Manoj Kumar Mishra)

General Manager (P)

NHIDCL, PMU-Mawkyrwat


**General Manager (P)
NHIDCL, Mawkyrwat
Meghalaya**

ANNEX-II

Undertaking for Layout Plan

(Para XVII of In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020)

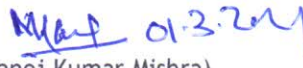
NHIDCL, the User Agency, hereby undertakes that the layout plan of the proposal shall not be changed without prior approval of the Central Government on work "Improvement/ Widening to 2-lane with paved shoulder/ 4-laning of NH-40 between Shillong to Dawki road upto Bangladesh Border including Dawki bridge from km 81+740 to km 93+490 (Design km 0+000 to km 10+670) & Improvement/Widening to 4-lane with paved shoulders of NH-44 from design length km 0+000 to km 9+930, total length of 11.600 km in the State of Meghalaya for execution of EPC mode under JICA funding (Package - I)".


(Manoj Kumar Mishra)
General Manager (P)
NHIDCL, PMU-Mawkyrwat
General Manager (P)
NHIDCL, Mawkyrwat
Meghalaya

Undertaking for labour camp

(Para XVIII of In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020)

NHIDCL, the User Agency, hereby undertakes that no labour camp shall be established on the forest land on the work "Improvement/ Widening to 2-lane with paved shoulder/ 4-laning of NH-40 between Shillong to Dawki road upto Bangladesh Border including Dawki bridge from km 81+740 to km 93+490 (Design km 0+000 to km 10+670) & Improvement/Widening to 4-lane with paved shoulders of NH-44 from design length km 0+000 to km 9+930, total length of 11.600 km in the State of Meghalaya for execution of EPC mode under JICA funding (Package - I)".


(Manoj Kumar Mishra)
General Manager (P)
NHIDCL, PMU-Mawkyrwat
General Manager (P)
NHIDCL, Mawkyrwat
Meghalaya

ANNEX-III

Undertaking for Use of Firewood

(Para XIX of In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020)

NHIDCL, the User Agency, hereby undertakes that Sufficient firewood preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel on work "Improvement/ Widening to 2-lane with paved shoulder/4-laning of NH-40 between Shillong to Dawki road upto Bangladesh Border including Dawki bridge from km 81+740 to km 93+490 (Design km 0+000 to km 10+670) & Improvement/Widening to 4-lane with paved shoulders of NH-44 from design length km 0+000 to km 9+930, total length of 11.600 km in the State of Meghalaya for execution of EPC mode under JICA funding (Package - I)".


(Manoj Kumar Mishra)

General Manager (P)

NHIDCL, PMU-Mawkyrwat
General Manager (P)
NHIDCL, Mawkyrwat
Meghalaya

Undertaking for No Additional or New Path

(Para XX of In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020)

NHIDCL, the User Agency, hereby undertakes that no additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work "Improvement/ Widening to 2-lane with paved shoulder/4-laning of NH-40 between Shillong to Dawki road upto Bangladesh Border including Dawki bridge from km 81+740 to km 93+490 (Design km 0+000 to km 10+670) & Improvement/Widening to 4-lane with paved shoulders of NH-44 from design length km 0+000 to km 9+930, total length of 11.600 km in the State of Meghalaya for execution of EPC mode under JICA funding (Package - I)".


(Manoj Kumar Mishra)

General Manager (P)

NHIDCL, PMU-Mawkyrwat
General Manager (P)
NHIDCL, Mawkyrwat
Meghalaya

ANNEX-IV

Undertaking for Forest Land

(Para XXII of In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020)

NHIDCL, the User Agency, hereby undertakes that the forest land shall not be used for any other purpose other than that specified in the project proposal of the work "Improvement/ Widening to 2-lane with paved shoulder/4-laning of NH-40 between Shillong to Dawki road upto Bangladesh Border including Dawki bridge from km 81+740 to km 93+490 (Design km 0+000 to km 10+670) & Improvement/Widening to 4-lane with paved shoulders of NH-44 from design length km 0+000 to km 9+930, total length of 11.600 km in the State of Meghalaya for execution of EPC mode under JICA funding (Package - I)".

Manoj 01.3.2024
(Manoj Kumar Mishra)

General Manager (P)

NHIDCL, PMU-Mawkyrwat
General Manager (P)
NHIDCL, Mawkyrwat
Meghalaya

Undertaking for Forest land

(Para XXIII of In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020)

NHIDCL, the User Agency, hereby undertakes that the forest land proposed to be diverted for the work "Improvement/ Widening to 2-lane with paved shoulder/4-laning of NH-40 between Shillong to Dawki road upto Bangladesh Border including Dawki bridge from km 81+740 to km 93+490 (Design km 0+000 to km 10+670) & Improvement/Widening to 4-lane with paved shoulders of NH-44 from design length km 0+000 to km 9+930, total length of 11.600 km in the State of Meghalaya for execution of EPC mode under JICA funding (Package - I)" shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

Manoj 01.3.2024
(Manoj Kumar Mishra)

General Manager (P)

NHIDCL, PMU-Mawkyrwat

General Manager (P)
NHIDCL, Mawkyrwat
Meghalaya

ANNEX-V

Undertaking for all other Clearances/ NOC's

(Para XXVIII of In-Principle Approval vide RO-MoEF&CC letter no 3-MG C 113/2019 - SHI 4181-87, dated 06.03.2020)

NHIDCL, the User Agency, hereby undertakes that All other clearance/NOCs under different applicable rules/regulations/ local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guidelines No. 11-9/1998-FC(pt) dated 03.08.2009 dated 03.08.2009 shall be complied with on the work "Improvement/ Widening to 2-lane with paved shoulder/4-laning of NH-40 between Shillong to Dawki road upto Bangladesh Border including Dawki bridge from km 81+740 to km 93+490 (Design km 0+000 to km 10+670) & Improvement/Widening to 4-lane with paved shoulders of NH-44 from design length km 0+000 to km 9+930, total length of 11.600 km in the State of Meghalaya for execution of EPC mode under JICA funding (Package - I)".


(Manoj Kumar Mishra)

General Manager (P)

NHIDCL, PMU-Mawkyrwat

General Manager (P)
NHIDCL, Mawkyrwat
Meghalaya