

F. No. 7-9/2019-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003
Dated: 16 April, 2020

To
The Principal Secretary (Forests),
State Government of Karnataka,
Bangaluru

Sub: Regarding refund of interest accrued on compensatory levies in respect of proposal withdrawn/closed by the State Government – reg.

Sir,

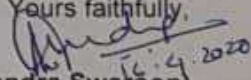
I am directed to refer to the Hon'ble High Court of Karnataka order dated 12.07.2019 wherein Hon'ble High Court, with regard to nonpayment of interest in respect of forest area of 4.16 ha granted in favour of M/s Aji Engineering, subsequently withdrawn by the User Agency, directed the Ministry to decide the representation of the applicant by a speaking order within a period of three months from the date of receipt of such representations. In this connection, it is to inform that Forest Advisory Committee (FAC) considered the matter in its meeting held on 28.11.2019. Minutes of the meeting of the FAC may kindly be seen at <http://parivesh.nic.in/>. Based on the recommendation of the FAC, following clarifications in the matter are hereby issued by the Ministry:

- (i) MoEF&CC accords prior approval for non forest use of forest land under the provisions of FCA 1980. The decision is taken as per request and recommendation of the state government.
- (ii) In the instant case, it is a fact that 75 ha was part of submergence, but was not included in the initial proposal. It was at later stage, when MoEF&CC was informed that the area of 75 ha is also a part of the total project. For all such approvals regarding non forest use of forest land, the compensatory levies especially NPV is charged as per the direction of Hon'ble Supreme Court.
- (iii) From the perusal of records, it is clear that the user agency voluntarily applied for diversion of 4.16 ha of forest land and later preferred to withdraw the proposal. On withdrawal of the proposal the amount deposited against the compensatory levies was refunded to the applicant. But his request for payment of Interest amount on compensatory levies cannot be accepted, as:
 - (a) The Ad-hoc CAMPA has entirely different mandate than that of a commercial bank;
 - (b) After the stage-I approval in 2007, the proposed project in the demarcated forest area prevented any other potential non-forest use there since 2007;
 - (c) Moreover in the process of considering the request of user agency to divert forest land for non-forest purpose, critical resources of the government are used. It is also a fact that 75 ha additional forest area required for non-forest use was not reported by the user agency, and later when the facts got verified, it voluntarily preferred to withdraw the proposal. This is negligence on part of the user agency.

In view of the above, I am directed to request the State Government to inform the User Agency accordingly.

This issues with the approval of competent authority.


Yours faithfully,


(Brijendra Swaroop)

Dy Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), State Government of Karnataka, Bangaluru
2. The Dy Director General of Forests (Central), Regional Office of the MoEF&CC at Bangaluru
3. The Addl. PCCF & Nodal Officer (FCA), O. o PCCF, State Government of Karnataka, Bangaluru
4. Monitoring Cell, FC Division, MoEF, New Delhi
5. Guard File


(Brijendra Swaroop)

Dy Inspector General of Forests