

F.No. 8-84/2002-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110003.
Dated: 20th February 2006.

To

1. The Principal Secretary/Secretary (Forests),
All State/Union Territory Governments.
2. The Principal Chief Conservator of Forests,
All States/Union Territories.

Sub: Guidelines for diversion of forest land under the Forest (Conservation) Act, 1980 for establishment of Wind Power Projects; procedure for transfer of lease from the User Agency to investors/power producers – regarding.

Sir/Madam,

In order to give a boost to Wind Power generation in the country, the Ministry of Environment and Forests issued guidelines for diversion of forest land under the Forest (Conservation) Act, 1980 for establishment of Wind Power Projects vide letter of even number dated 14.05.2004. Clause 3(v) of these guidelines provides for transfer of lease from the developer, i.e., the User Agency, to investors/power producers. The procedure for such transfer of lease came up for consideration in the Ministry recently, and the matter was placed before the Forest Advisory Committee. After considering all aspects in detail, and on the basis of the recommendations of the Committee, approval of the Competent Authority is hereby conveyed for a simplified procedure given below, to be adopted for transfer of lease from the developer, i.e., the User Agency, to investors/power producers in already approved proposals:

“For cases of transfer of lease from the developer, i.e., the User Agency, to investors/power producers under clause 3(v) of the guidelines issued vide letter No. 8-84/2002-FC dated 14.05.2004 in respect of utilization of wind energy, the User Agency shall submit the details in the format prescribed in this regard (enclosed) to the Nodal Officer, Forest (Conservation) Act, 1980, of the State/Union Territory, with a copy marked to the Ministry of Environment and Forests, New Delhi. The Nodal Officer shall complete the examination of the particulars furnished by the User Agency in the said format within a period of forty five (45) days w.e.f. the date of submission of the application and forward it to the State/Union Territory Government. The State/Union Territory Government shall forward its recommendations within forty five (45) days to the Central Government for consideration. If no decision is communicated by the State/Union Territory Government on the proposal till the expiry of a period of ninety (90) days w.e.f. the date of submission of the proposal, action, as considered appropriate, shall be initiated by the Central Government.”

Enclosure: As above.

Yours faithfully,


(Sandeep Kumar)

Assistant Inspector General of Forests

Copy to: -

1. Secretary, Ministry of Non-conventional Energy Sources, Government of India, C.G.O. Complex, Lodhi Road, New Delhi.
2. Secretary (Power), Government of India, New Delhi.
3. Nodal Officer, O/o the PCCF, All States/Union Territories.
4. General Manager, M/s. KREDL, Government of Karnataka.
5. General Manager, M/s. MEDA, Government of Maharashtra.
6. General Manager, M/s: RREC, Government of Rajasthan.
7. Indian Wind Turbine Manufacturers' Association.
8. Indian Wind Energy Association.
9. All Regional Offices, MoEF, New Delhi.
10. Director (FC)/AIGs (FC), MoEF, New Delhi.
11. File No. 2-1/2003-FC.
12. Guard File.

(Sandeep Kumar)
Assistant Inspector General of Forests

**FORMAT FOR TRANSFER OF LEASE IN ACCORDANCE WITH PARA 3 (V) OF THE
GUIDELINES DATED 14.05.2004 ISSUED UNDER FOREST (CONSERVATION) ACT,
1980**

IN RESPECT OF WIND POWER PROJECTS

{Part (A) to be filled in by the User Agency}

(A)

S. No.	PARTICULARS	DESIRED INFORMATION
1.	Name of the proposal approved under the Forest (Conservation) Act, 1980	
2.	Forest Area diverted (in ha)	
3.	Name of the User agency	
4.	Order No and date of final approval of the proposal under Forest (Conservation) Act, 1980	
5.	Name(s) alongwith details of the proposed investors/power producers (attach a table)	
6.	Details of the transfer of lease with specific locations(s) depicted on a copy of the original map submitted by the User Agency, viz. (i) Area (ha) involved in the transfer of lease (ii) Location(s) of the leased area (on map) proposed to be transferred (iii) Essential features of the agreement for transfer of lease (with a copy of the agreement) (iv) Other important details	
7.	No objection of the User Agency to the lease-transfer agreement (Certificate to be enclosed)	
8.	No Objection of the investors/power producers to the lease-transfer agreement (Certificate to be enclosed)	
9.	Undertaking by the investors/power producers to comply with all the conditions stipulated by the Central Government under Forest (Conservation) Act, 1980 while granting final approval (see col. 4)	

NOTE: In the event of breakdown of the lease-transfer agreement due to the investors/power producers moving out by breach of the lease-transfer agreement thereby abandoning the project, fresh proposal for transfer of lease to the new investors/power producers shall be moved by the User Agency according to these guidelines.

Signature on behalf of User Agency with Date

**(B) Recommendation of the State Forest Department:
(to be signed by Nodal Officer/Principal Chief Conservator of Forests/Head of Forest Department)**

Signature With Stamp and Date

**(C) Recommendation of the State Government:
(to be signed by Principal Secretary/Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of Under Secretary)**

Signature With Stamp and Date
