

F. No. 5-2/2006-FC
**COMPENSATORY AFFORESTATION FUND MANAGEMENT
AND PLANNING AUTHORITY (CAMPA)
(AD-HOC BODY)**
(Constituted by Hon'ble Supreme Court of India)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003.
Dated: 03rd October 2006.

To

Chief Secretary/Administrator,
All State/Union Territory Governments.

Sub: Recovery of Net Present Value (NPV) of the forest land diverted under the Forest (Conservation) Act, 1980 in compliance of the order dated 15th September 2006 of the Hon'ble Supreme Court of India.

Sir,

I am directed to refer to the subject mentioned above, and to say that in a recent judgement dated 15th September 2006 in I.As. No. 1473 and 1620 in WP(C) No. 202 of 1995, the Hon'ble Supreme Court of India has held that "*..... NPV is required to be recovered in all cases approved by the Ministry for change of User Agency under the Forest (Conservation) Act, 1980 after 29th/30th October 2002, irrespective of the date on which in-principle (Stage one) clearance may have been granted..... The Ministry is directed to forthwith take steps to recover from the User Agency the NPV in terms of orders dated 29th/30th October 2002 and 01st August 2003.....*"

2. Be it mentioned that the Ministry has already instructed the State/Union Territory (UT) Governments to recover NPV for the cases for which in-principle approval has been granted after 30th October 2002 vide letters No. 5-1/98-FC (Pt.II) dated 17th/18th September 2003 and 19th/22nd September 2003. In view of the above order of the Hon'ble Supreme Court, NPV is payable in all cases of diversion of forest land under the Forest (Conservation) Act, 1980 for which final approval has either already been granted on or after 30th October 2002, or shall be granted hereafter, irrespective of the date of in-principle approval.

3. (i) In compliance of the above order dated 15th September 2006 of the Hon'ble Supreme Court, you are requested to recover NPV of the forest land diverted under the Forest (Conservation) Act, 1980 for those cases also for which in-principle approval was granted before 30th October 2002, and for which final approval has either already been granted on or after 30th October 2002, or shall be granted hereafter.

(ii) Charging of NPV in respect of the cases for which in-principle approval has been granted on or after 30th October 2002 shall continue without change, in accordance with the Ministry's directions vide letters No. 5-1/98-FC (Pt.II) dated 17th/18th September 2003 and 19th/22nd September 2003.

(iii) The recovered amount of NPV shall be deposited in Ad-hoc CAMPA, as already intimated vide D.O. letter of even number dated 20th May 2006 of the Director General of Forests and Special Secretary, Ministry of Environment and Forests.

4. Progress of recovery of NPV in respect of the cases explained herein-before in para 3 (i) may be submitted under the signature of the Chief Secretary / Administrator of the State / UT Government, as the case may be, as on 01st day of every month, so that the report may be filed before the Hon'ble Supreme Court. The matter may be treated on the top priority.

5. The Ministry's letters No. 5-1/98-FC (Pt.II) dated 17th/18th September 2003 and 19th/22nd September 2003 stand modified to the above extent.

Yours faithfully,

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(Sandeep Kumar)

Assistant Inspector General of Forests

Copy to:

1. Principal Secretary/Secretary (Forests), All State/UT Governments.
2. Principal Chief Conservator of Forests, All States/UTs.
3. Nodal Officer, O/o PCCF, All States/UTs.
4. All Regional Offices of the Ministry of Environment and Forests, Government of India.
5. RO (HQ), MoEF, New Delhi.
6. Monitoring Cell, FC Division, MoEF, New Delhi.
7. Guard file.


(Sandeep Kumar)

Assistant Inspector General of Forests