



GOVERNMENT OF SIKKIM

OFFICE OF THE PCCF-cum-PRINCIPAL SECRETARY

FORESTS, ENV. WL MANAGEMENT & CLIMATE CHANGE DEPARTMENT
FOREST SECRETARIAT, DEORALI, GANGTOK-737 102 [Phone No. 281145 [FAX No. 03592-281145]

Ref. No. 1821/FCA/FEWMD2019/...52.....

Dated: 01/8/19/2019

To,

✓ The PCE-cum-Secretary,
Roads & Bridges Department
Government of Sikkim,
Gangtok.

Sub : Proposal for diversion of 0.4548 Ha of Forest Land for construction of link road from Decheling to Bhirkuna near Gangtok in East District of Sikkim by Roads & Bridges Department, Govt. of Sikkim - In Principle approval reg.

Sir,

Reference your [No. FP/SK/ROAD/39586/2019 received through on-line/off line mode and after careful examination of your proposal, the State Govt. is hereby pleased to accord the **Stage-I (In-Principle) Approval** in terms of the General approval as conveyed by the Ministry of Environment, Forests & Climate Change, Govt of India, New Delhi under section 2 of Forest (Conservation) Act 1980 [vide letter No.F.No.11-9/98 FC, dated 03/01/2005 and subsequently letter No.F.No.11-9/98-FC dated 13/2/2014] for **diversion of 0.4548 Ha of Forest Land for construction of link road from Decheling to Bhirkuna near Gangtok in East District of Sikkim by Roads & Bridges Department, Govt. of Sikkim**, subject to fulfillment of following conditions :--

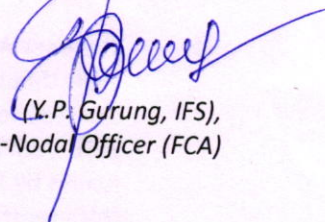
- (1) The User Agency shall transfer **Rs. 1,59,972.00** (Rupees one lakh fifty nine thousand nine hundred and seventy two) only as cost of the Compensatory Afforestation (Block Plantation) over double the area in degraded forest land i.e. 0.90 ha identified at Bulbulay RF under Gangtok Range under East Territorial Division to the Adhoc CAMPA through State Forest Department. [A Demand Note for the same is enclosed herewith for reference].
- (2) The User Agency shall pay and transfer the payment of **Rs. 2,98,804.00** (Rupees two lakhs ninety eight thousand eight hundred and four) only for Net Present Value (NPV) of the forest land being diverted for the project proposal as per the Order of the Hon'ble Supreme Court of India dated 28/03/2008, 24/04/2008 and 09/05/2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide letter No. 5-3/2007-FC dated 05/02/2009 in this regard. [A Demand Note for the same is enclosed herewith for reference]
- (3) At the time of payment of the Net present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per final decision of the same by Hon'ble Supreme Court of India.
- (4) All the above funds (CA cost, NPV etc) shall be deposited in favor of the Principal PCCF-cum-Pr. Secretary, Forests Environment & Wildlife Management Department Govt. of Sikkim, Gangtok for onward deposition under State Compensatory Afforestation Fund under Major Head " 8336-Civil Deposit MIH-103-SCAD as per recent guidelines.
- (5) 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 pillars to pillars 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.

- (6) The boundary of the forest land being diverted shall be demarcated on the ground at the project cost by erecting four feet high reinforcement cement concrete pillars each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars.
- (7) The charges for felling, logging and transportation of project affected trees for **Rs. 2,19,790.00** (Rupees two lakhs nineteen thousand and seven hundred and ninety) only shall be paid by the User Agency at the rates approved by the State Govt. and deposited separately in favor of the Principal PCCF-cum-Pr. Secretary, Forests Environment & Wildlife Management Department Govt of Sikkim, Gangtok.
- (8) The expenditure like boundary walls, stone pillars, demarcation charges, cost of damage of trees the funds on these account should, be deposited with the DFO concerned.
- (9) The user Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, before consideration of final approval, if required.
- (10) The user agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulder in forest land, if necessary.
- (11) As per Ministry's letter No.11-30/96-FC (Pt) dated 14.09.2001, if the compliance of stipulated conditions is awaited from the State Government 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.

After fulfillment of the above conditions in completeness, the User agency shall submit the **compliance report** for seeking the Final Approval of the State Govt. under the said Act. **Diversion of forest land shall not be effected till the Final Approval is granted by the State Govt. in this respect.**

This issued within the delegated powers of the State Govt. as conveyed by the Ministry of Environment Forests & Climate Change, Govt. of India with the Guidelines, referred to above.

Yours faithfully,



(Y.P. Gurung, IFS),
CCF-cum-Nodal Officer (FCA)