



**GOVERNMENT OF SIKKIM
OFFICE OF THE PCCF-cum-PRINCIPAL SECRETARY
FORESTS AND ENVIRONMENT DEPARTMENT
FOREST SECRETARIAT, DEORALI, GANGTOK-737 102**

Ref. No. 1799/FCA/F&ED/.....
To,

Dated:...../2020

The Additional Chief Secretary,
Education Department,
Government of Sikkim,
Tashilling Secretariat
Gangtok, East Sikkim

Sub : Proposal for diversion of 0.9554 ha. of Forest Land for regularization of possession of Enchey Sr. Sec. School at Upper Chandmari, East District of Sikkim by Human Resource & Dev. Deptt, Govt. of Sikkim - In Principle approval reg.

Sir,

Reference your Proposal No. FP/SK/SCH/36283/2018 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 Forest (Conservation) Rules, 2003] for **diversion of 0.9554 ha. of Forest Land for regularization of Enchey Sr. Sec. School at Upper Chandmari, East District of Sikkim by Human Resource & Dev. Deptt, Govt. of Sikkim**, subject to fulfillment of following conditions:-

- (1) The User Agency shall transfer **Rs. 1,97,134.00 (Rupees one lakhs ninety seven thousand one hundred and thirty four) only** for cost of Compensatory Afforestation over 1.9108 Ha degraded forest land identified at Bulbuley RF Gangtok (T) Range, East Division. The CA will be maintained for 10 years.
- (2) The User Agency shall transfer the cost of Net Present Value (NPV) for **6,27,698.00 (Rupees six lakhs twenty seven thousand six hundred and ninety eight) only** for the forest land diverted under this proposal as per the Judgment of the Hon'ble Supreme Court of India date 23.03.2008 & 09.05.2008 in IA No.566 in WP (C) No.202/1995 and as per the guideline issued by the Ministry vide letter No. 5-3/2007-FC dated 05/02/2009 in this regard.
- (3) Additional amount of 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, will be charged by the State Govt from the User Agency. The User Agency shall furnish an undertaking to this effect.
- (4) All the above funds under the project towards compensatory leveies (CA and NPV, etc) shall be transferred/deposited in the Compensatory Afforestation Fund of Sikkim State through Demand Draft/cheque in favour of PCCF-cum-Principal Secretary, Forest & Environment Govt. of Sikkim.

- (5) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- (6) The User Agency shall provide charges for felling, logging and transportation of project affected trees, at the rates approved by the State Govt. if required.
- (7) The expenditure like boundary walls, stone pillars, demarcation charges, cost of damage of trees, the funds on these accounts should be deposited with the DFO concerned.
- (8) 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.
- (9) The user agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulder in forest land, if necessary.
- (10) 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.
- (11) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After fulfillment of the above conditions in completeness, the User agency shall submit the **compliance report** for seeking the Final Approval under General Approval under the Forest (Conservation) Act, 1980 and Forest (Conservation) Rules, 2003.

Diversion of forest land shall not be effected till the Final Approval is granted by the State Govt. in this respect. Demand Note in respect of Conditions No. (1) & (2) are also enclosed for realization of payment.

The IPA is 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,

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

Memo No. 1799/FCA/F&ED/02-07

Dated: 21/07/2020

Copy to:-

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| 1. Addl. PCCF(Central), MoEF&CC, Shillong | : | For information, please |
| 2. PCCF-cum-Pr. Secretary/F&ED | : | -do- |
| 3. Conservator of Forest (T), Gangtok | : | For information. |
| 4. Joint Director/SS/SE | : | -do- |
| Educational Department, Gangtok | | |
| 5. DFO (East Territorial) | : | For information & follow up action. |
| 6. File | | |

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