

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi – 110003.
Dated: 9th June, 2023

To,

The Principal Secretary (Forests),
Government of Madhya Pradesh,
Bhopal.

Subject: Diversion of 301.96 ha forest land for the construction of MP-30 Gandhi Sagar off-stream Pumped Storage Project (1440 MW) by M/s Greenko Energies Private Limited, Hyderabad in Neemuch Forest Division, Neemuch District of Madhya Pradesh State (Online No. FPIMP/HYD/116943/2020) - regarding.

Madam/Sir,

I am directed to refer to the Addl. Principal Chief conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, Government of Madhya Pradesh's letter No. F4/23/2021/10-11/2058 dated 28.06.2021 on the above mentioned subject, seeking prior approval of Central Government under Section-2(ii) of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act, 'In-principle /Stage -I approval to the proposal was accorded vide this Ministry's letter of even number dated 24.08.2021 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Madhya Pradesh vide letter no. F-4/23/2021/10-11/648 dated 10.02.2023, letter no. F-4/23/2021/10-11/1419 dated 10.04.2023, and letter no. F-4/23/2021/10-11/1971 dated 16.05.2023 '**Final/Stage-II approval**' of the Central Government is hereby accorded under Section-2(ii) of the Forest (Conservation) Act, 1980 for non-forest use of 301.96 ha reserved forest land for the construction of MP-30 Gandhi Sagar off-stream Pumped Storage Project (1440 MW) by M/s Greenko Energies Private Limited, Hyderabad in Neemuch Forest Division, Neemuch District of Madhya Pradesh State subject to the following conditions:


A: Conditions which need to be complied prior to handing over of forest land

to user agency by the State Govt.:-

- i. The State Government shall ensure that the notification of non-forest land 303.482 ha identified for Compensatory Afforestation (*which has been notified as Protected Forest under the relevant provisions of the Indian Forest Act-1927 by the State Government against this proposal vide notification no. 318/R-1083750/2023/10-3 dated 08.02.2023*) as Protected Forest is published in the Official Gazette prior to handing over of forest land to user agency;
- ii. The State Government shall ensure that the user agency implements the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
- iii. The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, before handing over of forest land to the user agency;
- iv. The State Government shall ensure that proposed forest land i.e. 301.96 ha shall be handed over to the user agency only when the user agency has acquired the required non-forest land, if any, for the project.

B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:-

- i. Legal status of the forest land shall remain unchanged;
- ii. The State Government shall ensure that the Wildlife Conservation Plan approved by CWLW in consultation with WII shall be implemented at the cost of the user agency with an added focus on compensating the lost habitat of schedule species, especially Schedule-I reptilians (e.g. Indian Rock Python, Indian Monitor Lizard, etc.) and avi-fauna, and their improvement in the adjoining forest areas along with creation of alternative water resources in the adjoining forests to minimize the chances of such accidental death of wild animals;
- iii. The State Government shall ensure that the comprehensive plan regarding the protection, conservation and improvement of areas surrounding the reservoir, roads and other components of the project shall be implemented at the cost of the user agency with an added focus on regeneration/plantation of vulnerable species found in the area, such as *Pterocarpus marsupium* which is in IUCN Red List of 'Near Threatened' species. Furthermore, such plan should also improve the drainage to augment water supply to the nearby village tank. In addition, trees of such species will be planted and maintained at project cost on either side of the roads and other areas, wherever possible;
- iv. The State Government shall also ensure strict implementation of the muck management plan;
- v. The State Government shall ensure that no cultivation is allowed in the areas proposed for CA and adequate arrangements are made to ensure that there


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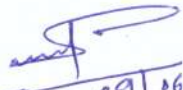
is no resultant encroachment in the adjoining forest area. Same principle shall be applied for forest land to be diverted;

- vi. The State Government shall ensure that the evacuation and transmission of power system should pass through non-forest land or that the barest minimum forest land shall be used or existing infrastructure shall be used up to technically feasible extent. Further, it is made clear that the prior-approval of this instant project proposal shall in no way create a *fate-accompli* situation for a later evacuation/transmission project proposal, and the Govt. of India shall be under no obligation to necessarily approve such a proposal whenever such a proposal for forest land diversion is submitted by the State Government;
- vii. The State Govt. shall ensure that as per the recommendation of CWLW, the fencing near the reservoir and the construction of underpasses along the roads shall be carried out by the user agency at its own cost.
- viii. Compensatory Afforestation shall be raised over identified non-forest land 303.482 ha (*which has been notified as Protected Forest under the relevant provisions of the Indian Forest Act-1927 by the State Government against this proposal vide notification no. 318/R-1083750/2023/10-3 dated 08.02.2023*) within a period of three years with effect from the date of issue of Stage-II approval and maintained thereafter in accordance with the approved Plan in consultation with the Forest Department at the cost of the user agency. As far as practicable a mixture of local indigenous species will be planted and mono-culture of a species has to be avoided;
- ix. Additional amount of the 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, shall be charged by the State Government from the User Agency;
- x. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department;
- xi. The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.;
- xii. User agency shall undertake afforestation along the periphery of the reservoir;
- xiii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xiv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xv. No labour camp shall be established on the forest land;
- xvi. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labour after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xvii. 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;
- xviii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;


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- xix. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xx. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project;
- xxi. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxii. User agency shall provide free water for forestry related activities/ projects;
- xxiii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xxiv. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;
- xxv. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
- xxvi. The State Government and User Agency shall ensure compliance of all conditions stipulated in the Stage-I approval letter of even number dated 24.08.2021 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project.

Yours sincerely,


(Suneet Bhardwaj) 23

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Madhya Pradesh, Bhopal;
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Bhopal;
3. The Nodal Officer (FCA), Department of Forest, Government of Madhya Pradesh, Bhopal;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi for uploading on PARIVESH portal.