

86

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF
FOREST FORCE), MAHARASHTRA STATE, NAGPUR**

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,
First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.

Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

No. Desk-17/NC/I/ID-12642/ 869 /19-20

Nagpur - 440 001, Date : 21/08/2019

To,
The Deputy Inspector General of Forests,
Government of India, MoEF&CC (FC Division),
Indira Paryavaran Bhawan, Jor Bagh Aliganj Road,
New Delhi-110003

Sub:- Diversion of 56.86 ha. forest land for construction of Kotgal Barrage, in favour of Executive Engineer, Minor Irrigation Division, Chandrapur, Maharashtra, under Forest (Conservation) Act, 1980.
(FP/MH/IRRIG/25880/2017)

Ref :- 1. Government of India, MOEFCC, (FC Division), New Delhi L.No. F.No.8-64/2018-FC, dtd. 08/01/2018
2. The Chief Conservator of Forests, (T), Gadchiroli vide letter No.Desk-2(8)/land/Survey/6761,dt.16/8/2019. p/52

Sir,

Government of India, MoEF&CC, New Delhi conveyed the 'in-principle' approval for 56.86 ha. forest land for construction of Kotgal Barrage, in favour of Executive Engineer, Minor Irrigation Division, Chandrapur, Maharashtra, under Forest (Conservation) Act, 1980. The compliance report of the conditions of in-principle approval is furnished as under:-

Sr. No.	Conditions put forth by Government of India vide letter dt.08/01/2019	Compliance Compliance Report
i	Legal status of the diverted forest land shall remain unchanged.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.- I). p/1
ii	Compensatory afforestation shall be raised over non-forest land and at least 1000 plants per hectare (56.86 ha x 1000 = 56860 plants) shall be planted over identified non-forest land. If it is not possible to plant all 56860 plants over non -forest land then the balance plants shall be planted over degraded forest land under administrative management control of forest department as per the working plan prescription with provision for ten years on subsequent maintenance.	Compensatory afforestation will be raised over 114.00 ha Zudpi Jungle land twice in extent to the forest land diverted in Wardha Forest Division, Wardha under administrative management control of Forest Department. In this regard, the User Agency has deposited and amount of Rs. 7,04,46,072/- towards raising Compensatory Afforestation (Annexure No.- II). p/2-4
iii	25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.	The User Agency has deposited 25% of CA amounting to Rs. 1,76,11,518/- towards soil and moisture conservation and the same has been transferred to Maharashtra Ad-hoc CAMPA Account No. 150785725880444, Corporation Bank, Lodhi Complex Branch, Block 11, CGO Complex, Phase I, Lodhi Road, New Delhi-110003 on dated 05.08.2019 through RTGS Challan UTR no. BKIDH19217221363. A copy of the same is enclosed herewith as (Annexure No-II). p/2-4
iv	On perusal of documents submitted by the State Government it is observed that there are three different area figures of forest area proposed for	The exact forest area 56.86 ha is proposed for diversion under FCA, 1980 for construction of Kotgal Barrage Project. The KML files in C.D is enclosed herewith as (Annexure No-III). enclosed.

	diversion under FCA 1980. The exact area figure with KML file shall be submitted prior to Stage-II approval.	
v	User agency shall submit duly approved CAT plan with cost outlay and commensurate funds shall be deposited in the CAMPA account through on-line portal of this Ministry.	The User Agency has deposited Rs. 3,11,09,280/- and submitted duly approved CAT plan. The amount for the same has been transferred to Maharashtra Ad-hoc CAMPA Account No. 150785725880444, Corporation Bank, Lodhi Complex Branch, Block 11, CGO Complex, Phase I, Lodhi Road, New Delhi-110003 on dated 05.08.2019 through RTGS UTR no. BKIDH19217221363. A copy of the same is enclosed herewith as (Annexure No-II). p/2-4
vi	As recommended by State Government, no trees shall be felled.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No-IV). p/5
vii	The project Authority should provide water for forestry activities;	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No-V). p/6
viii	The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down. The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls/terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per plan.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No-VI). p/7
ix	The user agency shall consult organization (s) having experience in construction of roads in hilly areas to avoid frequent road blocks due to landslides etc. and shall provide breast walls and retaining walls wherever necessary.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No-VII). p/8
x	The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;	The land identified for the purpose of CA has been clearly depicted on a Survey of India topo-sheet of 1:50,000 scale. A copy of the same is enclosed herewith as (Annexure No-VIII). p/9
xi	The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF	The Deputy Conservator of Forests (T) Wardha Forest Divison, Wardha in his compliance report has certified that out of 114.00 ha. Zudpi Jungle area proposed for Compensatory Afforestation in Wardha Forest Divison. 90.63 ha Zudpi jungle area been notified under Sec- 4 of Indian Forest Act 1927. The Gazette Notitification for the same are enclosed herewith as (Annexure No-IX). As regards the balance 23.37 ha Zudpi Jungle shall be declared under Sec- 4 subsequently in the next 6 months. p/9B to 9J

	under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;																
xii	The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years; The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.	<p>The User Agency has paid an amount of Rs. 7,04,46,072/- towards raising Compensatory Afforestation and the same has been transferred to Maharashtra Ad-hoc CAMPA Account No. 150785725880444, Corporation Bank, Lodhi Complex Branch, Block 11, CGO Complex, Phase I, Lodhi Road, New Delhi-110003 on dated 05.08.2019 through RTGS UTR no. BKIDH19217221363. A copy of the same is enclosed herewith as (Annexure No-II).</p> <p style="text-align: right;">p/2-4</p>															
xiii	The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders 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 its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;	<p>The User Agency has deposited an amount Rs. 3,55,94,360/- towards Net Present Value and the same has been transferred to Maharashtra Ad-hoc CAMPA Account No. 150785725880444, Corporation Bank, Lodhi Complex Branch, Block 11, CGO Complex, Phase I, Lodhi Road, New Delhi-110003 on dated 05.08.2019 through RTGS UTR no. BKIDH19217221363. A copy of the same is enclosed herewith as (Annexure No-II). The details are as under: -</p> <p style="text-align: right;">p/2-4</p> <table border="1"> <thead> <tr> <th>Division</th><th>Area in (ha)</th><th>Amount deposited by User Agency</th></tr> </thead> <tbody> <tr> <td>Wadsa</td><td>37.493</td><td>2,34,70,618/-</td></tr> <tr> <td>Chandrapur</td><td>1.18</td><td>7,38,680/-</td></tr> <tr> <td>Gadchiroli</td><td>18.187</td><td>1,13,85,062/-</td></tr> <tr> <td>Total:</td><td>56.86</td><td>3,55,94,360/-</td></tr> </tbody> </table>	Division	Area in (ha)	Amount deposited by User Agency	Wadsa	37.493	2,34,70,618/-	Chandrapur	1.18	7,38,680/-	Gadchiroli	18.187	1,13,85,062/-	Total:	56.86	3,55,94,360/-
Division	Area in (ha)	Amount deposited by User Agency															
Wadsa	37.493	2,34,70,618/-															
Chandrapur	1.18	7,38,680/-															
Gadchiroli	18.187	1,13,85,062/-															
Total:	56.86	3,55,94,360/-															
xiv	The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;	<p>The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No-X).</p> <p style="text-align: right;">p/10</p>															

xv	The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;	<p>The User Agency has deposited an total amount of Rs. 15,47,61,230/- towards compendatory leveis and the same has been transferred to Maharashtra Ad-hoc CAMPA Account No. 150785725880444, Corporation Bank, Lodhi Complex Branch, Block 11,CGO Complex, Phase I, Lodhi Road, New Delhi-110003 on dated 05.08.2019 through RTGS UTR no. BKIDH19217221363. A copy of the same is enclosed herewith as (Annexure No-II). The details of amount deposited are as under:-</p> <p style="text-align: right;">P/2-4</p> <table border="1"> <thead> <tr> <th>Item</th><th>Amount deposited (in Rs.)</th><th>UTR/RTGs No. & Date.</th></tr> </thead> <tbody> <tr> <td>Compensatory afforestation</td><td>Rs.7,04,46,072/-</td><td rowspan="3">RTGS UTR no. BKIDH19217221363, dt.5/8/2019</td></tr> <tr> <td>CAT plan</td><td>Rs.3,11,09,280/-</td></tr> <tr> <td>NPV</td><td>Rs.3,55,94,360/-</td></tr> <tr> <td>Total</td><td>15,47,61,230/-</td><td></td></tr> </tbody> </table>	Item	Amount deposited (in Rs.)	UTR/RTGs No. & Date.	Compensatory afforestation	Rs.7,04,46,072/-	RTGS UTR no. BKIDH19217221363, dt.5/8/2019	CAT plan	Rs.3,11,09,280/-	NPV	Rs.3,55,94,360/-	Total	15,47,61,230/-	
Item	Amount deposited (in Rs.)	UTR/RTGs No. & Date.													
Compensatory afforestation	Rs.7,04,46,072/-	RTGS UTR no. BKIDH19217221363, dt.5/8/2019													
CAT plan	Rs.3,11,09,280/-														
NPV	Rs.3,55,94,360/-														
Total	15,47,61,230/-														
xvi	The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;	<p>The User Agency has submitted the certificate of the Collector, Gadchiroli for 2.88 ha & 52.792 ha forest land under the Schedule Tribe and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act, 2006 issued vide letters (i) Desk-3/AK/ Land-1/CR/WS/854/2018, dt.23/03/2018 (ii) Desk-3/AK/Land-1/Ws/849/2018.dt.23/3/2018 and 1.184 ha forest land issued vide Collector, Chandrapur letter (iii) No.Karya-4/RB-II/2018/25,dt.12/2/2018 in prescribed format (Form-II) as per Government of India latest guidelines dated 05/07/2013. A copy of the same is enclosed herewith as (Annexure No-XI).</p> <p style="text-align: right;">P/111-13</p>													
xvii	The State Govt. ensure that the user agency shall implement 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. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC alongwith indicators for monitoring and expected observable milestones.	<p>The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No-XII).</p> <p style="text-align: right;">P/114</p>													
xviii	The User agency shall undertake afforestation along with the periphery of the reservoir;	<p>The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.-XIII).</p> <p style="text-align: right;">P/115</p>													
xix	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;	<p>The User Agency has submitted certificate of the State Level Environment Impact Assessment Authority issued vide letter dt. 05/03/2019. A copy of the same is enclosed herewith as (Annexure No.-XIV).</p> <p style="text-align: right;">P/116-22</p>													
xx	The layout plan of the proposal shall not be changed without the prior approval of the Central Government;	<p>The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.-XV).</p> <p style="text-align: right;">P/123</p>													
xxi	No labour camp shall be established on the forest land;	<p>The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.-XVI).</p> <p style="text-align: right;">P/124</p>													
xxii	The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working	<p>The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as Annexure No.-XVII).</p> <p style="text-align: right;">P/125</p>													

	at the site so as to avoid any damage and pressure on the near by forest areas;		82
xxiii	The forest land shall not be used for any purpose other than that specified in the proposal;	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.-XVIII).	p/26
xxiv	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.-XIX).	p/27
xxv	No damage to the flora and fauna of the adjoining area shall be caused;	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.-XX).	p/28
xxvi	The User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.-XXI).	p/29
xxvii	Any other condition that the concerned Regional Office of this Ministry with the approval of competent authority may stipulate in the interest of conservation, protection and development of forests & wildlife; and	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.-XXII).	p/30
xxviii	The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No.-XXIII).	p/31

In view of the above facts, it is requested that the Government of India may kindly be moved to issue formal approval under section 2 (ii) of the Forest (Conservation) Act 1980.

Encl-As above

Your sincerely,

(Sanjeev Gaur)

Addl. Principal Chief Conservator of Forests
& Nodal Officer,

Copy with enclosures submitted to Principal Secretary (Forests), Revenue and Forest Department,
Mantralaya, Mumbai -32 for information.

Copy to Chief Conservator of Forests (T), Gadchiroli/Chandrapur for information.
Copy to Deputy Conservator of Forests, Wadsa/Gadchiroli/Chandrapur for information.
Copy to Executive Engineer, Gadchiroli Irrigation Division, Gadchiroli for information.