

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡ ರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ
ಬೆಂಗಳೂರು-560 003.

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No. A5(2).FLL/CR-26/2012-13

Date 04.07.2018

Encl: 2 sets proposals

To,

The Additional Chief Secretary to Government
Department of Forest, Ecology and Environment
M. S. Building,
Bengaluru.

Sir,

Sub: Diversion (renewal of lease) of 0.24 ha of forest land in F Sy No. 89A1 of Venkatapur village Bhatkal Taluk for Fish India Ice & Cold Storage Factory (prior to FC Act lease) in favour of Shri Maheshprasad D. Heble, Proprietor, Fish India Ltd., Venkatapur, Bhatkal taluk, Uttara Kannada District.

Online Proposal No. FP/KA/IND/16634/2015

- Ref: 1 Online proposal dated 04.12.2015 (*resubmitted after attending shortcomings on 15.09.2016*).
- 2 This office online communication dated 01.04.2017 to the Deputy Conservator of Forests, Honnavar Division.
- 3 Letter No. B2/GFL/Land/15-16/17-18 Dated 05.12.2017 read with 02.05.2018 of the Deputy Conservator of Forests, Honnavar Division (*PART-II uploaded online on 02.05.2018 after attending the query raised by Circle*).
- 4 Letter No. B2/GFL/CR-06/2018-19/1136 Dated 19.05.2018 of the Chief Conservator of Forests, Kanara Circle, Sirsi (*PART-III uploaded online on 19.05.2018*).

1. The Chief Conservator of Forests, Kanara Circle, Sirsi vide Ref (4) has reported that Government of Karnataka vide Order No. FFD 259 FGL 76 Dated 30-01-1978 read with subsequent GO No. FFD 19 FLL 78 Dated 24-07-1979 and GO No. FFD 59 FLL 79 Dated 28-08-1980 had sanctioned an extent of 0-24 Acre - Gunta (0.24 hectare) forest land in Venkatapura Village F Sy No. 89A1 in favour

of Shri D.E. Heble, Proprietor, Fish India Ltd., Venkatapur, Bhatkal taluk, Uttara Kannada District for establishment of Ice and Cold Storage Plant subject to certain conditions for a period of 20 years with effect from 17-10-1979. The Lease period expired on 17-10-1999 but the lease has continued to be in possession of the forest land in question.

2. Online proposal seeking clearance under Section 2 of the Forest (Conservation) Act, 1980 received vide Ref (1) from Shri Maheshprasad D. Heble s/o Late D.E. Heble, Proprietor/ Managing Director, M/s Fish India Ltd, Venkatapur, Bhatkal taluk for diversion of 0.24 ha of forest land in F Sy No. 89A1 of Venkatapur village Bhatkal Taluk for construction of Fish India Ice & Cold Storage Factory was forwarded to the Deputy Conservator of Forests, Honnavar Division online on 01.04.2017 for further processing.
3. **DCF, Honnavar Division Report:** In response, the Deputy Conservator of Forests, Honnavar Division has submitted the proposal (PART-II) duly recommending it to the Chief Conservator of Forests, Kanara Circle vide Ref (3). The DCF, Honnavar Division has inspected the site on 12-05-2017 and has submitted his Inspection Report. The details of the proposal are as follows
 - i. The proposed forest area falls under Eco-Class-III with 0.3 density.
 - ii. There are no rare/ endangered/ unique species of flora and fauna in proposed area.
 - iii. There are no trees in the proposed forest land.
 - iv. There is no soil erosion as it is already established Industry.
 - v. There are no protected / archaeological / heritage sites or defence establishments or important monuments located inside the proposed project area.
 - vi. The proposed forest land is not part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor, etc.
 - vii. There is no violation reported under Forest (Conservation) Act 1980.
 - viii. The proposed area required for this project is 0.24 hectare, which is unavoidable and bare minimum.

The details of forest land proposed for diversion are as below.

Purpose of diversion of forest land	Location (village & Sy No.)	Extent (ha)	Status of land
Ice and cold storage Plant	Venkatapura F.Sy.No. 89 A1, Bhatkal Taluk, Uttar Kannada District	0.24	Reserved Forest
Total		0.24	

4. **CCF, Kanara Circle Report:** The Chief Conservator of Forests, Kanara Circle has inspected the spot on 12-05-2017 and agreeing with the recommendation of the Deputy Conservator of Forests, Honnavar Division, has submitted the proposal (PART-III) to this office vide Ref(4) requesting to consider the proposal under Forest (Conservation) Act, 1980.
5. **Compensatory Afforestation:** As the extent of lease is less than one hectare, no Compensatory Afforestation is to be insisted upon as per Para 3.2(viii)(b) of the FC guidelines of Government of India. Further no trees are proposed to be felled in the area. Therefore, **no charges towards Compensatory Afforestation or for planting of trees in view of no tree felling proposed are required to be collected from the User Agency.**
6. **Net Present Value (NPV):** The User Agency has to pay the Net Present Value (NPV) for 0.24 hectare forest land being diverted under this proposal as per the conditions stipulated by the Government of India, Ministry of Environment, Forest and Climate Change, New Delhi vide letter No. 11-9/98-FC dated 13-02-2014 and orders dated 28-03-2008 and 09-05-2008 of Hon'ble Supreme Court of India in I.A.No. 826 in I.A. 566 in WP(C) No. 202/1995. In this regard, **the User Agency has agreed to pay the charges towards Net Present Value (NPV) and has submitted an Undertaking to that effect.**

7. RoFR Compliance: The User Agency has submitted the Certificate in prescribed FORM-II under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 issued by the Deputy Commissioner, Uttara Kannada District.

8. Penalty for continued possession of forest land after expiry of lease period on 17-10-1999: As the User Agency has continued to be in possession of the forest land much beyond the expiry of lease period, appropriate penalty in this regard may be imposed on the Use Agency.

In view of above, it is requested to move the proposal to the Government of India for according *ex-post facto* 'in-principle' (Stage-I) approval for approval of diversion (renewal of lease) of 0.24 hectare of forest land in F Sy No. 89A1 of Venkatapura Village of Bhatkal Taluk, Uttara Kannada District in favour of Shri Maheshprasad D. Heble, Proprietor/ Managing Director, M/s Fish India Ice & Cold Storage Factory subject to the conditions specified in Annexure 'A' and with appropriate penalty for continued possession of the forest land much beyond the expiry of lease period.

The hard copy of the proposal along with the relevant documents in 2 sets is submitted herewith for further needful.

The present status of the proposal obtained from the web-portal is also appended for ready reference.

Yours faithfully


Principal Chief Conservator of Forests
(Head of Forest Force)

1. Copy to the Chief Conservator of Forests, Kanara Circle, Sirsi for information.
2. Copy to the Deputy Conservator of Forests, Honnavar Division for information.
3. Copy to Sri Maheshprasad D. Heble, Proprietor, Fish India Ice & Cold Storage, Venkatapur for information.

ANNEXURE - 'A'

1. The legal status of Forest land shall remain unchanged and it shall continue to be forest land.
2. The lessee shall pay lease rent as fixed by the Government from time to time.
3. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per Orders dated 28-3-2008 and 9-5-2008 of Hon'ble Supreme Court of India.
4. The User Agency is liable to pay appropriate penalty to be decided by the Government of India for having been in possession of the forest land much beyond the expiry of lease period.
5. The leased area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area shall be resumed back. The Chief Conservator of Forests / Deputy Conservator of Forests concerned is authorized to take necessary action in this regard.
6. In case prior action to renew the lease is not taken, the leased forest land will automatically revert to Forest Department on expiry of the lease period.
7. In case of any violations, the Forest lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act 1963 and the User Agency shall also be liable under the provisions of Karnataka Forest Act, 1963 and Rules, 1969 made thereunder in addition to any other law in force.
8. No residential buildings or new buildings shall be permitted in the leased forest area.
9. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
10. The User Agency shall ensure that there should be no damage to the available fauna and other flora.
11. Any damage to forest area due to such works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
12. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
13. The User Agency shall also abide by the conditions imposed by Government of India, the Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).


Principal Chief Conservator of Forests
(Head of Forest Force)

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p>(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).</p>	<p>Recommended for diversion (renewal of lease) of 0.24 hectare of forest land in F. Sy No. 89A1 of Venkatapur Village of Bhatkal Taluk, Uttara Kannada District under Section 2 of the Forest (Conservation) Act, 1980, for already established Fish India Ice & Cold Storage Factory (prior to FCA lease) in favour of Shri Maheshprasad D. Heble, Proprietor/ Managing Director, Fish India Ltd, Venkatapura subject to the conditions specified in Annexure 'A'.</p>
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Signature:



Name:

JAGMOHAN SHARMA IFS

Designation: ***Addl. Principal Chief Conservator of Forests
(Forest Conservation)***

Countersigned by :



Name:

PUNATI SRIDHAR IFS

***Principal Chief Conservator of Forests
(Head of Forest Force)***

N.D.O. No. 05/2018-19

Date: .07.2018

(Official Seal)