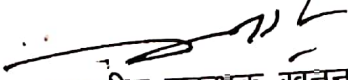


एन0पी0वी0 देयता से छूट का प्रमाण पत्र

प्रमाणित किया जाता है कि मा0 उच्चतम न्यायालय द्वारा दिनांक 28 मार्च 2008 को जारी आदेशानुसार वन क्षेत्र के अन्तर्गत वनों के संरक्षण एवं बचाव हेतु विभागीय/राजकीय उपक्रम द्वारा कराये जा रहे हैं उपखनिज चुगान कार्य एन0पी0वी0 देयता से मुक्त रखा है, साथ ही यह भी अवगत कराना है कि उक्त प्रस्ताव नया प्रस्ताव नहीं है बल्कि पूर्व में स्वीकृत प्रस्ताव का 10 वर्षों हेतु नवीनीकरण मात्र है। जिसमें एन0पी0वी0 देयता से छूट का प्राविधान है।


प्रभागीय प्रबन्धक खनन
उत्तराखण्ड वन विकास निगम,
रामनगर (नैनीताल)।

NATIONAL EMPOWERED COMMITTEE

CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA
IN WRIT PETITION (CIVIL) No. 202/95 & 171/96)

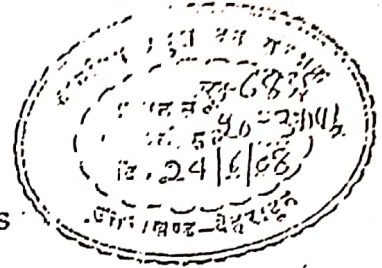
Office of the National Empowered Committee, New Delhi 110021, Tel. 30004021, 26034023, 2410132, 2410133, 2410134, 2410135

File No. 1-19/CEC/SC/2006-PI

Dated 5th June, 2002

To

- (i) The Chief Secretary
(All States / Union Territories)
- (ii) The Principal Chief Conservator of Forests
(All States / Union Territories)



Sub: Hon'ble Supreme Court's orders dated 28.3.2008 and order dated 9.5.2008 in IA No. 826 in 566 and related IA's regarding the rate of the Net Present Value (NPV) of forest land.

Sir,

I am sending herewith copies of the Hon'ble Supreme Court's orders dated 28.3.2008 and 9.5.2008 in IA Nos. 826 in 566 with related IA's in Writ Petition (Civil) No. 202/1995 regarding the rate of the NPV payable for the use of the forest land for non forestry purposes and related issues. It is requested that the Hon'ble Court's orders may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,

(M.K. Jivrajka)
Member Secretary

[Handwritten signatures and notes in Hindi]

R.N. No- 6833/20-37 (I) dt- 24/6/08

[Handwritten text in Hindi: प्रतिलिपि निम्न लिखित को सूचना के रूप में भेजने हेतु तथा कृपया आवेदनस्थल अधिकारियों को भी अवगत करने हेतु -]

1. अपर प्रो. वं. सं. (सूचना जीव) को भेजना
2. जे. डब्ल्यू. कार्यालय (सूचना जीव) को भेजना
3. सु. प्रो. वं. सं. (सूचना जीव) को भेजना
4. सु. प्रो. वं. सं. (सूचना जीव) को भेजना

प्रमाणित प्रतिलिपि (खनन)
सं. प्रो. वि. निगम
प्रमाणित प्रतिलिपि (खनन)
उत्तराखण्ड विकास विभाग

9-73-102

CIVIL ORIGINAL JURISDICTION

I.A. Nos. 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A. 566 IN W.P.(C) NO. 202/1995

...Petitioners

Versus

...Respondents.

ORDER

On 28th March, 2008, we had passed an order regarding payment of Net Present Value (NPV) accepting the recommendations made by CEC which were more or less acceptable to MoEF. In that order we had also indicated that exemptions from payment of NPV have to be granted in respect of certain categories. However, it is brought to our notice that certain typographical mistakes had crept in that order as to categories to which such exemptions are to be granted. Therefore, we direct that as regards exemptions from

exemptions from
छाया प्रति प्रमाणित
प्रमाणीय प्रत्यक्ष (खनन)
प्रमाणीय लैंगिक प्रत्यक्ष (खनन)
उत्तरीय प्रमाणित प्रमाणित
प्रमाणित प्रमाणित

payment of NPV, the last part of that order reading, "We are of the view..... (x) construction of the transmission lines" on pages 10 to 11 shall stand substituted with the following :-

Category	CEC
i) Schools ii) Hospitals iii) Children's play ground of non commercial nature iv) Community centres in rural areas v) Over-head tanks vi) Village tanks, vii) Laying of underground drinking water pipeline upto 4 diameter and viii) Electricity distribution line upto 22 KV in rural areas.	Full exemption upto 1 ha. of forest land provided : (a) no felling of trees is involved; (b) alternate forest land is not available; (c) the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and (d) the area is outside National Park/Sanctuary
Relocation of villages from the National Parks/Sanctuary to alternate forest land	Full Exemption
Collection of boulders/silts from the river belts in the forest area	Full exemption provided:- (a) area is outside National Park/Sanctuary; (b) no mining lease is approved/signed in respect of this area;

छाया प्रति प्रमाणित

प्रमाणित
उत्तराखण्ड वन विभाग
देहरादून
समन्वयक (पर्यावरण)

	<p>(c) this works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee;</p> <p>(d) the activity is necessary for conservation and protection of forests; and</p> <p>(e) the sale proceeds are used for protection/conservation of forests</p>
Laying of underground optical fibre cable	<p>Full exemption provided :</p> <p>(a) no felling of trees is involved; and</p> <p>(b) areas falls outside National Park/Sanctuary</p>
Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages	<p>Full exemption provided these are strictly in accordance with MoEF's Guidelines dated 18.9.1990.</p>
Underground mining	<p>50% of the NPV of the entire area</p>

छाया प्रति प्रमाणित

13

प्रभागीय प्रबन्धक (संरक्षण)
प्रभागीय वन विभाग (संरक्षण)
उत्तराखण्ड विभागीय प्रशासन
शिमला (मैक्सिको)

The above recommendations for exemptions are accepted. If in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.

.....CJI
(K.G. BALAKRISHNAN)

.....
(DR. ARIJIT PASAYAT)

.....
(S.H. KAPADIA)

New Delhi;
May 9, 2008.

छाया प्रति प्रमाणित
प्रधानीय प्रमाणित (सचिव-सुप्रीम)
उप-प्रधानीय प्रमाणित (सचिव-उप-सुप्रीम)
रामनगर (नैनीताल)