

Full Title of Project: Construction of underground station at Krishna Park and Elevated corridor between Keshopur to Mukarba Chowk for Janakpuri to RK Ashram Corridor of MRTS phase-IV in the State of NCT of Delhi.

Proposal No.: FP/DL/RAIL/49562/2020

Date of Proposal: 28.10.2020

CHECK LIST SERIAL NUMBER: 15

SITE INSPECTION REPORT NOT BELOW THE RANK OF DCF/DFO

(For the Forest land to be diverted under FCA)

1. A proposal has been received by this office from General Manager/Land, DMRC, Metro Bhawan, Barakhamba Road, for diversion (under FCA-1980) of **5.2187 Ha.** of forest land, under North Forest Division, GNCTD, for non forestry purpose. The subject envisages the use of forest land for Construction of underground station at Krishna Park and Elevated corridor between Keshopur to Mukarba Chowk for Janakpuri to RK Ashram Corridor of MRTS phase-IV, in the state of NCT Delhi.
2. The site inspection of the land involved in the proposal has been done by the undersigned on 11.01.2021. On inspection of the site, it is found that the land required by the user agency is a Forest area measuring 5.2187 Ha.
3. The requirement of forest land as proposed by the user agency in Col. 2 of part-I is unavoidable and is barest minimum required for the project.
4. Whether any rare/ endangered/ unique species of flora and fauna found in the area. If so, the details thereof.- **NO**
5. Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.- **NO**
6. **(a) The user agency has violated the provisions of Forest (Conservation) Act, 1980 and work has been started without proper sanction.**
(b) It has been found that the user agency has violated the Forest (Conservation) Act, 1980 Indian Forest Act, 1927 / any other forest Act. A detailed report as per para 1.9 of Chapter 1, Part C of Hand book of Forest (Conservation) Act, 1980 is attached).


(Note: Whichever of the above is applicable should be shown in bold letters)

Specific recommendation for acceptance or otherwise of the proposal:

The project for diversion of 5.2187 Ha. forest land for Construction of underground station at Krishna Park and Elevated corridor between Keshopur to Mukarba Chowk for Janakpuri to RK Ashram Corridor of MRTS phase-IV in the state of NCT Delhi by Delhi Metro Rail Corporation is being recommended as the project site is on roadside plantation & some dense patches of trees which have grown naturally along with existing road and is site specific for decongestion of traffic and in public interest. The execution of this project is likely to aid in reduction of air pollution due to decrease in traffic congestion. **Since the project involves diversion of some dense Forest patches & plantation along the alignment of road. Hence if competent authority agrees we may also ask User Agency to transplant 80% of indigenous species trees.**

Place: - Delhi

Date:- 18/01/2022


(VIPUL PANDEY)
Dy. Conservator of Forests
North Forest Division
Govt. of NCT of Delhi
MCC, Allpur, Bakthwarpur Road
Bakoli, Delhi-110036

**GOVT OF NCT OF DELHI
DEPARTMENT OF FOREST & WILDLIFE,
OFFICE OF THE DY. CONSERVATOR OF FOREST (WEST)
WEST FOREST DIVISION, MANDIR LANE, NEW DELHI-110060**

F.66/WFD/COT/19-20/ 2604-13

DATED: 18-8-2020

To,
The CCF/Nodal Officer
Dept. of Forest and Wildlife
2nd Floor Vikas Bhawan
I.P. Estate, New Delhi-110002

Sub: Information regarding Prima Facie violation of Forest Conservation Act, 1980, by DMRC in the proposal for construction of Metro Corridor from Janak Puri to Mukarba Chowk.

Madam,

Introduction:

The proposed corridor construction area is along Outer Ring Road from Vikas Puri to Mukarba Chowk. The starting portion of Metro Corridor from Vikas Puri side which will be underground and after that the proposed corridor will go through DJB land, I&FCD land and PWD Road.

After receiving complaints from A.N. Prasad regarding damaging of Trees by DMRC, the site was inspected by field staff and it was reported that roots of some trees were damaged due to trenching near trees and a portion of Nagafgarh Drain was found filled with soil in order to do the piling work. This portion of Nagafgarh drain was shown as plantation area in GSDL Map.

In order to protect the trees till approval the undersigned had restrained the DMRC from doing any digging work near trees and for ceasing construction activity on Najagarh Drain till the necessary approval vide restraintment order dated 28/02/2020. (Annexure-1)

Another complaint was received from Sh. A.N. Prasad stating that the DMRC is violating the Forest Conservation Act, 1980, as they are working on Road No. 26, which is listed as Forest area and plantation areas along roads under P.W.D per the affidavit of the Conservator of Forests, Delhi dated 15.09.1997 before the Hon'ble Supreme Court of India, in the matter of T.N. Godavarman Thirumulpad v Union of India & Ors. W.P (C) No. 202 of 1995. This office has not received any information/document from DMRC about their working on Road No. 26.

After going through said affidavit, it was found that a section of this Road No. 26 (length 5.34 Km) is listed as Forest/Plantation area along Road managed by PWD. The staff of this division inspected the site on 31/07/2020 and taken a photo of road sign board written with Outer Ring Road No. 26, put by PWD near Meera Bagh on Outer Ring Road.

After receiving this information the undersigned had directed the field staff to immediately stop the construction work of DMRC going on Road No. 26. Sh. A.N. Prasad has again complaint that the DMRC is still working on Road No. 26 and Drain area on the night of 31/07/2020. The field staff was again directed to stop the work on 01/08/2020. (Annexure-2)

The undersigned has also clearly directed DMRC vide letter dated 10/08/2020 to stop and cease all the construction activity on Road No. 26 till the identification of the 5.34 Km. Plantation/Forest area and also reminded about the para 4.4 of the guidelines on application of

Forest (Conservation) Act, 1980 issued by Ministry of Environment, Forest and Climate Change. (Annexure-3)

The Chief Project Manager-2, DMRC, in response to this office letter dated 10/08/2020 has stated that *"we are going ahead with the work which is not at all affecting the trees in anticipation of amending direction issued vide letter dated under reference above and the stretch where trees are there will be taken up only after approval of forest department"*. (Annexure-4)

DMRC has clearly disobey the directions issued vide letter dated 10/08/2020 (Annexure-3) and refuse to stop work on the Road No. 26 till the identification of the 5.34 Km, Plantation/Forest area, as stated in their letter dated 11/08/2020. They also have never stopped the work on Najafgarh Drain Area despite the Restraintment Order dated 28/02/2020.

In the absence of any documentary proof and the PWD officials were also unable to identify the plantation area mentioned in the affidavit of Conservator of Forests, Delhi, the undersigned has directed the concerned staff to inspect the site and check from the satellite images on Google Earth of the Outer Ring Road. After going through the Google Earth's images of 2000-2001 and site inspection the staff has reported that the stretch of road from Vikas Puri to Peeragarhi is identical to the 5.34 Km. Plantation/Forest Area mentioned in the affidavit of Conservator of Forests, Delhi. (Annexure-5)

The undersigned has intimated to DMRC vide this office letter dated 11/08/2020 about the location of the 5.34 Km. Plantation/Forest Area on Road No. 26. Also DMRC was directed not to carry out any construction work on the portion of Road No. 26 and Najafgarh Drain. (Annexure-6)

The staff of this division have visited the site on 14/08/2020 to ascertain area affected on Road No. 26 and observed that the work of construction by DMRC is still continue on the Road No. 26. (Detailed report is placed at Annexure-7)

Details of Violations:

1. **Total Deemed Forest area: Najafgarh Drain area and Plantation/Forest Area on Road No. 26 (5.34 Km)**
2. **Affected area/violation area: 1300 Sq. Mtr. on Najafgarh Drain and 10160 Sq. Mtr. on Road No. 26. Total affected area is 11460 Sq. Mtr./1.146 Ha.**
3. **Nature of violation/activity:**
 - A. The work of shifting of drain and multiple trenching has been observed in portions of area barricaded.
 - B. Piling work has been observed on Road No. 26 in Meerza Bagh area, near Pillar No. 71 of elevated road Corridor.
 - C. Also a machine has been found breaking old drain on above mentioned sections near Pillar No. 69.
 - D. Work of earth filling in Najafgarh Drain and work of Piling in the Najafgarh Drain is also observed.
 - E. Office setup has also been observed in Najafgarh Drain's left embankment and area, near Radisson Blue Hotel.
 - F. Barricading of area of Road No. 26, which is listed as the Plantation/Forest area of 5.34 Km. in Road No. 26 on Outer Ring Road, which was listed in the affidavit

submitted by Conservator of Forests, Delhi, in Hon'ble Supreme Court of India, in the matter of T.N. Godavarman Thirumulpad v Union of India & Ors. W.P (C) No. 202 of 1995.


Photos along with Geo-coordinates of the site are attached. (Annexure-8)

Submission:

The affected area/violations area is under the possession of PWD and working permission has been given to DMRC. After considering all the facts, it is prima facie found that offence under Forest Conservation Act, 1980, may be committed by DMRC in the area near Najafgarh Drain and on Road No. 26. This is also evident from the reply of CPM-II, DMRC (Annexure-4) when the work of identification of the Plantation/Forest Area on Road No. 26 was in progress.

The above said activity therefore attracts the provisions under Section-2 of Forest Conservation Act, 1980.

Attached - As above


17.8.
S.K. MuanGuite
Dy. Conservator of Forest
(West Forest Division)