

F. No. 7-79/2017-EC
Government of India
Ministry of Environment Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi: 1100 03.
Dated: 14th August, 2018

To
The Principal Secretary (Forest)
Government of Karnataka
Bangalore.

Sub: Request for Exemption of NPV as per order dated 05/10/2015 passed by Hon'ble Supreme Court of India in I.A. No. 3894-3896/2015 in W.P. (Civil) No. 202/1995 in the matter titled as T.N. Godavarman vs. Union of India and others-reg.

Sir,

I am directed to refer to the request of Indian Institute of Astrophysics for exemption of NPV in respect of I.A. No 3894-3896/2015 in W.P. (Civil) No. 202/1995 in the matter titled as T.N. Godavarman vs. Union of India and others.

2. It is informed that the Hon'ble Supreme Court of India vide their order dated 05/10/2015 in I.A. No. 3894-3896/2015 in W.P (c) No. 202/1995 directed that:

"CATEGORY - III: MATTERS RELATING TO EXEMPTIONS FROM THE PAYMENT OF THE NPV:

Various applications have been filed by different applicants to exempt them from payment of Net Present Value ('NPV'). Now all those applications will be transferred to MoEFCC by the Registry within 45 days' time from today. The MoEFCC will consider those applications in accordance with law as expeditiously as possible.

If, for any reason, any person is aggrieved by the said decision, he shall be free to file an appropriate applications/ petition before the National Green Tribunal 'NGT') within 60 days' time from the date of the order passed by the MoEFCC.

Liberty is reserved to NGT to condone the delay, if any, in approaching it within the time granted by us if a satisfactory explanation is offered by the applicant/petitioner.

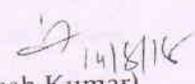
With the aforesaid observation and directions, we dispose of the Interlocutory Applications/matters specified in Annexure - III to the note supplied by Shri Harish Salve, learned amicus curiae."

3. Accordingly, the above facts were placed before the Forest Advisory Committee constituted by the Central Government under Section-3 of the Forest

(Conservation) Act, 1980 in its meeting held on 22.03.2018. The detailed minutes of the FAC may kindly be seen in the web site: forestsclearance.nic.in. After careful examination of the proposal by the Forest Advisory Committee, the committee recommended as under:

1. The NPV may not be chargeable on total Forest Land which is under the possession of the Institute, because Institute is using up to 10.0 Acres of forest land only for Non-Forestry purpose and rest of the forest land is maintained as forest. Hence the NPV may be chargeable on 10.0 Acre Forest land. NPV already deposited to be adjusted accordingly.
2. Extension plantation of indigenous species will be done by the user agency in the remaining forest land under control of the institute and no further diversion of the remaining forest land for non - forestry purpose will be done by the user agency.
3. The lease period of the 40 previously leased out forest land was extended for a period of ten years from 5.9.1975 and in respect of 60 Acre forest land was leased out from 18.10.1976 for a period of ten years. Since the lease of forest land has already been expired, the institute require fresh renewal of lease; therefore, a fresh proposal has to be submitted by the institute under the Forest Conservation Act, 1980, for 100 acre of forest land under the possession of the Institute.
4. The State government will inform the terms and conditions of the lease granted to the Institute specifying the period of lease.

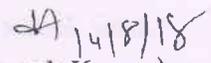
Yours faithfully,


(Naresh Kumar)

Dy. Inspector General of Forest (FC)

Copy to:

1. The Indian Institute of Astrophysics ,2nd Block ,Koramangalam Bangalore-560034
2. The Principal Chief Conservator of Forest, Government of Karnataka, Bangalore,
3. Guard file.


(Naresh Kumar)

Dy. Inspector General of Forest (FC)