

Proceedings of the Appellate Authority and Chief Conservator of Forests,  
Bellary Circle, Bellary, Dated:13-08-2013.



Appeal No.01/2012-13  
(under section 64A of the Karnataka Forest Act, 1963)

Between:

M/s Enercon (India) Limited

(Presently known as Wind World (India) Limited)

No. 10, Casa Brigita, 3<sup>rd</sup> Floor

Brunton Road, Bangalore -560 025

.....APPELLANT

AND

Range Forest Officer

Hiriyur Range, Hiriyur and Others

.....RESPONDENTS

M/s Enercon Pvt. Ltd filed appeal against Eviction order dated 27.07.2012 passed by the Authorized Officer and Assistant Conservator of Forests, Hiriyur Sub-division, Hiriyur under Section 64 A of the Karnataka Forest Act 1963, on 24.08.2012 and prayed for staying the operation of the impugned order pending disposal of the Appeal, which was granted.

After several adjournments and postponements because of various reasons, including inability of one or the other parties to attend on various dates scheduled for hearing the appeal; this day, the representative of Enercon Pvt. Ltd (Mr. Ravikumar, Asst. Manager), is present. The complainant Range Forest Officer, Hiriyur is also present.


The windmills numbering 16, in Sy.No.29 of Gogudda village of Hiriyur taluk in Chitradurga district, over 60 acres were established by Enercon Pvt. Limited in the year 2000, after obtaining approval of Revenue Department (Government of Karnataka) by GO No.RDLGC:99: dated:24-11-1999. As per findings of the Authorized officer dated:27-07-2012, vide 64A proceedings in FOC No.10/2010-11 dated:20-08-2010 of Hiriyur range, the said area is covered by Government Notification area No:AHFF:331:FAF:91 Bangalore, dated:06/21-06-1991 under section 4 of Karnataka Forest Act, 1963. As per notification, 300 ha. of Sy.No.29 of Gogudda village is included in this notification; hence without following procedure under Forest (Conservation) Act, 1980. Government of Karnataka would not have got authority to grant the said area.

The appellant submitted to Principal Chief Conservator of Forests (Head of the Forest Force) on 11.07.2013 that they will submit proposal for obtaining post -facto approval under Forest (Conservation) Act, 1980, within 3 months and the copy of the same has been submitted to this authority. In the end, since the appellant is not contesting the findings of Authorized Officer, the appeal is therefore, dismissed.

The appellant, however is permitted to honor its commitment for submitting complete proposal as per Forest (Conservation) Act, 1980 along with undertaking to pay all applicable dues, including CA, NPV, Penal Charges etc.

The respondent is authorized to take appropriate action, after 10-10-2013, if by then the appellant fail to submit proper regularization proposal for obtaining post- facto approval under Forest (Conservation) Act, 1980.

Order pronounced in the open court on 13<sup>th</sup> August 2013.

  
Appellate Authority  
and Chief Conservator of Forests,  
Bellary Circle, Bellary.

A2:Land :Enercon:Windmill:CR:12:2012-13

Dated:13-08-2013.

To,

1. M/s ENERCON (India) Limited, No.10, Casa Birgitta, 3<sup>rd</sup> Floor, Brunton Road, Bangalore – 560025.
2. Range Forest Officer, Hiriya Range, Hiriya, Chitradurga district.

Copy to:-

1. Authorized Officer and Assistant Conservator of Forests, Hiriya Sub-division, Hiriya for information.
2. Deputy Conservator of Forests, Chitradurga Forest Division, Chitradurga for information.
3. Principal Chief Conservator of Forests (Head off the Forest Force), Aranya Bhavan, Bangalore for kind information.

  
Chief Conservator of Forests  
Bellary Circle, Bellary

19/8/13 