

**GOVERNMENT OF TELANGANA
FOREST DEPARTMENT**

From
Smt R. Sobha, IFS,
Principal Chief Conservator of Forests
& Head of Forest Force,
Telangana State, "Aranya Bhavan",
Saifabad, **Hyderabad.**

To
The Spl. Chief Secretary to Government,
Forests Department
Telangana State, Hyderabad.

Ref.No.5344/2021/FCA-4, Dated: 22.04.2021.

Madam,

Sub:- TSFD – F(C) Act, 1980 – **Regularization of 8.02 Ha of forest area** in Saidulnama RF of Suryapet Division for establishing part of the railway siding and associated activities and other permanent structures in Suryapet District in favour of M/s Deccan Cements Limited (DCL), Hyderabad- – **Processed proposals furnished for according necessary approval** - Regarding.

Ref:-

1. Orders of Hon'ble National Green Tribunal, Chennai in OA No.33 of 2016(SZ) in Dt.19.08.2020.
2. DFO, Suryapet, Rc.No.789/2020/S4, Dt.19.02.2021.
3. Orders of Hon'ble National Green Tribunal, Chennai in OA No.33 of 2016(SZ) in Dt.22.02.2021.
4. GoI, MoEF & CC, IRO, Hyderabad F.No.12.7/NGT(SZ)/36/2016 /TE/17, Dt. 25.02.2021.
5. PCCF Rc.No.53565/2008/FCA-4 (i),(ii), (iii), Dt. 15.03.2021.
6. M/s.DCL Ref.no.DCL/Railway/NSR/2021/274, Dt.30.03.2021
7. PCCF Rc.No.5344/2021/FCA-4, Dt.08.04.2021.
8. CF, Khammam (FAC) Rc.No.190/2021/M11, Dt. 16.04.2021.
9. M/s.DCL Ref.no.DCL/Railway/SNR/2021/26, Dt.17.04.2021.
10. DFO, Bhadrachalam Kothagudem Rc.No.132/2021/D1 Dt.14.04.2021.
11. DFO, Nagarkurnool Rc.No.139/NGKL/2021/S4 Dt. 22.04.2021.

It is submitted that the Conservator of Forests, Khammam (FAC) in the ref 8th cited has submitted processed proposal for Regularization of 8.02 Ha of forest area in Saidulnama RF of Suryapet Division for establishing part of the railway siding and associated activities and other permanent structures in Suryapet District in favour of M/s.DCL, Hyderabad; duly recommending the project in Part-II by District Forest Officer, Suryapet and Part-III by the Conservator of Forests, Khammam along with inspection notes & other necessary documents.

The details of proposal with remarks are as follows:

I. The User Agency (M/s Deccan Cements Limited) (DCL) has furnished following information in Part-I:

- The proposed diversion of forest land area is **8.02 Ha.**
- The User Agency (M/s.DCL) has proposed for establishing part of the railway siding and associated activities and other permanent structures in Suryapet District in compt.no.26 of Saidulnama RF, Janpahad section of Huzurnagar Range.
- Map showing the area proposed for diversion overlaid with Geo-coordinates recorded by using ETS & DGPS/DGNSS overlaid on a 1:50000 scale Topomap is enclosed.
- **Brief Note of the Project.**
 - ✓ The User Agency i.e., M/s Deccan Cements limited had approached South Central Railway for provision of railway siding facility for its cement plant located at Bhavanipuram (V), Palakeedu (M), Suryapet district, Telangana. The South Central Railway had approved the proposal in the year 2007.
 - ✓ The User Agency has obtained approval for diversion of 1.93 ha of forest land for the above project in compt.no. 26 of Saidulnama RF in the year 2011.

- ✓ The South Central Railway has also taken a diversion of forest land to an extent of 0.66 ha at the takeoff point from the main line Vishnupuram-Janpahad for the above railway siding purpose in comp.no. 26 of Saidulnama RF in the year 2016.
- ✓ In February-2021, a joint survey conducted by the Revenue and Forest officials and declared that, an extent of 8.02 ha land within the proposed railway siding as Forest of Compt.No.26 of Saidulnama RF. Hence, User Agency is making this proposal to get the said 8.02 ha forest land diverted(Regularization) for this railway siding purpose. Thus, the extent of forest land for which permission is sought is as follows.

Division Name	Block Name	Area in Ha	Component
Suryapet	Saidulnamma	8.02	Railway Siding, Wagon loading and Wagon tippler, etc.,

- The Project does not involve displacement of people.
- Employment of 600 man days are likely to be generated for the project.
- Cost of the project is estimated as **Rs. 176.63 Crores.**
- Cost Benefit Analysis is also enclosed.
- Justification for locating the project in Forest areas is as follows:
 - ✓ The user agency has submitted that, the present proposal is site specific, as the railway siding is proposed for DCL which is very close to the Janpahad railway station located on the newly constructed BG line between VISHNUPURAM-JAGGIAHPET.
 - ✓ To fulfill the specific condition of DCL's Environmental Clearance (EC) through Lr.No.F.No.J-11011/572/2007-IA II (I) Dt.11.05.2017, MoEF & CC, GoI the rail connectivity is planned.
 - ✓ The permission for private siding for DCL accorded by SCR has been obtained.
 - ✓ The need for this forest land has arisen for establishing rail connectivity for DCL. The planning and efforts have been made to lay the track line for railway siding avoiding the use of forest land. But this minimum forest land is unavoidable considering the technical aspects for laying the railway tracks to connect the Janpahad Railway Station to DCL.
 - ✓ As per the standard norms of railways the applied area is the minimum requirement to accommodate main line, safety precautionary lines, like buffer ends and sick lines, circulation area and maintenance road in the DCL railway yard. The following diversion of forest land have to place for the purpose of the project.
 - a. An extent of 1.9337 Ha of forest land is already diverted vide GoI Lr.No.4-APB633/2009-BAN/9849, Dt.22.09.2011 for the above purpose in Compt.No.26 of Saidulnama RF.
 - b. An extent of 0.66 Ha of forest land is already diverted vide GoI F.No.4-APB985/2013-BAN/2270, Dt.17.11.2016 for the above purpose Compt.No.26 of Saidulnama RF.
- The user agency has stated that clearance under Environment (Protection) Act, 1986 is not required for the project.
- The User agency furnished certificate stating that the proposed forest area for diversion is barest minimum and essentially required for the proposed project.
- The User agency has furnished following undertakings for acquisition of forest land
 - to pay the cost of Net Present Value (NPV), the additional NPV as per the assessment made by the State Forest Department.
 - to bear the cost of raising and maintenance of Compensatory Afforestation as per the scheme prepared by the State Government.

- to pay the cost of extraction charges of tree growth, existing on the forest land proposed for diversion under the project as and when demanded by the Forest authorities.
- etc

II. District Forest Officer, Suryapet has furnished following information in Part- II and Inspection Report Dt.10.04.2021.

- The proposed diversion of area is for establishing part of the railway siding and associated activities and other permanent structures in Suryapet District in compt.no.26 of Saidulnamma RF, which was notified U/s.18 of Hyderabad Forest Act-I,1326F, vide Gazette No.8, Dt.23.Dai 1327 F and under Section 10, Gazette No.19, Dt.9thFerwardi 1333F.
- The proposed diversion of forest land area is **8.02 Ha.**
- The component wise of the proposed area as follows;

Division Name	Block Name	Area in Ha	Component
Suryapet	Saidulnamma	8.02	Railway Siding, Wagon loading and Wagon tippler, etc.,

- Density of vegetation is 0.1 in the proposed area.
- The above project will not cause any major soil erosion cause vulnerable of the forest areas to erosion.
- There are no trees in the proposed area.
- The proposed area is not falling in any National Park, Wildlife Sanctuary, Bio-sphere reserve, tiger reserve or Elephant corridor, Wild life migration corridor etc.,
- There are no rare / endangered/unique species of flora and fauna found in the area proposed to be diverted; that are caused or harmed due to this project.
- There are no any protected archaeological heritage site / defense establishment or any other important monuments in the proposed site.
- The requirement of the land proposed by the User Agency is unavoidable and barest minimum for the Project and there is no alternate site available.
- An area of 8.02 ha of Non-forest CA land is identified in Sy.No.208, 209 & 210/1/2 of Charakonda Village & Mandal, Nagarkurnool District.
- Site Inspection report is enclosed.

Recommendations of the District Forest Officer, Suryapet in Part-II:

The District Forest Officer, Suryapet has recommended the proposal in Part-II subject to the following conditions:

- a. The violation under F(C)Act, 1980 is committed by the UA. Hence, necessary penalty may be imposed to the UA. The UA has committed this offence unintentionally. Hence, the UA has opted for regularization of this said area. The committee constituted by Hon'ble National Green Tribunal has recommended regularization of said area.
- b. User Agency has to provide funds for Wild Life Mitigation plan which includes provisions for taking up works like Saucer pit formation with refilling of water.
- c. The user agency has to deposit funds for erection of the Boundary Pillars throughout the entire length of Saidulanama RF so as to ease the further discrepancies if any.
- d. User Agency has to erect a 4 ft height parapet wall on towards the Forest Boundary all along the length of the proposed diversion.
- e. UA has to provide for Penal CA land. As no suitable land is available for in this District for this purpose.

III. Recommendations of the Conservator of Forests, Khammam in Part- III:

The Conservator of Forests, Khammam has also agreed with the remarks of the District Forest Officer, Suryapet in Part II and has recommended the project in Part-III.

IV. Information on RoFR Certificate:

The User Agency vide ref 9th cited has informed that they have requested the District Collector, Suryapet on 12.04.2021 for obtaining the RoFR certificate in Form-I and also submitted an undertaking. Further, informed that the Gram Sabha resolution of Ravipahad village is completed and submitted to the District Forest Officer, Suryapet.

V. Violations of F(C) Act, 1980 carried out by the UA:

The District Forest Officer, Suryapet has reported that, works are already taken up by the user agency by violating the FC Act, 1980 during 2011-12 to 2015-16. A show cause has been issued to the user agency vide DFO, Suryapet Rc.No.789/2020/S4, Dt.01.07.2020. The proposed work was already completed and now submitting the proposals for regularization of said area.

Further, the District Forest Officer has reported that, the violation is not intentional. It occurred due to mistake of facts. The user agency has obtained forest clearance for railway siding to an extent of 1.93377 ha, but extended beyond the permitted area.

Further, the District Forest Officer, has reported that, For the approved mining lease project (183.11 ha), the then DFO Nalgonda has submitted in Part-II application that, the proposed area for additional mining lease is the southern boundary within the Saidulanama RF in Compt.No.26 & 27. It seems the leased area was presumed to be upto the boundary line of RF. The situation arose due to the fact that the reserved forest boundary lines were not clearly demarcated on the ground. But, during the detailed survey of RF Block with DGPS, it is understood that, the extended railway siding is also a part of RF. Hence, it appears that, user agency has not intentionally utilized the RF area for the purpose of Railway line, extended beyond the approved diversion. DFO also reported that, the committee constituted by Hon'ble National Green Tribunal has recommended regularization of said area. Hence, necessary penalty and Penal Compensatory Afforestation may be imposed to the user agency.

As per the handbook of under F(C) Act, 1980, F(C) Rules, 2003, (amendments and clarifications), issued in F.No.5-2/2017-FC, Dt.28.03.2019 and amendments issued therein, the Penal CA to be imposed over the area worked/used in violation. It is decided to propose CA in degraded forest land for the forest land utilized in violation. The Penal CA to an extent of 17.00 ha for raising of 1000 plants / trees with 10 years of maintenance is prepared for an financial outlay of Rs.120.3289 Lakhs.

The other Penalties may be imposed as per the Para 1.21 of handbook of under F(C) Act, 1980, F(C) Rules, 2003, (amendments and clarifications), issued in F.No.5-2/2017-FC, Dt.28.03.2019 and amendments issued therein.

VI. Information on Compensatory Afforestation (CA):

M/s.DCL (a private organization), has identified the Non- forest CA lands and in the name of M/s.DCL & registration documents enclosed. The identified Non-forest CA land has been inspected by the DFO, Nagarkurnool and FDO, Achampet. Site Inspection Report for suitability is enclosed. Accordingly CA scheme have been prepared with 10 years of maintenance. The details are as follows:

S. No	Village	Mandal	Division	Area in ha	Financial outlay in Rs.Lakhs
1	Sy.No. 209, 195,199 & 210/1/2, Charakonda Village	Charakonda	Achampet	8.839 (8.02 – Scheme prepared for raising with 10 years of maintenance, but fencing, SMC etc for entire area.	184.46223

In addition to this, Penal CA imposed as per the F(C)Act,1980 are as follows:

S. No	Division	Comp No., Block Name and Range	CA in DFL in Ha.	Financial outlay in Rs.Lakhs	Remarks
1	Kothagudem	Compt.No.9, Ramavram RF, Pengadapa beat, Musalivarre (W), Ramavaram Range	17.00	120.3289	CA scheme is prepared for raising of plantation with with10 years of maintenance

Location maps of the degraded forest land identified for CA and non-forest land identified for CA alongwith site suitability certificates, detailed CA scheme are enclosed.

- VII.** The proposal has been uploaded by UA in the ministry's website and a unique number generated for this proposal No.**FP/TG/RAIL/138554/2021.**
- VIII.** As per the handbook of under F(C) Act, 1980, F(C) Rules, 2003, (amendments and clarifications) issued in F.No.5-2/2017-FC, Dt.28.03.2019 and the subsequent amendments issued therein, **the present proposal doesn't come under the general approval category.**
- IX.** In view of the above, the statutory proposals along with necessary enclosures with due recommendations of undersigned in Part-IV are submitted herewith in triplicate for forwarding after recommendation in Part-V to the Regional Officer, GoI, MoEF& CC, IRO, Hyderabad for issual of necessary clearance, with penalties as per the prevalent guidelines of F(C)Act, 1980.

Encl: As above.

Yours faithfully,
Sd/-R.Sobha
Prl. Chief Conservator of Forests.
(Head of Forest Force)

Copy to

The Conservator of Forests, Khammam for information.

The District Forest Officer, Suryapet for information.

The M/s.DCL, Hyderabad for information.

The District Forest Officer, Nagarkurnool District for information.

//true copy//


For Prl. Chief Conservator of Forests.

X/amu
22/4/2021

PART - IV

(to be filled by the Nodal officer or Principal Chief Conservator of Forests or Head of Forest department)

<p>17. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks (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>The proposal for Regularization of 8.02 Ha of forest area in Saidulnama RF of Suryapet Division for establishing part of the railway siding and associated activities and other permanent structures in Suryapet District in favour of M/s Deccan Cements Limited (DCL), Hyderabad hereby <u>recommended for regularisation</u>. The conditions proposed by the DFO and recommended by the CF are agreed to and may be stipulated in the approval.</p>
	<p><i>R. Sarna</i> <i>22/04/2021</i> Signature Name & Designation (Official seal) Principal Chief Conservator of Forests (Head of Forest Force) Telangana, Hyderabad.</p>
<p>Date :- 22-04-2021 Place: HYDERABAD</p>	

22/04/2021

22/04/21