

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ

(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ

ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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Old File No. A5(2).GFL.CR-31/2018-19

E-office File No.KFD/HOFF/A5-2(GFL)/23/2019-FC

E-73084

Date 18-02-2022

To,

The Additional Chief Secretary to Government
Forest, Environment and Ecology Department
M.S. Building, Bengaluru - 560 001

Sir,

Sub: *Ex post facto* approval for diversion of 11.71 hectare of forest land in Guddadarangavvanahalli Village Sy No. 97, 98 and 110, Kasaba Hobli, Chitradurga Taluk and District for already established 8.55 MW Wind Power Project (with 9 Wind Mills) in favour of M/s MSPL Limited, Hosapete, Ballari District

Proposal No.FP/KA/WIND/38582/2019[FORM-A]

- Ref:**
- 1 Online proposal [FORM-A PART-I] dated 02-04-2019 (resubmitted) of M/s MSPL limited, Hosapete, Ballari District r/w uploading of acknowledgement online on 18-05-2019 by User Agency for having delivered the hard copies of proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner
 - 2 This office online communication dated 25-05-2019 to Deputy Conservator of Forests, Chitradurga for further processing proposal.
 - 3 Online submission of PART-II on 08-03-2020 by the Deputy Conservator of Forests, Chitradurga r/w online reply dated 03-03-2020 by User Agency to the latest EDS Query [letter No.A6/FC/MM/MSPL/CR-02/2019-20 dated 09-03-2020]
 - 4 Online submission of PART-III on 02-06-2020 by the Chief Conservator of Forests, Ballari [letter No. M1/Windmill/Div/FL/CR-2/2020-21 dated 02-06-2020] r/w online reply dated 30-10-2021.
 - 5 This office letter No.A5(2)[A5(4)]WP.CR-5/2011-12 dated 11-05-2017 [addressed to GOK marking copy to GOI reporting FC violation]
 - 6 Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone), Bengaluru letter No. F©A/11.6/GEN/KAR dated 11-07-2017 [response to this office letter dated 11-05-2017]
 - 7 Government of Karnataka letter No. FEE 40 FLL 2018 dated 05-02-

2018 [communication of GOI letter and to submit action taken]

1. M/s MSPL Limited, Hosapete, Ballari District [USER AGENCY] vide ref (1) has submitted an online proposal [FORM-A PART-I] through FC web portal for seeking *expost facto* approval for diversion of 11.71 hectare of forest land in Guddadarangavvanahalli Village Sy No. 97, 98 and 110, Kasaba Hobli, Chitradurga Taluk and District for already established 8.55 MW Wind Power Project (with 9 Wind Mills) under Section 2 of the Forest (Conservation) Act, 1980. After uploading of acknowledgement on 18-05-2019 by User Agency for having delivered the hard copies of the proposal to jurisdictional Deputy Conservator of Forests and Deputy Commissioner, an online communication was made by the Nodal Officer (FCA) vide ref (2) to the Deputy Conservator of Forests, Chitradurga to process the said proposal and to submit specific opinion / recommendation.
2. **Location details and component-wise breakup of forest land:** The location and component-wise breakup of forest land required for the project are as under.

District, Taluk, Hobli	Village	Sy No.	Project component		Forest extent proposed for diversion (ha)	Legal status of land
Chitradurga District & Taluk, Kasaba Hobli	Guddadaranga vvanahalli	98	1	Windmills	1.22	Section 4 notified under Karnataka Forest act, 1963
			2	Metering Yard	0.04	
			3	Approach Road	2.655	
			4	33KV Transmission line	4.20	
			Sub Total (A)		8.115	
		97	1	Approach Road	0.145	Unclassed Forest (Recorded as Forest in Column 9 of the RTC)
			Sub Total (B)		0.145	
		110	1	Windmills	0.61	
			2	Metering Yard	0.02	
			3	Approach Road	0.8	
			4	33KV Transmission line	1.98	
			Sub Total (C)		3.41	
		Total (A+B+C)				11.71

3. **Report of DCF, Chitradurga Division:** The Deputy Conservator of Forests, Chitradurga has inspected the site on 17-02-2020 and vide ref (3) has submitted his report along with site inspection report in PART-II to Chief Conservator of Forests, Ballari. Main features of the proposal based on the reports of the Deputy Conservator of Forests, Chitradurga and Chief Conservator of Forests, Ballari and also that of ICT Centre of the Forest Department are given below.
 - a. The forest land proposed for diversion is vulnerable to soil erosion.
 - b. The forest land proposed for diversion is in general landscape of eco-class-III (tropical dry deciduous forests) with open forest (canopy density up to 0.1).

- c. As per Item 4(ii) of PART-II, there are no trees on the forest land proposed for diversion.
 - d. Major wild animals found in the area include the leopard, sloth bear, jackal, wild pig, monitor lizard, pangolin, etc. *[Note: The entry made in Item 8(i) of PART-II of the proposal may be ignored.]*
 - e. There are no other rare/ endangered/ unique species of flora and fauna in the forest area proposed for diversion.
 - f. The forest land proposed for diversion does not form part of any national park/ wildlife sanctuary/ biosphere reserve/ tiger reserve/ elephant corridor/ wildlife migration corridor, etc.
 - g. There is no national park/ wildlife sanctuary/ biosphere reserve/ tiger reserve/ elephant corridor/ wildlife migration corridor within one kilometer from the boundary of the forest land proposed for diversion.
 - h. The forest land proposed for diversion is located within eco-sensitive zone of Jogimatti Wildlife Sanctuary. *[Note: The entry made in Item 8(iii) of PART-II of the proposal may be ignored, as per final notification declaring on 17-12-2021 Guddadarangavvanahalli Village is away from Eco Sensitive Zone of Jogimatti Wild life sanctuary]*
 - i. There are no protected/ archeological/ heritage sites/ defence/ establishments located in the area.
 - j. The forest area proposed for diversion does not form part of any declared national park, wildlife sanctuary, biosphere reserve, and tiger reserve or elephant corridor.
 - k. The forest area proposed for diversion is the bare minimum and unavoidable for the project.
 - l. **FC violation:** A detailed account of the case is given separately in this proposal.
- 4. CCF, Ballari Circle, Report:** The Chief Conservator of Forests, Ballari has inspected the site personally on 22-05-2020. Agreeing with the recommendations of the Deputy Conservator of Forests, Chitradurga, the Chief Conservator of Forests, Ballari has also recommended the proposal while submitting the report in PART-III vide ref (4).
- 5. Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-3/2011-FC (Vol-I) dated 06-01-2022 and 19-01-2022. The User Agency has submitted an undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.

6. **Compensatory Afforestation (CA):** As the instant proposal is a fresh proposal under FC Act, the User Agency is required to provide an equivalent extent of suitable non-forest land in accordance with FC guidelines. Further, as per Government of Karnataka Order No. FEE 88 FLL 2016 dated 31-08-2016 pertaining to FC proposals of private User Agencies, such CA land needs to be a private land either as forest enclosure or adjoining an existing forest area in man-animal conflict zone. In addition, the User Agency is also required to pay the CA charges as per prevailing rates. **The User Agency has uploaded an undertaking to pay the CA charges, regarding the CA land in additional information details of PART-I of the proposal.**

Further, the User Agency has identified the following non-forest patta land for CA purpose.

District	Taluk	Hobli	Village	Sy No.	Extent	
					(acre)	(hectare)
Belagavi	Khanapur	Jamboti	Amagon	6/5(two parcels within same hissa of Survey Number)	20.51	8.30
					8.43	3.41
Total						11.71

Further, the above CA land parcel is part of Amagon village Sy No. 6, in which the User Agency (RMML) along with its sister concern (MSPL) under the parent Baldota Group of Companies has proposed CA land parcels for several other FC proposals. The User Agency has uploaded the combined geo-reference map showing the CA land parcels of all FC proposals in the form of the document named 'CA land combined geo reference map' in additional information details of PART-I of the proposal. Details are given below.

Extent of CA land parcels proposed by M/s RMML and M/s MSPL in different FC proposals (as on 06-07-2020):

District, Taluk, Hobli, Village	Sy No.	Total extent (ha) (as per KML file)	Hissa No.	Extent (ha) proposed by for CA in different FC proposal so far	FC Proposal No. and forest diversion extent (ha)	Present status of FC proposal
Belagavi District, Khanapura Taluk, Jamboti Hobli, Amagaon village	6	193	6/3 & 6/4	28.31	FP/KA/MIN/31 348/2018 (28.3 ha)	Under process for Stage-I approval. Pending with DCF because of EDS query dated 07-02-2020 of GOI.
			6/4	4.85	FP/KA/MIN/37 101/2018 (4.85 ha)	Stage-I approval accorded by GOI on 24-05-2021

		6/4 & 6/5	2.4	FP/KA/MIN/42 466/2019 (2.4 ha)	Proposal accepted by Nodal Officer on 29/09/2020. Pending with UA for submission of hard copies.
		6/5	11.71	FP/KA/WIND/3 8582/2019 (11.71 ha)	Proposal [PART-I, II & III] submitted by CCF to Nodal Officer on 02-06-2020. Pending with Nodal Officer for final scrutiny and further submission to GOK seeking Stage-I approval.
		6/5	2.63	FP/KA/WIND/3 8530/2019 (2.63 ha)	Proposal seeking Stage-I approval on 25/09/2020. Pending with GOK
		6/5 & 6/6	4.16	FP/KA/MIN/39 986/2019 (4.16 ha); Present proposal	Proposal seeking Stage-I approval on 23/06/2020 and GOK to GOI on 06/10/2020 Pending with GOI.
Total		193	54.06		

The User Agency has uploaded / submitted the above CA land information in the form of topo map, geo-referenced map, KML file and GPS readings of all corners in PART-I of the proposal. The jurisdictional Deputy Conservator of Forests, Belagavi (*where the CA land is identified by User Agency*) has submitted the CA land suitability certificate dated 26-11-2019 and the CA scheme. The documents are enclosed herewith.

7. **Status of RoFR:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the User Agency is required to obtain the RoFR Compliance Certificate in **FORM-II (for Non-linear/hybrid projects)** from the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. The User Agency has not furnished any such certificate, but has uploaded **an undertaking in item K(i)(a) of PART-I of the proposal to obtain the FRA certificate and submit it before the final approval under FCA.**
8. **Eco Sensitive Zone of Jogimatti Wildlife Sanctuary:** The Deputy Conservator of Forests, Chitradurga has reported that the project area lies in the eco sensitive zone of Jogimatti Wildlife Sanctuary. However, as per final notification declared on 17-12-2021 Guddarangavvanahalli Village is away from eco sensitive zone of Jogimatti wild life sanctuary.
9. **FC violation and connected issues:**
 - i. The Government of Karnataka (Food and Forest Department) vide notification No. FFD 272 FAF 78 dated 21-04-1979 issued under Section 4 of the Karnataka Forest Act, 1963 had declared that it had been decided to constitute an area of 500 Acre (202.34 ha) in Sy No.97, 98 & 99 of Guddarangavvanahalli Village, Chitradurga Taluk and District as Reserved Forest. These survey numbers had

267-13 Acre, 357-38 Acre and 27-25 Acre land respectively (totaling to 652 Acre 36 Gunta) as reserved forest.

- ii. Subsequently, the Government of Karnataka (Energy Department) vide order No. DE 26 NCE 99 dated 26-04-2000 allotted 19.5 MW Wind Power capacity to M/s Asian Wind Turbine Pvt Ltd at Bettadanagenahalli (*in addition to the power allotment made to other agency*) in Jogimatti Wind Zone in Chitradurga District subject to obtaining necessary statutory clearances from the respective authorities of Forest, Revenue and other relevant Government Department wherever necessary.
- iii. The Government of Karnataka (Energy Department) vide letter No. DE 26 NCE 99 dated 21-01-2002 approved the amendment of name of the company as M/s NEG Micon (India) Pvt Ltd in place of M/s Asian Wind Turbine Pvt Ltd and also for change of site from Bettadanagenahalli to Guddadarangavvanahalli Village in Chitradurga District.
- iv. Further, based on the permission accorded by Government of Karnataka vide Order No. RD 41 LGC dated 06-05-2002, the Deputy Commissioner, Chitradurga District vide Official Memorandum No. LND/CR/190/2001-02 dated 06-07-2002 granted a total of 24 Acre 18 Gunta of land in Guddadarangavvanahalli Village (*11 Acre 25 Gunta in Sy No.97 and 12 Acre 33 Gunta in Sy No.98*) on lease basis to Karnataka Renewable Energy Development Limited (KREDL) for sub leasing to M/s NEG Micon (India) Pvt Ltd. As per this O.M., there was 258-33 Acre of Gomal land in Sy No.97 and 357-38 Acre Gomal land in Sy No.98 and 500 Acre out of this land was given to the Forest Department, while 15-20 Acre land has been disposed of and thus totally 99-11 Acre of land was remaining in Sy No. 97 and 98.
- v. Subsequently, M/s KREDL entered into the Sub-Lease Deed for temporary occupation of State Land for development of wind farm with M/s RMML on 07-05-2004 for a period of 30 years w.e.f. 16-08-2002.
- vi. Later on, under provisions of the Karnataka Forest Act, 1963 and Rules 1969 the Forest Department registered a Forest Offence Case (FOC) vide No.9/2010 on 01-10-2010 against M/s NEG Micon (India) Pvt Ltd for having established 12 wind mills, formation of approach road, transmission line, power generation rooms, etc.,. Hon'ble Principal Civil Judge JMFC Chitradurga vide order dated 12-05-2011 restrained the respondent, i.e., M/s NEG Micon (India) Pvt Ltd from entering the land where the wind mills were located.
- vii. The Assistant Conservator of Forests, Chitradurga Sub-division issued a notice under Section 64A of the Karnataka Forest Act, 1963 to M/s MSPL (the sister concern which also has wind power project on adjoining piece of land under

similar circumstances) on 19.08.2011 as to why it should not be evicted from the land in question.

- viii. Agrieved by this, M/s MSPL and M/s Ramgad Minerals & Mining Ltd (RMML) (both the companies having Corporate office at the same location i.e., Baldota Enclave, Abheraj Baldota Road, Hosapete, Ballari District) filed W.P. No.46599-600/2011 in the High Court of Karnataka.
- ix. The Hon'ble High Court vide order dated 23-12-2011 permitted the petitioners (including M/s RMML) to recommence the operation of the wind turbines subject to further negotiations and discussions which the petitioners and respondents shall hold and a final decision shall be taken by the respondents (State Government) within 30 days.
- x. However, the Forest Department challenged the legality and correctness of the order passed by the Single Judge in Writ Petition Nos. 46599-46600/2011 dated: 23.12.2011, in Writ Appeal No. 1359/2012 (GM-FOR) and Writ Appeal No. 2907/2012 and the Hon'ble Court in its Judgment dated 06-03-2013 passed the following order:

"12. In the circumstances the writ appeals are allowed. The order of the learned Single Judge passed in the aforesaid two writ petitions on 23rd December, 2011 is hereby quashed. The 2nd respondent-Principal Chief Conservator of Forests or anybody authorized by him under law shall hear the writ petitioners in detail and take action in accordance with law. Thereafter it is open for the petitioners to challenge the same in the manner known to law.

13. The Government to take a decision within a period of 3 months from today till that time writ petitioner's are permitted to run the wind mills."

- xi. In compliance of the above orders of the Hon'ble High Court of Karnataka, this office vide letter dated: 06.05.2013 authorized the Chief Conservator of Forests, Ballari to hear the petitioners and to take action in accordance with law. Accordingly, the Chief Conservator of Forests, Ballari vide proceedings dated 13.08.2013 ordered that

"After careful consideration of the matter, it is decided to direct Deputy Commissioner, Chitradurga District and Deputy Conservator of Forests, Chitradurga Forest Division, Chitradurga to call representatives of 1) KREDL, Bangalore 2) MSPL, Hospet 3) RMML, Hospet 4) Vistas Wind Technology, Chennai (erstwhile M/s NEG Micon (India) Pvt Ltd) to jointly arrive as to the location of the lease grants area and whether and how much area is covered by

notification under Section 4 of the Forest Act. A joint survey, if required, shall also be carried out. In the end, if it is arrived that the lease grant area falls within the forest area so notified under Section 4 of the Forest Act, then Forest Authorities shall be free to take further action under section-64A of the Karnataka Forest Act, 1963; if the company do not agree to seek post-facto approval under Forest (Conservation) Act, 1980. The above process shall be completed within 3 months from the date of receipt of this order. The responsibility of the same primarily lies on Deputy Commissioner, Chitradurga District and the respondents. If this order is not complied within the stipulated time, then Forest Authorities shall be free to proceed in accordance with the provisions of the Forest Act. Till then Forest Authorities are instructed not to take any adverse action against the running of the Wind Turbines."

- xii. The Deputy Conservator of Forests, Chitradurga Division issued the final notice dated: 20.02.2017 addressed to M/s RMML Limited, Hosapete regarding violation of Forest (Conservation) Act, 1980, in setting up of Wind Turbines at G.R.Halli Forest Sy.No. 97, 98 & 99 and directed to get the *ex post facto* sanction otherwise face action as per law.
- xiii. Further, this office vide notice dated 20.03.2017 to M/s MSPL directed to submit proposal under the provisions of Forest (Conservation) Act, 1980 on or before 31-03-2017.
- xiv. However, the User Agency failed to submit a proposal under Forest (Conservation) Act, 1980 citing various reasons and instead requested to resolve land ownership issues.
- xv. In view of the inadequacy of the action on the part of User Agency, this office vide [ref-5] dated 11-05-2017 reported the matter to the Government of Karnataka (marking a copy to Government of India and also to the User Agency) to move the matter with Government of India for taking necessary action as per Section-3A & 3B of Forest (Conservation) Act, 1980 and provisions laid at Rule-9 of Forest (Conservation) Rules 2003.
- xvi. Based on the report submitted by this office, the Government of India vide ref (6) dated 11-07-2017 directed to take necessary action under the provisions of State Forest Act and has also suggested that 'if the State Government is fully convinced that the provisions of Forest (Conservation) Act, 1980 have been violated, then a detailed report clearly mentioning the nature of offence, the persons responsible for allowing offences, with all relevant details may please be sent to that office, so that appropriate action could be taken against the

officials responsible for violation of the act.' The same was reiterated by the State Government vide ref (7) dated 05-06-2018.

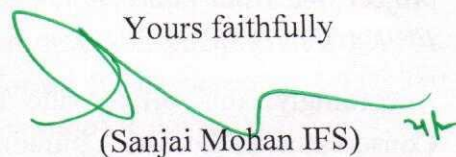
- xvii. Accordingly, this office vide letter dated 07-07-2018 directed the Chief Conservator of Forests Ballari to take action in the matter.
- xviii. In response, the Chief Conservator of Forests Ballari vide letter dated 23-10-2018 reported to this office that owing to non-compliance of the earlier proceedings dated 13-08-2013 (*passed by the then Chief Conservator of Forests Ballari Circle*) by the Deputy Commissioner, Chitradurga District even after a lapse of 5 years, he has conducted the meetings on 25-09-2018 and 05-10-2018 with the officers of Revenue Department and Forest Department and also the connected User Agencies in order to resolve the issue. Based on the Joint Survey Report signed and submitted by the Deputy Commissioner Chitradurga, the Chief Conservator of Forests Ballari Circle concluded that the total area held by M/s MSPL is undoubtedly falling in the Section 4 notified area wherein the non-forestry activities attract the provision of Forest Conservation Act, 1980.
- xix. In view of the final outcome of the legality of the land held by the User Agency (M/s MSPL / RMML) this office vide letter dated 27-11-2018 directed the Deputy Conservator of Forests Chitradurga (i) to take immediate action to stop the functioning and operation of the Windmills until the clearance under Section 2 of the Forest (Conservation) Act, 1980 is obtained; and (ii) to consult the local state Government authorities including ESCOM authorities and apprise the facts of the case to them so that the revenue being/ to be received by the User Agency concerned is withheld until clearance under Section 2 of the Forest (Conservation) Act, 1980 is accorded by the competent authority. The copy of the said letter was also marked to concerned authorities including User Agency.
- xx. Finally, the User Agency vide letter dated 26-12-2018 agreed to file an application for seeking forest clearance and requested not to stop the operation of the wind farms pending forest clearance. Subsequently, M/s RMML submitted an online application No. FP/KA/WIND/38530/2019 on 30-01-2019 seeking diversion of forest land involved in the above mentioned wind power project (*the sister concern M/s MSPL also submitted a similar FC proposal No. FP/KA/WIND/38582/2019*).
- xxi. Accordingly, this office vide letter dated 18-02-2019 directed the Deputy Conservator of Forests Chitradurga to permit the User Agency to undertake minimum required maintenance measures to keep the machines running while the application submitted by them seeking approval under Forest (Conservation) Act, 1980 is under process.

xxii. Further, in response to the letter dated 22-10-2019 of the User Agency requesting the BESCOM for releasing the withheld revenue, this office vide letter No. KFD/HOFF/A5-2(WP)/1/2018-FC dated 28-05-2020 has sought an undertaking from the User Agency agreeing to retain the amount by BESCOM as specified in the said letter and also to agree to retain 20% of amount that would be payable towards power purchase payment by BESCOM till final payment as per Stage-I clearance by Government of India. The undertaking is still awaited. However, as requested by the User Agency and considering the effects of covid -19 pandemic 80% of the amount withheld by BESCOM towards power purchase payment has been released to the User Agency in response to this office letter No. KFD/HOFF/A5-2(WP)/1/2018-FC dated 21-12-2021.

Under the above circumstances and agreeing with recommendation of the field officers, it is requested to move the proposal with the Government of India, Ministry of Environment, Forests and Climate Change, for according an *ex post facto* in-principle (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 11.71 hectare of forest land in Guddadarangavvanahalli Village Sy No. 97, 98 and 110, Kasaba Hobli, Chitradurga Taluk and District for already established 8.55 MW Wind Power Project (with 9 Wind Mills) in favour of M/s MSPL Limited, Hosapete, Ballari District for a period of thirty (30) years subject to submission of FRA Certificate in FORM-II (for Non-linear/Hybrid Projects) from the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 and further subject to the conditions specified in Annexure 'A'.

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status (Time Line) of the proposal obtained from the web-portal is also appended for necessary action.

Yours faithfully



(Sanjai Mohan IFS)

Principal Chief Conservator of Forests
(Head of Forest Force)

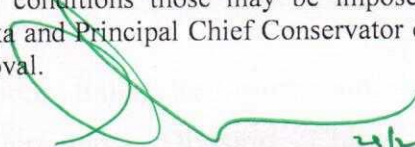
Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Chitradurga Division, Chitradurga for information and necessary action.
3. Deputy Conservator of Forests Belagavi Division, Belagavi for information.

4. M/s MSPL limited, Baldota Enclave, Abheraj Baldota Road, Hospete, Ballarior for information **with directions to obtain and provide FRA certificate in FORM-II (for Non-linear/Hybrid Projects) from the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 at the earliest. Further, the undertaking regarding retention of 20% of the power purchase payment by the BESCOM till the finalization of Stage-I approval by Government of India, is to be submitted immediately without further delay.**

ANNEXURE - A

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory, Plantation cost of extraction of trees, land lease rent and any other levies as per the conditions of approval.
3. The User Agency needs to obtain approval of the Monitoring Committee of the Eco-sensitive Zone of Jogimatti Wildlife Sanctuary.
4. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
5. The lessee shall not sub-lease, mortgage and hypothecate the forest area.
6. The Lessee shall provide signages in appropriate dimensions and kind near the proposed Transmission line within forest limits for sensitization of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
7. The User Agency shall construct a 6 feet high compound wall around the project area to prevent the entry of wild animals into the project area and to avoid spreading of municipal waste inside the forest area.
8. The User Agency shall ensure that the Municipal Waste is not dumped inside any other the forest area other than the diverted land.
9. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
10. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
11. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case no renewal is sought, the Lessee shall hand over the lease.
12. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
13. No crushing / breaking of stones or labour camp shall be allowed on forest land and all waste / debris generated shall be scientifically disposed off outside the forest area.
14. Any damage to forest area because of implementation of the proposal shall be compensated by the Lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forests/ Conservator of Forests/ Chief Conservator of Forests.
15. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
16. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests / Deputy Conservator of Forests concerned are authorized to take necessary action in this regard.
17. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
18. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval.


(Sanjai Mohan IFS)
Principal Chief Conservator of Forests
(Head of Forest Force)

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p><i>(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.)</i></p>	<p>Recommended formoving the proposal with the Government of India, Ministry of Environment, Forests and Climate Change, for according an <i>ex post facto</i> in-principle (Stage-I) approval under Section 2 of the Forest (Conservation) Act, 1980 approval for diversion of 11.71 hectare of forest land in Guddadarangavvanahalli Village Sy No. 97, 98 and 110, KasabaHobli, Chitradurga Taluk and District for already established 8.55 MW Wind Power Project (with 9 Wind Mills) in favour of M/s MSPL Limited, Hosapete, Ballari District for a period of thirty (30) years subject to submission of FRA Certificate in FORM-II (for Non-linear/Hybrid Projects) from the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019 and further subject to the conditions specified in Annexure 'A'.</p> <p>[Proposal No. FP/KA/WIND/38582/2019]</p>
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Signature:

Name:

Designation:

RAJIV RANJAN IFS

**Principal Chief Conservator of Forests
(Forest Conservation) and
Nodal Officer (FCA)**

(Official Seal):

SANJAI MOHAN IFS

**Principal Chief Conservator of Forests
(Head of Forest Force)**

(Official Seal):

Counter signed by :

Name:

Designation:

N.D.O. No: 53 /2021-22

Date: 22 -02-2022