

F. No. 8-38/2015-FC
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110003
Dated: 27 September, 2017

To,

The Principal Secretary (Forests),
Department of Environment & Forests,
Government of Arunachal Pradesh,
Itanagar.


Sub: Proposal for granting of permission under section 2(iii) FC Act, 1980 towards re-grant of Kharsang Petroleum Mining Lease (PML) covering 9.94 sq. Km. (originally proposed 11.00 sq. Km) in favour of M/s Geo-Enpro Petroleum Limited falling in Changlang District of Arunachal Pradesh.

Sir,

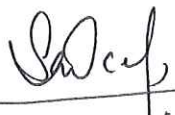
I am directed to refer to the Government of Arunachal Pradesh's letter No. FOR.14-9/Cons/2005/1641 dated 19.11.2015 and in connection with the proposal for grant of petroleum mining lease (PML) over 9.94 sq. Km. (originally proposed 11.00 sq. Km) in favour of M/s Geo-Enpro Petroleum Limited falling in Changlang District of Arunachal Pradesh seeking prior approval of the Central Government under Section-2 (iii) of the Forest (Conservation) Act, 1980. The proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government seeking prior approval under Section-2 (iii) of the Forest (Conservation) Act, 1980 and on the basis of the recommendations of the Forest Advisory Committee, the approval of the Central Government is hereby granted under Section-2(iii) of the Forest (Conservation) Act, 1980 for assignment of lease, concerning an area of 9.94 sq. Km. (originally proposed 11.00 sq. Km) in favour of M/s Geo-Enpro Petroleum Limited falling in Changlang District of Arunachal Pradesh subject to the following conditions:

- (i) Legal status of the forest land shall remain unchanged;
- (ii) The State Government shall charge the Net Present Value (NPV) @ 2% of entire forest land allowed to be assigned on mining lease as per the guidelines issued by this Ministry vide its letter 24.06.2015;
- (iii) **The User agency shall pay NPV at the rate 20 per cent for the area under violation, for each year since 1995 the violation of Forest (Conservation) Act 1980 has commenced;**
- (iv) **User agency shall raise penal CA on degraded forest land equivalent to the land utilised in violation of the provision of Forest (Conservation) Act 1980;**
- (v) Action shall be initiated against the erring officials by the state government for transferring and executing lease in 1997 w.e.f 1995. Without prior approval of MOEF&CC
- (vi) User agency shall pay the lease transfer charges as per the procedure laid down in ministry's guideline related to lease transfer. These charges shall be 5 times to the actual charges proposed in the guidelines.
- (vii) No new oil wells shall be drilled in PML area without approval under section 2(ii) of Forest Conservation Act 1980.
- (viii) The proposed forest land for re-grant of the mining lease has to be resurveyed again, and the state government to ensure that:
a. There are no tea gardens or human settlements while giving submitting proposal under Section 2 (ii) of the Forest (Conservation) Act, 1980.


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- b. No complaints exist from the local people with regards to the Namchik R.F.
- c. That no illegal payment of land compensation or tea garden in the reserved forests has been given by M/s Geo Enpro Petroleum Ltd to the encroachers.
- d. That there are no legal complications from the local people as evident from the public memorandum submitted by the local people as per.
- e. The proposed forest area for re-grant of the Mining Lease must be depicted in a map alone with compartment numbers.
- (ix) Approval under section 2(ii) for the 30 wells drilled without prior approval under FC Act 1980 shall be obtained.
- (x) Prior approval of Central Government under section 2 (iii) of FC Act, 1980 shall be subject to payment of admissible NPV
- (xi) Demarcation of mining lease area will be done on the ground at project cost using 4 feet high concrete pillars with serial numbers, bearing, distance from pillar to pillar and GPS co-ordinates;
- (xii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xiii) All the funds received from the User Agency under the project shall be transferred on line to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (xiv) State Government shall, within a period of 30 days from the date of issue of this letter, realize from the user agency, NPV @2% of the entire forest land allowed to be assigned on mining lease, in case NPV of such forest land has not already been realised. In case State Government fails to realize admissible NPV from the user agency within a period of 30 days from the date of issue of this letter, this approval in respect of such mining lease, shall be kept in abeyance, till such time, the NPV of such forest land is realised by the State Government;
- (xv) No physical diversion of forest land will be allowed and no breaking up of forest land to be permitted without approval under section 2(ii) of FC Act.
- (xvi) The grant of permission under section 2(iii) of Forest (Conservation) Act 1980 will not confer any right on the project proponent for diversion under section 2(ii) of Forest (Conservation) Act 1980;
- (xvii) The forest department will be free to manage the forest area as per normal management practices and working plan prescriptions;
- (xviii) State Government shall ensure the complete compliance of the provision of FRA 2006 prior to executing/ granting forest area on lease;
- (xix) Grant of this approval does not in any manner, exonerate the concerned authorities in the State Government or in any other Authority, from the proceedings under Section 3A and 3B of the FC Act, liable to be initiated for violation, if any, of the FC Act committed by them by assigning such forest land on mining lease without obtaining prior approval of Central government under Section- 2 of the FC Act;
- (xx) The approval under section 2 (iii) of FC Act, 1980 shall be valid for a period of co-terminus with the period of PML in accordance with the provisions of P&NG Rules, 1959 made under Oil Field (Regulation & Development) Act, 1958 (ORDA 1958).


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- (xxi) The State Government and User Agency shall ensure compliance to all conditions stipulated above and also the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

The State Government shall ensure the compliance of the above conditions before assigning the PMJ. to the User Agency. The permission under Section 2(iii) of Forest (Conservation) Act, 1980 is subject to confirmation of deposit of NPV for the entire area and payment of penalty in the Compensatory Afforestation fund of Arunachal Pradesh managed by Ad-hoc CAMPA.

Yours faithfully,



(Sandeep Sharma) 27.8.17

Assistant Inspector General of Forests (FC)

Copy to:

1. The PCCF, Government of Arunachal Pradesh, Itanagar.
2. The Nodal Officer, Office of the PCCF, Govt. of Arunachal Pradesh, Itanagar.
3. The Add. PCCF (Central) Regional Office, Shillong.
4. User agency.
5. Guard file.
6. Monitoring Cell.



(Sandeep Sharma) 27.8.17

Assistant Inspector General of Forests (FC)