

Agenda-5
8-38/2015-FC

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-Review of condition for penalty-regarding

The above mentioned proposal was considered by the FAC in its meeting held on 17.08.2017 and after thorough deliberations and discussion with the user agency FAC observed that the proposal had already been considered by FAC on 31.12.15, 26.12.2016 and 16.05.2017. In the last FAC on 16.5.17 the proposal was recommended with specific conditions. FAC had taken the violation done by user agency into account and it was decided that the quantum of penalty for the violations of provisions of Forest Conservation Act 1980 will be charged as per the recommendation of committee formed for the purpose. FAC in its recommendation had imposed penal clause for realisation of penalty which are as follows

“Since the User agency has violated the provisions of FC Act and Rules made thereof, the quantum of penalty shall be imposed and realised as per the recommendations of the committee, constituted for this purpose by the FAC and accepted by the competent authority in the ministry”.

Based on the recommendations of FAC held on 16.5.17 the file was processed and it was observed that the committee report on the quantum of penalty is still in the process of deliberation in the ministry and it may take some more time to get a final report. The delay in finalisation of the report may cause delay in execution of lease so the competent authority decided to review of condition for penalty referred above. The matter was discussed with the representatives of user agency. They had requested that they may be allowed to pay penalty as per the prevailing penal clauses for violations of the provisions of forest conservation act 1980.

Recommendations: Considering the above stated facts FAC recommended to change the above stated conditions as below

- (i) 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;
- (ii) 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;

Agenda-6
8-89/1997-FC

