



एन टी पी सी लिमिटेड
(भारत सरकार का उद्यम)
NTPC Limited
(A Govt of India Enterprise)
(Formerly National Thermal Power Corporation Ltd)

रिहंद / Rihand

संदर्भ संख्या / Ref No: 070/मा०सं०-आर&आर/2022

दिनांक / Date: 18.05.2022

कृत कार्यवाही का विवरण सुसंगत अभिलेखों सहित Compliance 17.04.2022

1 महाप्रबंधक एनटीपीसी रिहंदनगर बीजपुर के पत्रांक संख्या 070/पी०एण्ड एल०ए०दिनांक 03.07.1989 (संलग्नक-1) द्वारा जनपद सोनभद्र के रेनुकूट वन प्रभाग अंतर्गत 2351.453 एकड़ (951.60 हे०) वन भूमि हस्तांतरण का प्रस्ताव ग्रामवार क्षेत्रफल अनुसार निम्न प्रकार प्रेषित किया गया -

क्रम संख्या	ग्राम	धारा-4 वन भूमि क्षेत्रफल (एकड़)	धारा-20 वन भूमि क्षेत्रफल (एकड़)	रिमार्क
1	अधौरा-नकटू	33.910	-	
2	बीजपुर	634.230	-	
3	डोड़हर	157.690	-	
4	जरहा	139.530	-	
5	झीलों	254.25	738.06	
6	खैरी	74.410	-	
7	खम्हरिया	116.50	32.125	
8	मिटिहनी	69.590	68.56	
9	सिरसोती	32.598	-	
	कुल	1512.708	838.745	

कुल योग = 1512.708+838.745 एकड़
= 2351.453 एकड़ या (951.60 हे०)

2 प्रस्ताव को उच्च स्तर के माध्यम से भारत सरकार पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय पर्यावरण भवन सी०जी०ओ० काम्प्लेक्स लोदी रोड नई दिल्ली ने अपने आदेश संख्या -8-412/89 एफ०सी दिनांक 23.08.1991 द्वारा 951.60 हे० में से 744.00 हे० वन भूमि धारा-4 1373.178+धारा-20 465.265 = 1838.443 एकड़ या 744 हे० हस्तांतरण करने हेतु 2(दो) निम्नांकित शर्तों के अधीन सैद्धांतिक स्वीकृति आदेश एनटीपीसी रिहंद को निर्गत किया गया (संलग्नक-2)।

रिहंद सुपर थर्मल पावर प्रोजेक्ट, पो.आ.-रिहंदनगर, जिला-सोनभद्र (उ.प्र.) पिन : 231 223 टेली / Tel: 05446-242021

Rihand Super Thermal Power Project P.O.: Rihand Nagar, Distt.: Sonbhadra (U.P.) 231 223 Fax: 05446-242115

पंजीकृत कार्यालय: एनटीपीसी भवन, स्कोप काम्प्लेक्स, 7 इन्स्टीट्यूशनल एरिया, लोधी रोड, नई दिल्ली-110003

Regd. Office : NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi-110 003

(क) The State Govt. should identify 744 ha. Of non-forest land immediately with comprehensive compensatory afforestation scheme and map. State Govt. should also take action for transfer of 744 ha. Of non- forest land in favour of Forest Deptt. To be followed up with notification declaring the same is protected forest.

(ख) The User agency will have to transfer the cost of compensatory afforestation in favour of Forest Deptt.

3 ग्रामीणों एवं भूमिहीनों, कृषकों को भौमिक अधिकार प्रदान किए जाने के संबंध में बनवासी सेवा आश्रम द्वारा माननीय उच्चतम न्यायालय के समक्ष याचिका संख्या -1061/1982 दाखिल किया गया। याचिका में एनटीपीसी पक्षकार बनकर संयन्त्र निर्माण में आ रही समस्याओं के विषय में माननीय उच्चतम न्यायालय को अवगत कराया। उक्त पर विचार करते हुये माननीय उच्चतम न्यायालय ने दिनांक 20.11.1986 को आदेश (संलग्नक-3) पारित करते हुये यह निर्देशित किया कि एनटीपीसी परियोजना से प्रभावित ग्रामों में कृषकों के भूमि पर कब्जे का सत्यापन एक कमिश्नर की नियुक्ति करते हुये एनटीपीसी रिहंद को आवश्यक धारा-4 की वन भूमि का कब्जा दे दिया जाए।

4 उक्त आदेश के अनुपालन में उच्चतम न्यायालय द्वारा नियुक्त कमिश्नर श्री राम प्रकाश पाण्डेय जी द्वारा कृषकों आदि के कब्जे की भूमि का सत्यापन करते हुये पारित आदेश दिनांक 14.12.1988 (संलग्नक-4) के अनुपालन में एनटीपीसी रिहंद को आवश्यक धारा-4 वन भूमि वन विभाग द्वारा उपलब्ध कराई गयी, उसी भूमि पर सन्यत्र की स्थापना की गई है जिसका विवरण निम्नवत है -

क्रम संख्या	ग्राम का नाम	भा०व०अ० 1927 धारा-4 के अन्तर्गत विज्ञापित भूमि (एकड़)	सत्यापन उपरांत कमिश्नर द्वारा उपलब्ध कराई गई धारा-4 की भूमि क्षेत्रफल (एकड़)	तिथि
1	अधौरा-नक्कू	33.910	16.970	29.08.1989
2	बीजपुर	634.230	541.430	18.06.1989
3	डोडहर	157.690	141.621	24.01.1989
4	खैरी	74.410	41.844	12.03.1988
5	मिटिहनी	59.590	62.649	06.02.1988
6	सिरसोती	32.598	31.108	17.02.1989
	कुल	1002.428 या 405.677 हे०	835.622 या 338.171 हे०	

5 सन्यत्र निर्माण के दौरान तत्कालीन प्रभागीय वनाधिकारी रेनुकूट द्वारा वन भूमि पर किए जा रहे निर्माण पर आपत्ति किया गया। तदक्रम में उच्चतम न्यायालय द्वारा नियुक्त कमिश्नर के पत्र दिनांक 16.09.1989 (संलग्नक-5) द्वारा वन संरक्षक वाराणसी वृत्त को पत्र प्रेषित करते हुये प्रभागीय वनाधिकारी को भी अवगत कराया गया कि निर्माण कार्य उच्चतम न्यायालय द्वारा पारित आदेश दिनांक 20.11.1986 एवं 08.02.1989 के क्रम में किया जा रहा है।

6 सैद्धांतिक स्वीकृति आदेश निर्गत होने के पूर्व से ही माननीय उच्चतम न्यायालय के समक्ष याचिका संख्या 1061/1982 में पारित आदेश दिनांक 20.11.1986 के अनुपालन में वन वन्दोबस्त कि कार्यवाही संपादित हुई थी। कार्यवाही के दौरान उक्त सैद्धांतिक स्वीकृति प्राप्त 744 हे० वन भूमि में से 463.492 हे० धारा-4 की वन भूमि ग्रामीणों कृषकों के पक्ष में ए०डी०जे न्यायालय सोनभद्र द्वारा आदेश निर्गत किये गए। एनटीपीसी के पक्ष में हस्तांतरण हेतु धारा-4 की 227.991+धारा-20 की 465.134= 693.134 एकड़ या 280.508 हे० वन भूमि अवशेष रही। अवशेष वन भूमि 693.134 एकड़ या 280.508 हे० वन भूमि के समतुल्य गैर वन भूमि एवं धनराशि की मांग नोडल अधिकारी/ वन संरक्षक वन उपयोग वृत्त उ०प्र० लखनऊ के पत्र

संख्या 975/11 सी-10(120) दिनांक 08.02.1996 द्वारा एनटीपीसी रिहंद से उपलब्ध कराये जाने को निर्देशित किया गया ।
(संलग्नक-6)

7 नोडल अधिकारी/ वन संरक्षक वन उपयोग वृत्त उ०प्र० लखनऊ के उक्त आदेश दिनांक 08.02.1996 एवं 15.02.1996 के अनुपालन में एनटीपीसी द्वारा समतुल्य गैर गैर वन भूमि (280.508 हे०) पर क्षतिपूरक वनीकरण हेतु रु० 4969500.00 चेक नं 2624055 दिनांक 09.10.1997 वन प्रभाग में उपलब्ध कराई गई । ज्ञातव्य हो कि वन महानिरीक्षक एवं विशेष सचिव भारत सरकार के पत्र दिनांक 10.04.1997 द्वारा यह निर्देशित किया गया कि भारत सरकार केन्द्रीय सेक्टर की परियोजनाओं में जो वनीकरण होना है वह दुगुने अवतन वन भूमि पर होना है । उक्त आदेश जारी होने के उपरान्त एनटीपीसी की रिहंद द्वारा समतुल्य गैर वन भूमि वन विभाग को उपलब्ध नहीं कराई गई (संलग्नक-7) ।

8 नोडल अधिकारी/ वन संरक्षक वन उपयोग वृत्त लखनऊ के पत्र संख्या-211 टीसी/11सी -10(120) दिनांक 16.01.1998 द्वारा भारत सरकार के उक्त आदेश दिनांक 10.04.1997 के अनुपालन में एनटीपीसी रिहंद द्वारा 280.508 हे० वन भूमि के दुगुने अवतन वन भूमि 561.00 हे० पर क्षतिपूरक वनीकरण करने हेतु अवशेष धनराशि रु० 32738115.00 बैंक ड्राफ्ट संख्या 230768 दिनांक 18.02.2011 द्वारा मुख्य वन संरक्षक/नोडल अधिकारी उ०प्र० लखनऊ के माध्यम से जमा कराई जा चुकी है । उपरोक्त राशि के अतिरिक्त 280.508 हे० वन भूमि का शुद्ध वर्तमान मूल्य 9.20 लाख प्रति हे० की दर से रु० 258067360.00 (पचीस करोड़ अस्सी लाख सरसठ हजार तीन सौ साठ रुपये) की राशि बैंक ड्राफ्ट संख्या 994461 दिनांक 10.07.2010 द्वारा कैम्पा निधि में जमा किया गया । (संलग्नक-8)

9 उक्त सैद्धांतिक स्वीकृति प्राप्त 744 हे० वन भूमि में से 188.241 हे० धारा-20 में विज्ञापित वन भूमि पर एनटीपीसी रिहंद द्वारा ऐश डाइक का निर्माण किया जाना था । किन्तु पर्यावरणीय अनापत्ति प्रमाण पत्र की शर्त के क्रम में कोई भी निर्माण कार्य जलाशय से 500 मीटर अन्दर न करने के निर्देश थे । उक्त क्रम में ऐश डाइक चरण -III के लिए दूसरी वन भूमि चयनित करते हुये 146.31 हे० वन भूमि हस्तांतरण का प्रस्ताव 2011 में प्रस्तुत किया गया ।

10 प्रश्नगत प्रकरण में एनटीपीसी रिहंद द्वारा सैद्धांतिक स्वीकृति प्राप्त 744 हे० वन भूमि एवं वर्ष 2011 में प्रस्तुत किए गए 146.31 हे० वन भूमि हस्तांतरण के प्रकरण के निस्तारण हेतु दिनांक 16.11.2017 को वन सलाहकार समिति (एफ०ए०सी) की बैठक आयोजित की गई । वन सलाहकार समिति (एफ०ए०सी) की बैठक के क्रम में भारत सरकार पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय इन्दिरा पर्यावरण भवन अलीगंज जोरबाग रोड नई दिल्ली के पत्र संख्या 8-412/1989 एफ०सी०(पी०टी०) दिनांक 06.12.2017 (संलग्नक-09) जारी करते हुये आवश्यक निर्देश जारी किया गया ।

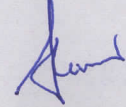
11 उक्त क्रम में मुख्य वन संरक्षक/ नोडल अधिकारी उ०प्र० लखनऊ की अध्यक्षता में रिहंद सुपर थर्मल पावर प्रोजेक्ट रिहंदनगर बीजपुर जिला सोनभद्र में दिनांक 14.12.2017 (संलग्नक-10) को बैठक सम्पन्न की गई । बैठक से संबन्धित कार्यवृत्त पत्रांक 1607/11सी बैठक दिनांक 12/14.12.2017 जारी किया गया । तदक्रम में एनटीपीसी रिहंद को 8(आठ) बिन्दुओं में कार्य कर संशोधित वन भूमि का वन (संरक्षण) अधिनियम 1980 के नवीन दिशा निर्देशों के अनुसार उक्त वन भूमि का जियो रिफरेंस डिजिटल मैप, केएमएल फाइल की सीडी एवं एसओआई टोपोशीट आदि सहित पूर्ण प्रस्ताव प्रस्तुत करना था । इसके अनुपालन में एनटीपीसी रिहंद द्वारा ऑनलाइन प्रस्ताव संख्या FP/UP/THE36097/2018 परिवेश पोर्टल में अपलोड किया गया है ।

12 जांचोपरान्त मुख्य वन संरक्षक/नोडल अधिकारी उ०प्र० लखनऊ द्वारा 20 बिन्दुओं हेतु EDS Compliance 12.03.2020 प्रेषित किया गया । एनटीपीसी रिहंद द्वारा संशोधित EDS Compliance दिनांक 05.03.2021 को परिवेश पोर्टल पर अपलोड किया गया । उक्त 20 बिन्दुओं में से 13 बिन्दुओं को मुख्य वन संरक्षक/ नोडल अधिकारी उ०प्र० लखनऊ द्वारा स्वीकृत किया गया । 7 बिन्दुओं हेतु पुनः एनटीपीसी रिहंद द्वारा संशोधित कर बिन्दुओं का Compliance 03.01.2022 को परिवेश पोर्टल पर अपलोड किया जा चुका है ।

13 प्रशनगत प्रकरण का सम्पूर्ण विवरण एनटीपीसी द्वारा ई-मेल दिनांक 02.04.2022 द्वारा क्रमशः मुख्य वन संरक्षक/ नोडल अधिकारी उ०प्र० लखनऊ, मुख्य वन संरक्षक मिर्जापुर मण्डल मिर्जापुर एवं प्रभागीय अधिकारी रेनुकूट को प्रेषित किया जा चुका है ।

14 महोदय प्रयोक्ता एजेंसी एनटीपीसी रिहंद द्वारा पुनः बिन्दुवार अनुपालन आख्या आपके सहज संदर्भ हेतु इस प्रत्याशा से प्रेषित है कि आपके निर्देशन में अग्रेतर कार्यवाही की जा सके ।

भवदीय



(अनित कुमार)

उप महाप्रबंधक (मा०संसा०)

एनटीपीसी रिहंद सोनभद्र (उ०प्र०)

अनित कुमार / ANIT KUMAR

उप महाप्रबंधक (मा० सं०)/DGM (H.R.)

एनटीपीसी लि० रिहंद/NTPC Ltd. Rihand

सोनभद्र (उ०प्र०)/Sonebhadra (U.P.) 231223



Phone —21, Shakti Nagar Exchange
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Telex —0545-249 NTPC, Varanasi

नेशनल थर्मल पावर कॉर्पोरेशन लि०
National Thermal Power Corporation Ltd.

(भारत सरकार का उद्यम)
(A Govt. of India Enterprise)

रिहन्द सुपर थर्मल पावर प्रोजेक्ट

Rihand Super Thermal Power Project

मो० रिहन्द नगर, जिला—मिर्जापुर (उ० प्र०)

P. O. Rihand Nagar, Distt.—Mirzapur (U. P.)

Pin code—231223

Ref No. 070/P&A/LA/

Date... ३.३.७१

THE NOODAL OFFICER, CONSERVATOR OF FOREST,
LUCKNOW

Sub: Proposal for forest clearance in principle for transfer of forest land for construction of Rihand Super Thermal Power Project in Tehsil Dudhi, Distt. Sonbhadra

Sir,

Enclosed please find a proposal for transfer of forest land for construction of Rihand Super Thermal Power Project of NTPC in Distt. Sonbhadra. This proposal comprises the following classes of lands:

- Land notified u/s 20 of the Indian Forest Act.
- Land notified u/s 4 of the above Act and on which there is no occupancy and is recorded as jungle.
- Land notified u/s 4 on which occupancy of villagers is recorded by the survey agency and part of which has been handed over to NTPC as per Supreme Court judgement in presence of Sh. R. P. Pandey, Commissioner.
- Land notified u/s 4 which is already in possession of NTPC which the revenue records classified as Gaon Sabha or Class IV lands.

As regards (a) and (b) above, there is no adverse implication in respect of their proposal being submitted for clearance.

As regards land at (c) above, part of the same has been handed over by the occupants in presence of the Commissioner Shri R. P. Pandey, in terms of the orders of the Supreme Court of India. In respect of this transfer the occupants are being paid crop compensation @ Rs. 850/- per acre per year as decided and directed by the Commissioner as a part of handing over of the land.

Occupancies have been recorded on this land during the course of record operation. The order of the FSO are being scrutinised by the ADJ as an appellate court.

CLB..2

Regd. Office : 62—69, NTPC SQUARE, NEHRU PLACE, NEW DELHI—110019



Phone — 21, Shakti Nagar Exchange
Gram—THERM POWER
Telex — 0545-249 NTPC, Varanasi

नेशनल थर्मल पावर कॉर्पोरेशन लि०
National Thermal Power Corporation Ltd.

(भारत सरकार का उद्यम)
(A Govt. of India Enterprise)

रिहन्द सुपर थर्मल पावर प्रोजेक्ट

Rihand Super Thermal Power Project

पो० रिहन्द नगर, जिला—मिर्जापुर (उ० प्र०)

P. O. Rihand Nagar, Distt.—Mirzapur (U. P.)

Pin code—231223

Ref. No.

- 2 -

Date.....

Also a legislation has been passed by the State of UP in 1987 that the ownership shall vest in favour of the occupants cultivating the land since before 1978. As such, in terms of the Supreme Court Order, if the ADJ favours the occupants, NTPC will have to compensate the villagers for the land, property, etc. and treat them as oustees for rehabilitation purpose. Also in terms of the agreement reached at Delhi on 2.2.89, only for the land finally declared to be forest land, NTPC will need compensate the forest department.

As regards land at (d) above, the land which was classified as Gaon Sabha or Class IV was handed over to NTPC's possession in 1983 by the Distt. Administration for construction of the project. Also, compensation for houses, wells, trees and bundhis has been made to most of the affected occupants on such land on basis of an agreement on 9.2.83 between the NTPC, villagers' representatives, MP & MLA and the Distt. Admn. representatives and thus it may be treated as transferred to NTPC legally and the forest clearance in respect of this be only for purposes of record as per agreement reached in meeting on 2.2.89 in MOEF.

NTPC has worked and is working on lands handed over by the occupants/district administration on the premise that the same constitutes govt. land over which the villagers have occupancy recorded.

In view of the above, the Forest Deptt. may claim the compensation for trees, the cost of compensatory afforestation and the extent of land required therefor in respect of (a) & (b) above currently and for the balance, after the ADJ finally decides the titles. NTPC agrees to abide by the decision of ADJ and deposit the amount as and when demanded by the forest deptt. after the decision of ADJ. However, if it is considered essential by the Forest deptt., NTPC agrees to deposit the money on provisional basis, subject to the condition that the forest deptt. will refund the entire amount in respect of the land which has been finally decided not to be that of forest department.

Ctd.. 3/-

NTPC

रिहन्द थर्मल पावर कार्पोरेशन लि.

Phone — 21, Shakti Nagar Exchange
Gram — THERM POWER
Telax — 0545-249 NTPC, Varanasi

नेशनल थर्मल पावर कार्पोरेशन लि.
National Thermal Power Corporation Ltd.

(भारत सरकार का उद्यम)
(A Govt. of India Enterprise)

रिहन्द सुपर थर्मल पावर प्रोजेक्ट

Rihand Super Thermal Power Project

पो० रिहन्द नगर, जिला—मिर्जापुर (उ० प्र०)

P. O. Rihand Nagar, Distt.—Mirzapur (U. P.)

Pin code—231223

Ref. No.

Date.....

- 3 -

As agreed in the meeting of 2nd Feb. '89 in MOEF, NTPC will abide by the provisions of Forest Act and request you to please accept the above land transfer proposal and give clearance for the total land, in principle, at a very early date.

Thanking you,

Yours faithfully,

(K. RAMAKRISHNAN)
GENERAL MANAGER

No. P-412/B9-FC

पर्यावरण भवन, सी. जी. ओ. नाम लेवस,
PARYAVARAN BHAWAN, C.G.O. COMPLEX,
लोदी रोड, नई दिल्ली-110003
LODI ROAD, NEW DELHI-110003

23rd August, 1991

The Secretary (Forests),
Govt. of Uttar Pradesh,
Lucknow.

Sub: Diversion of 951.620 ha. of forest land for construction of
Rihand Super Thermal Power Project in Sonbhadra (Mirzapur
district).

Sir,

I am directed to refer to your letter NO. 4004/14-3-975/83
dated 23.8.89 on the above subject seeking prior approval of Central
Govt. in accordance with Section 2 of the Forest (Cons) Act, 1980
and to say that the proposal has been examined by the Advisory
Committee constituted by the Central Govt. under Section 3 of the
aforesaid Act.

After careful consideration of the proposal of the State Govt.
and on the basis of recommendation of the above Advisory Committee,
the Central Govt. hereby agrees in principle for approval for
diversion of 744 ha. of forest land for construction of Rihand Super
Thermal Power Project in Sonbhadra (Mirzapur district) subject to
fulfillment of the following conditions.

1. The State Govt. should identify 744 ha. of non-forest land
immediately with comprehensive compensatory afforestation
scheme and map. State Govt. should also take action for
transfer of 744 ha of non-forest land in favour of Forest
Deptt. to be followed up with notification declaring the same
as protected forest.
2. The User agency will have to transfer the cost of
compensatory afforestation in favour of Forest Deptt.

After receipt of compliance report on the fulfillment of the
above condition from the State Govt. formal approval order under
Section 2 of Forest (Cons) Act will be issued. Transfer of forest
land to user agency shall not be effected by State Govt. until
formal order is issued.

Yours faithfully,

Khazan Singh
(KHAZAN SINGH)

ASSTT. INSPECTOR GENERAL OF FORESTS

P.T.O

Copy to:

1. PCCF, Govt. of Uttar Pradesh, Lucknow.
2. Nodal Officer, 17-Rana Pratap Marg, U.P. Lucknow.
3. CCF (Central), U.P. Lucknow (Regional Office)
- 3... Regional Office (HQ)
5. Guard file.

240m/23-8-91
(KHAZAN SINGH)
AIG (FC)

141490. 1514

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO. 1061 of 1982.

CRL. Misc. Petition No. 2662 Of 1986.

Banawasi Sawa Ashram.Petitioner

-Versus-

State of U.P. and ors.Respondents

ORDER

On the basis of a letter received from Banawasi Sawa Ashram operating in the Mirzapur District this Writ petition under Article 32 was registered. Grievance was made on several scores in that letter but ultimately the question required detailed consideration was relating to the claim of the Adivasis living within Dudhi and Robertgang Tehsils in the District of Mirzapur in Uttar Pradesh to land and related rights. The State Government declared a part of these jungle lands in the two Tehsils as reserved forest as provided under section 20 of the Indian Forest Act, 1927 and in regard to the other areas notification under section 4 of the Act was made and proceedings for final declaration of those areas also as reserved forests were

....2.

undertaken. It is common knowledge that the Adivasis and other backward people living within the Jungle used the forest area as their habitat. They had raised several villages within these two Tehsils and for generations had been using the Jungles around for collecting the requirements for their livelihood- fruit vegetables, fodder, flowers, timber, animals by way of sports and fuel wood. When a part of the jungle became reserved forest and in regard to other proceedings under the Act were taken, the forest officers started interfering with their operations in those areas. Criminal cases for encroachments as also other forest offences were registered and systematic attempt was made to obstruct them from free movement. Even steps for throwing them out under the U.P. Public Premises (Eviction of Unauthorised occupants) Act 1972 were taken.

Some of the villages which were in existence for quite some time also came within the prohibited area. The tribals had converted certain lands around their villages into cultivable fields and had also been raising crops for their food. These lands too were included in the notified areas and, therefore, attempt of the Adivasis to cultivate these lands too was resisted.

On 22.8.1983, this Court made the following order:

"The Writ petition is adjourned to 4th October, 1983 in order to enable the parties to work out a formula under which claims of adivasis or tribals in Dudhi and Rebertaganj Tehsils, to be in possession of land and to regularisation of such possession may be investigated by a high powered committee with a view to

reaching a final decision in regard to such claims. Meanwhile, no further encroachments shall be made on forest land nor will any of the Adivasis or tribals be permitted under colour of this order or any previous order to cut any trees and if any such attempt is made, it will be open to the State authorities to prevent such cutting of trees and to take proper action in that behalf but not so as to take away possession of the land from the Adivasis or tribals."

On behalf of the State of Uttar Pradesh an affidavit was filed by the Assistant Record Officer wherein it was stated:

"It is respectfully submitted that for the information of this Court the State Government is already seized with the matter and is trying to identify claims and find out ways and means to regularise the same. To achieve this aim the Government has already appointed a High Power Committee chaired by the Chairman of Board of Revenue, U.P., Collector, Mirzapur and conservator of Forest, South Circle, are also members of this Committee. This Committee has already held two sittings. In the last meeting held at Pipri on 16/17-8-1983 people of all shades of opinion presented their respective points of view before the Committee."

On 15.12.1983, this Court made another order which indicated that the Court was of the view that another High Powered Committee should be appointed. The relevant portion of that order was to the following effect:

"....the parties will discuss the composition and modalities of the High Power Committee to be appointed by the Court for the purpose of adjudication of the various claims of the persons belonging to the Scheduled Caste and other backward classes in Robertganj and Dudhi Tehsils of Mirzapur District. Notice will also specify, that the Court proposes to appoint a High Power Committee consisting of retired High Court Judge and two other officers for the purposes of adjudicating upon the claims of the persons belonging to Scheduled Caste and Backward Classes in Dudhi and

....4.

Robertson Tehsils of their land entitlements as also to examine the hereditary and customary rights of farmers in those tahsils and to adjudicate upon the claims of tribals of their customary rights with respect to fodder fuel, wood, small timber sand and stones for the houses timber for agriculture implements, flowers, fruits and minor forest produce.

The Uttar Pradesh Government had in the meantime indicated that the tenure of the committee under the Chairmanship of Shri Maheshwar Prasad, was to expire on December 31, 1983 and Government was awaiting the recommendations of that Committee. In that letter it was specifically stated:

"In the opinion of the State Government it would be more fruitful if the Committee proposed in your letter is constituted after the recommendations and advice of the previous committee are received. The Government have agreed in principle that the proposed Committee with wide legal powers be constituted for adjudication of disputes."

Admittedly there had been no survey and settlement in these tahsils and in the absence of any definite record, this Court accepted the representation of the parties that it would be difficult to implement the directions of the Court. The Court, therefore, directed that survey and record operation in these Tehsils be completed. But

later it was again represented on behalf of the State Government that completion of such operation within a short and limited time would be difficult and particularly, during the rainy and the winter seasons it would not at all be practicable to work. The Court thereafter did not reiterate its directions in the matter of preparation of the survey and record operations and awaited the report of the Maheshwar Prasad Committee. Intermittent directions were given on applications filled on behalf of tribals when further prosecutions were launched.

From the affidavit of Shri B.K.Singh Yadav, Joint Secretary to the Revenue Department of the State Government, it appears that the Maheshwar Prasad Committee identified 433 villages lying South of the Kaimur Range of the Mirzapur District to be relevant for the present dispute of those 299 were in Dudhi Tehsil and the remaining 134 in Robertsganj Tehsil. The area involved was 9,23,293 acres out of which in respect of 58,937.42 acres notification under section 20 of the Act has been made declaring the same as reserved forest and in respect of 7,89,086 acres notification under section 4 of the Act has been made. The Committee in its report pointed out that unauthorised occupation related to roughly one lakh eighty-two thousand acres.

In the same affidavit, it has been further stated that the Government by notification dated August 5, 1986, has established a special agency for survey and record operations to solve the problems of the claimants in the area and a copy of the notification has also been produced.

While this matter had been pending before this Court and there has been a general direction that there should be no dispossession of the local people in occupation of the lands, Government has decided that a Super Thermal Plant of the National Thermal Power Corporation Limited (for short (NTPC)) would be located in a part of these lands and acquisition proceedings have been initiated. NTPC is now a party before us upon its own seeking and has made an application indicating specifically the details of the lands which are sought to be acquired for its purpose. It has been claimed that the completion of the project is a time-bound programme and unless the lands intended to be acquired are made free from prohibitive directions of this Court, the acquisition as also the consequential dispossession of persons in occupation and takeover of possession by the

....6.

Corporation are permitted, the project cannot be completed.

Indisputably, forests are a much wanted national Asset. On account of the depletion thereof ecology has been disturbed, climate has undergone a major change and rains have become scanty. These have long-term adverse affects on national economy as also on the living process. At the same time, we cannot lose sight of the fact that for industrial growth as also for provision of improved living facilities there is great demand in this country for energy such as electricity. In fact, for quite some time the entire country in general and specific parts thereof, in particular, have suffered a tremendous set back in industrial activity for want of energy. A scheme to generate electricity, therefore, is equally of national importance and cannot be deferred. Keeping all these aspects in view and after hearing learned counsel for the parties in the presence of officers of the State Government and NTPO and representatives of the Banwasi Seva Ashram, we proceed to give the following directions:

- (1) So far as the lands which have already been declared as reserved forest under section 20 of the Act, the same would not form part of the Writ Petition and any direction made by this Court earlier, now or in future in this case would not relate to the same. In regard to the lands declared as reserved forest, it is, however, open to the claimants to establish their rights, if any, in any other appropriate proceeding. We express no opinion about the maintainability of such claim.
- (2) In regard to the lands notified under section 4 of the Act, even where no claim has been filed within the time specified in the notification as required under section 6(c) of the Act, such claims shall be allowed to be filed and dealt with in the manner detailed below:

....7.

- I. Within six weeks from 1.12.1986, demarcating pillars shall be raised by the Forest Officers of the State Government indentifying the lands covered by the notification under section 4 of the Act. The fact that a notification has been made under section 4 of the Act, and demarcating pillars have been raised in the locality to clearly identify the property subjected to the notification shall be widely publicised by beat of drums in all the villages and surrounding areas concerned. Copies of notices printed in Hindi in abundant number will be circulated through the Gram Sabhas giving reasonable specifications of the lands which are covered by the notification. Sufficient number of Inquiry Booths would be set up within the notified area; so as to enable the people of the area likely to be affected by the notification to get the information as to whether their lands are affected by the notification, so as to enable them to decide whether any claim need be filed. The Gram Sabhas shall give wide publicity to the matter at their level. Demarcation, as indicated above, shall be completed by 15.1.1987. Within three months therefrom, claims as contemplated under section 6 (c) shall be received as provided by the statute.
- upto 15.4.87
- II. Adequate number of record officers shall be appointed by 31st December, 1986. There shall also be five experienced Additional District Judges, one each to be located at Dudhi, Muirpur, Kirbil of Dudhi Tehsil and Robertganj and Tilbudwa of Robertganj Tehsil. Each of these Additional District Judges who will be spared by the High-Court of Allahabad, would have his establishment at one of the places indicated and the State shall

....8.

provide the requisite number of assistants and other employees for their efficient functioning. The learned Chief Justice of the Allahabad High Court is requested to make the services of five experienced Additional District Judges available for the purpose by 15th December, 1986 so that these officers may be posted at their respective stations by the first of January, 1987. Each of these Additional District Judges would be entitled to thirty per cent of the salary as allowance during the period of their work. Each additional District Judge would work at such of the five notified places that would be fixed up by the District Judge of Mirzapur before 20th of December, 1986. These Additional District Judges would exercise the powers of the Appellate Authority as provided under section 17 of the Act.

- III. After the Forest Settlement Officer has done the needful under the provisions of the Act, the findings with the requisite papers shall be placed before the Additional District Judge of the area even though no appeal is filed and the same shall be scrutinized as if an appeal has been taken against the order of the authority and the order of the Additional District Judge passed therein shall be taken to be the order contemplated under the Act.

(3) When the Appellate Authority finds that the claim is admissible, the State Government shall (and it is agreed, before us) honour the said decision and proceed to implement the same. Status quo in regard to possession in respect of lands covered by the notification under section 4 shall continue as at present until the determination by the appellated authority and no notification under section 20 of the Act shall be made in regard to these lands until such appellate decision has been made.

(4) Necessary assistance by way of Legal Aid shall be provided to the claimants or persons seeking to raise claims and for facilitating obtaining of requisite information for lodging of claims, actual lodging of claims and substantiating the same both at the original as also the appellate stage as contemplated, by the claimant legal aid shall be extended to the claimants, without requisite compliance of the procedure laid down by the Legal aid Board. The Legal Aid and Advice Board of Uttar Pradesh and the District Legal Aid and advice Committee of Mirzapur shall take appropriate steps to ensure availability of such assistance at the five places indicated above. the purpose of ensuring the provision of such legal aid State of Uttar Pradesh has agreed to deposit a sum of Rupees five lakhs with the District Legal Aid Committee headed by the District Judge of Mirzapur and has undertaken to deposit such further funds as will be necessary from time to time. It shall be open to the District Legal Aid Committee under the supervision of the State Legal Aid Board to provide legal aid either by itself or through any Social Action Groups, like the Banwasi Seva Ashram.

(5) The land sought to be acquired for the Rihand Super-Thermal power project of the NTPC shall be freed from the ban of dispossession. Such land is said to be about 153 acres for Ash Pipe Line and 1643 acres for Ash Dyke and are located in the villages of Khamariya, Mitthanni, Parbatwa, Jheelotola, Dodhar and Jarha. Possession thereof may be taken after complying with the provisions of the Land Acquisition Act, but such possession should be taken in the presence of one of the commissioners who are being appointed by this order and a detailed record of the nature and extent of the land, the name of the person who is being dispossessed and the nature of enjoyment of the land and all other relevant particulars

....10.

should be kept for appropriate use in futuro. Such records shall be duly certified by the Commissioner in whose presence possession is taken and the same should be available for use in all proceedings that may be taken subsequently.

The NTPC has agreed before the Court that it shall strictly follow the policy on "facilities to be given to land oustees" as placed before the Court in the matter of lands which are subjected to acquisition for its purpose. The same shall be taken as an undertaking to the Court.

(6) It is agreed that when a claim is established appropriate title-deed would be issued to the claimant within a reasonable time by the appropriate authority.

(7) The court appoints the following as a Board of Commissioners to supervise the operations and oversee the implementation of the directions given.

(i) Mr. P. R. Vyas Bhiman (I.A.S. retired).

Executive-chairman of the State Board of Revenue,
U.P. now residing at Lucknow;

(ii) Dr. Vasudha Dhagamwar;

(iii) A representative to be nominated by the Banwasi
Seva Ashram.

The committee shall be provided by the State Govt. with transport facilities and the appropriate infrastructure. This should be completed before 31st December, 1986.

In the affidavit filed by Shri Yadav, Joint Secretary to the State Government on November 7, 1986, certain instructions of the State Government have been detailed. To the extent the instructions are not superseded by the Court's directions in to-day's order the same shall remain effective.

....11.

We must express our satisfaction in regard to the co-operation shown by the parties. Mr. Gopal Subramaniam appearing for the State of Uttar Pradesh has taken considerable pains to give shape to the matter. Mr. Ramamurti for the petitioner has also done considerable work in evolving the ambit of the guidelines which we have adopted. We hope that all parties concerned with the matter would exhibit the proper spirit necessary to successfully complete the assignment. We give liberty to parties to move for directions as and when necessary. The Board of Commissioner shall also be at liberty to approach this court for directions when necessary for implementing the present arrangements.

CJ

J

(RANGANATHI MISRA)

NEW DELHI:
NOVEMBER 20, 1986.

Item No. 24. -

Court No.3

Section XV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Criminal, Miscellaneous Petition No. 4596-97/88 (In WP. (Crl.).
No. 1061/82).

Banwasi Seva Ashram. Petitioner(S)/Appellant(S).

-Versus-

State of U.P. & Ors. Respondent(S).
(For directions & Exemption).

Date: 14.12.88. This matter was called on for hearing today.

CORAM:

Hon'ble Mr. Justice Ranganath Miers.
Hon'ble Mr. Justice M.H. Venkatachaliah.
Hon'ble Mr. Justice

For the applicant/ :Mr. K. Parasaram, A.G.
Respdt. (NTPC). :Mr. Faquir Chand, Mr. J.C. Seth, Mr. D.D.
Sharma, Adv.

For the Opposite :Mr. MK. Ramamurthy, Sr. Adv. With
Party: :Mr. M.A. Krishnamurthy, Adv. and
:Mr. C. Ramamurthy, Adv.

For r.r. :Mr. Hemant Sharma, Ms. A. Subhashini, Adv.
:Mr. S. Suri, Adv.
:Mr. G. Subrameniam, Adv.
:Mr. D. Bhandari, Adv.
:Mr. M. Qamaruddin, Adv.
:Mr. B.P. Bhatnagar, Adv.
:Dr. Sharma, Adv.
:Mr. CVS. Rao, Adv.

UPON hearing counsel the Court made the following
O R D E R

The request for adjournment on account of the fact
that the Commissioners are not present in Court as directed
is rejected in view of the urgency of the matter.

Learned Attorney General submits that the N.T.P.C.,
A Public Sector Undertaking, is suffering huge loss every
day on account of the non-clearance of the lands acquired
for the purpose of N.T.P.C. The earlier order made by the
Court has not been implemented.

Mr. Pandey, one of the Commissioners, is directed to
visit.

....2.

the locality where the lands ^{acquired} acquired for N.T.P.C. are located and to take immediate steps to ensure that the acquired land is released in favour of the Corporation within two weeks from today. Care should be taken to ensure that the interests of the residents within the area are not affected. Once this process is done, N.T.P.C. would be free to proceed with its work and there would be no prohibition against the N.T.P.C. in regard to the acquired lands.

The local authorities of the State Government shall cooperate in implementing this order. The learned Attorney General has undertaken before us that whatever be the appropriate compensation to be ordered either by the authorities or by this Court shall be deposited in this Court as and when directed.

Copy of the order may be made available to the counsel for the N.T.P.C. and an extra copy may be given him to serve on the Commissioners. Civil Misc. Petition is disposed of accordingly.

Sd/-
(RAJ GOPAL)
Court Master.

प्राप्त

16.9.1989

To
The Conservator of Forests
Varanasi II,
Allahabad

Dear Sir,

Deputy Manager (Administration), NTPC, has brought to my notice that inspite of my directions, the Divisional Forest Officer, Renukoot, is not permitting them to carry on Project works on the Section 4 land occupancies which has already been verified and transferred to them. Reference has been made to a note from Forest Range Officer, Jajha to this effect.

In this connection I would like to mention that verification and transfer of occupancies has already taken place in compliance of the order of the Hon'ble Supreme court dated 29.11.86. Hence it would be a clear violation of the order of Hon'ble Supreme court dated 6.2.89 if any obstruction is caused by the Forest Department in the construction work of the NTPC Project. I would therefore suggest that necessary directions be issued to the DFO to refrain from obstructing project works, otherwise serious legal consequences may follow.

Yours sincerely,

(R.P. Pandey)

- Copy to : 1) D.M./SSP, District Sonbhadra, U.P. to ensure that all assistance is made available to the NTPC to carry on their Project works.
- 11) Shri P.N. Tripathi, D.F.O. Renukoot, with the remarks that he should not obstruct in the construction work of the project of the NTPC.
- 111) Shri S.C. Bansal, Dy. Manager (Admn), NTPC with the remarks that they should go on with the construction work on the occupancies verified and transferred to NTPC.

(R.P. Pandey)

संलग्नक

कार्यालय नोडल अधिकारी एवं वन संरक्षक, वन उपयोग बृत्त, 30 प्र०, लखनऊ ।

पत्र संख्या 9/7/67/सी-10/120 दिनांक: लखनऊ: फरवरी 1996.

सेवा में,

प्रभागीय वनाधिकारी,

रुकुट वन प्रभाग,

रुकुट ।

विषय :-

रिहन्द सुपर थर्मल पावर प्रोजेक्ट बीजपुर द्वारा क्षतिपूर्क व रोपण हेतु गैर वन भूमि उपलब्ध कराया जाना क्षतिपूर्क वक्ष रोपण पर व्यय की जाने वाली धनराशि का वन विभाग को उपलब्ध कराया जाना ।

सन्दर्भ :-

वन संरक्षक, बाराणसी वृत्त-2 विन्ध्य वृत्त 30 प्र० बाराणसी पत्रांक 28/2/विन्ध्य/15 दिनांक 5-1-1996.

महोदय,

आपके पत्र सं. टी. पी. सी. द्वारा उपलब्ध करायी जा रही 280.508

गैर वन भूमि पर क्षतिपूर्क वक्षारोपण योजना, स्थल मानचित्र एवं रोपित होने वाली प्रजातियों के नामाचार प्रतियों में इस कार्यालय को प्रेषित करें । एक सं. टी. पी. सी. को भी उपलब्ध कराये । प्रबंध एवं वक्षारोपण की दृष्टि से उपयुक्तता का प्रमाण-पत्र भी प्रत्येक प्रति पर अंकित भूमि का प्रकार उत्तर, अथवा सामान्य भी इंगित किया जाय जिससे तदनुसार धनराशि की मांग प्रस्तुत क जा सके ।

भवदीय,

जी०सी० मिश्र
नोडल अधिकारी,

वन संरक्षक, वन उपयोग बृत्त, 30 प्र०, लखनऊ

पत्र संख्या

818/

दिनांकित

प्रतिनिधि निम्नलिखित को सूचना दी एवं आवश्यक कागजाती

महाप्रबन्धक, सं. टी. पी. सी. बीजपुर, जनपद सोनभद्र । प्रभागी

वनाधिकारी द्वारा निरीक्षण के बाद उपयुक्त पाये जाने पर

विन्ध्य वन भूमि, 280.508 हे० का वन विभाग के वक्ष में नामान्तरण करने का कष्ट करें ।

2

सचिव, वन अनुभाग-2, 30 प्र० आसन, लखनऊ । सन्दर्भ :- इस काग का. न० 783/11 सी-10/120 दिनांक 3-1-1996.

3

वन संरक्षक, बाराणसी वृत्त 30 प्र०, बाराणसी । सन्दर्भ :- उनका पत्रांक 28/2/विन्ध्य/15 दि० 5-1-1996.

जी०सी० मिश्र
नोडल अधिकारी,

वन संरक्षक, वन उपयोग बृत्त, 30 प्र०, लखनऊ

रतन/7/2/96

Handwritten signatures and stamps at the bottom left, including a date stamp 16.2.96.

Handwritten numbers 15, 8565, and (35) at the bottom right.

EM/C No 2624055

यूनियन बैंक ऑफ इंडिया
UNION BANK OF INDIA



10/10/1997

09/10/1997

Pay to Divisional Forest Officer, Remuneration को or Bearer

रुपये Rupees forty nine lakh sixty

nine thousand five hundred only. —

₹. Rs. 49,69,500/-

चालू जमा खाता नं.

C/D A/C No. 24001

Licnan hual

6/10/97

के. श्रीनिवास मुर्ति/K. S. MURTHY

अधीनस्थ प्रबंधक (मानव संसाधन)

Addl. General Manager (HR)

एनटीपीसी लिमिटेड/NTPC Ltd. Rihand

सोनमढ़ (उज्जैन)/Sonmehara (U.P.)

Encl. OVERALL

30.11.2005/11/2/97
वन महाविरोधक एवं विशेष सचिव
भारत सरकार
INSPECTOR GENERAL OF FORESTS &
SPECIAL SECRETARY
GOVERNMENT OF INDIA

No. 11-30/96-FC
April 10, 1997

Dear Shri *Puri*,

Encl - 820 (20)187
8-1

As you are well aware, there have been difficulties and delays in identifying non-forest lands for raising compensatory afforestation under Forest (Conservation) Act, 1980. Our preferred option has been to carry out afforestation over non-forest area equivalent to forest area being diverted. However, in case of non-availability of non-forest land, as certified by the respective Chief Secretaries, compensatory afforestation over degraded forest land twice in extent of area being diverted has been provided for.

2. Over a period of time, it has been observed that many important development projects in the central sector, which are of vital national importance, either get delayed, or remain a non-starter, due to delay in identifying and transferring suitable equivalent non-forest land to the concerned Forest Department. Be that as it may, it has also resulted in severe criticism of the Ministry as being instrumental in delaying such projects, resulting in cost and time escalations of the projects.

3. The issue was considered recently in the Committee of Secretaries (COS), Govt. of India, who have inter alia recommended that to avoid such delays in central sector projects, diversion of forest land may be permitted against compensatory afforestation on double the degraded land in the first instance.

4. After giving considerable and careful thought to the recommendations, the Ministry has decided to insert para 3.2 (viii) in the existing guidelines for central projects. The preamble alongwith a copy of the additional guideline is enclosed for ready reference and further necessary action at your end.

5. The Government of Madhya Pradesh and Rajasthan have indicated their willingness to create a "degraded forest plantation bank" which can be availed of by the proponents of the central sector projects in other states. If the state governments, where such projects are sited, cannot undertake the compensatory afforestation within their own forest areas.

रतन
रतन
28/5/97

पर्यावरण एवं वन मंत्रालय, पी. जी. ओ. कॉम्प्लेक्स, लोदी रोड, नई दिल्ली-110003
Ministry of Environment & Forests, C.G.O. Complex, Lodi Road, New Delhi-110003
Phone : 4361609 Fax : 4363957 Gram : 'PARIVAHAN'

:2:

6. Keeping in view the revised guidelines, I request you to henceforth submit the proposals for central sector projects providing for compensatory afforestation on double the degraded land, without insisting upon a certificate from the State Chief Secretaries as hitherto. In case, you find it difficult to locate suitable degraded forest land for compensatory afforestation for such central projects within the time frame, this may kindly be indicated in the body of the proposal itself. In such exigencies, the Ministry will allot areas for compensatory afforestation in degraded forest land bank already identified in either of the states of Madhya Pradesh and Rajasthan as per the cost norms indicated by the concerned government from time to time.

With regards,

Yours sincerely,

(C.P.) OBERAI

Encl.: as above

Shri Panna Lal Puri,
Secretary (Forest),
Dept. of Environment & Forests,
Govt. of Uttar Pradesh,
Lucknow.

Fax: 0522-224538

भारतीय स्टेट बैंक
STATE BANK OF INDIA
आइ कोड नं. 07523
टेल नं. 5446-2421161

भारतीय स्टेट बैंक
State Bank of India
DEMAND DRAFT



Key: ROCMAN
Sr. No: 693066

मागे ज्ञानेपर ON DEMAND PAY CAF UP A/C NO CA - 1574 CORPOR ATION BANK NEW DELHI*****

*****CAF UP A/C NO CA - 1574 CORPOR ATION BANK NEW DELHI*****

या उनके आदेश पर OR ORDER

रुपये
RUPEES

THREE	TWO	SEVEN	THREE	EIGHT	ONE	ONE	FIVE
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PAISE ZERO ONLY

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AMOUNT BELOW 32738116(3/8)

भारतीय स्टेट बैंक
STATE BANK OF INDIA

अवकर्ता शाखा / DRAWEE BRANCH: SERVICE BRANCH, NEW DELHI

आइ कोड नं. / CODE No: 07687

IOI 000178230788

Key: ROCMAN Sr. No: 693066

प्राधिकृत हस्ताक्षरकर्ता / AUTHORISED SIGNATORY
(हस्ताक्षर नम्बर को / S.S. NO.)

अदा करें / VALUE RECEIVED
SINGH JAI PRAKASH
18426

शाली प्रबंधक / BRANCH MANAGER
K. KHARE
K-6308

230768 0000020000 000178 16

(Handwritten signature)

के. श्रीनिवास मूर्ति / K. S. MURTHY
अपर महाप्रबंधक (मानव संसाधन)
Addl. General Manager (HR)
एनटीपीसी लि० रिहन्द / NTPC Ltd. Rihand
सोनभद्र (उ०प्र०) / Sonbhadra (U.P.)

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मानक रूप से मुद्रित होने का होना चाहिए
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State Bank of India

Rs. 25,000/- एवं अधिक के दस्तावेज दो अधिकारियों द्वारा हस्ताक्षरित होने का होना चाहिए।
INSTRUMENTS FOR RS. 25,000 & ABOVE ARE NOT VALID UNLESS SIGNED BY TWO OFFICERS

आवेदन करने वाली संस्था
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कोड नं. / CODE No: 07523
टेली नं. / Tel No: 5448-2421181

मांगद्राफ्ट
DEMAND DRAFT



दिनांक / DATE: 10/07/2010

Key: WOLCON

Sr. No: 966930

मांगे जाने पर ON DEMAND PAY COMPENSATORY AFFORESTATION FUN D (CAF) U P A/C NO-CA1574*****

COMPENSATORY AFFORESTATION FUN D (CAF) U P A/C NO-CA1574

या उनके आदेश पर OR ORDER

रुपये	TWO	FIVE	EIGHT	ZERO	SIX	SEVEN	THREE	SIX	ZERO
RUPEES	TWO	FIVE	EIGHT	ZERO	SIX	SEVEN	THREE	SIX	ZERO
	TWO	FIVE	EIGHT	ZERO	SIX	SEVEN	THREE	SIX	ZERO
	TWO	FIVE	EIGHT	ZERO	SIX	SEVEN	THREE	SIX	ZERO

Rs. 258087360 P. 00

AMOUNT BELOW 258087361(2/9)

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मूल्य प्राप्त / VALUE RECEIVED

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STATE BANK OF INDIA
आवेदन करने वाली संस्था / DRAWEE BRANCH: SERVICE BRANCH, NEW DELHI
कोड नं. / CODE No: 07687
IOI 000015894481 Key: WOLCON Sr. No: 966930

सिंगरवाड़ा जिला / SINGRAWADIA DISTRICT
S-18428

हस्ताक्षर / SIGNATURE
A. K. KHARE
K-6308

994461 0000020000 000015 17

Handwritten signature in blue ink

के. श्रीनिवास मूर्ति / K. S. MURTHY
अपर महाप्रबंधक (मानव संसाधन)
Addl. General Manager (HR)
एनटीपीसी लिमिटेड / NTPC Ltd. Rihand
सोनमठ (उ.प्र.) / Sonmuth (U.P.)

F. No. 2-412/1989-FC (Pt.)
 Government of India
 Ministry of Environment, Forests and Climate Change
 (FC Division)

Indira Paryavaran Bhawan,
 Aliganj, Jor Bag Road,
 New Delhi - 110003.
 Dated: 6th December, 2017

To
 The Principal Secretary (Forests),
 Government of Uttar Pradesh,
 Lucknow.

Sub: Diversion of 146.31 ha of forest land for construction of Rihand Super Thermal Power Project Stage-III (2x500 MW) Ash Dam and Ash Pipe life in favour of in favour of NTPC in the Sonbhadra district of Uttar Pradesh- constitution of committee-reg.

Sir,

I am directed to refer to the State Government's letter No. 1564/11-C-794 dated 27.01.2017 in connection with the above subject proposal for prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. The said proposal was at last placed before Forest Advisory Committee (FAC) in its meeting held on 16.11.2017. The detailed minutes of the FAC meeting held on 16.11.2017 is placed on the website of this Ministry: www.forestclearance.nic.in. After thorough deliberation in the said FAC meeting, the Committee inter-alia recommended that:

- i. Area which is subjected to the notification under section 4 of Indian Forest Act 1927 for which NTPC had applied for approval under Forest (Conservation) Act 1980 shall be treated as 'forest' even though not notified as 'Reserved Forest' under section 20 of Indian Forest Act 1927 and will be diverted as per the procedure laid down for Forest land diversion under section 2(ii) of the Forest (Conservation) Act 1980.
- ii. NTPC had taken possession of land which was subjected to the notification under section 4 of Indian Forest Act 1927. There was prolonged confusion on the status of forest land due to, different interpretations of court orders. Taking into consideration these facts no penalty will be imposed on NTPC for carrying out work over forest land after stage-I approval and without Stage II approval under Forest (Conservation) Act 1980 over section 4 notified forest land.
- iii. State government and NTPC will clearly identify the forest land utilised for RSTPP and prepare a detailed land use plan of entire 744 ha of forest land submitted for diversion and submit a detailed map on appropriate scale demarcating the area under existing RSTPP and the unused area out of 744 ha not required by NTPC. The unused forest land not required for RSTPP by NTPC shall be returned and taken in possession by the State Forest department immediately. Compensatory levies shall be calculated and realised as per actual land under possession of NTPC. The revised land use plan ~~for the entire area (out of 744 ha) shall be submitted to the Ministry of Environment, Forests and Climate Change, Government of India.~~
 conditions stipulated in stage-I issued by MoEF&CC on 23.08.1991

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12/12/17

- iv. The compensatory levies as applicable to central PSU will be deposited by NTPC for revised forest land under existing RSTPP out of 744 ha of forest land.
- v. Period of lease for which the forest land is being diverted shall be specified by the State Government as per the projected life of the RSTPP.
- vi. State government shall ensure complete compliance of FRA prior to stage II approval.
- vii. NTPC and State Government shall submit the compliance of the conditions stipulated in stage-I granted on 23.08.1991 with revised forest land already under non-forestry use and surrender schedule and the proposal for Diversion of 146.31 ha of forest land for construction of RSTPP Stage-III (2x300 MW) ash dam and ash pipeline in favour of NTPC will be submitted after receipt of the stage-I compliance.
- viii. As recommended by the committee that a study to be carried out to analyse the use of abandoned mined pit as ash dyke in relation to possibility of leaching of heavy metal in Rihand Reservoir whose water is used for drinking water purposes. A detailed analysis of this fact shall be done prior to taking final decision on diversion of forest land for ash dyke. A detail analysis shall be carried out by reputed institute and cost of the analysis shall be borne by NTPC.

In view of the above, the State Government is requested to submit information/documents/clarification on the points, as indicated above to this Ministry for further consideration of the proposal in the Ministry.

Yours faithfully,

(Signature)

(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests Government of Uttar Pradesh, Lucknow.
2. The Nodal Officer, Office of the PCCF, Government of Uttar Pradesh, Lucknow.
3. The Addl. PCCF (Central), Regional Office, Lucknow.
4. User Agency (General Manager, NTPC, Rihand, Sonbhadra, Uttar Pradesh).
5. Monitoring Cell, FC Division, MoEF, New Delhi
6. Guard file.

(Signature)

(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

कार्यालय, मुख्य वन संरक्षक/नोडल अधिकारी, उत्तर प्रदेश, लखनऊ।

पत्रांक- 146 / 11-सी-NTPC, लखनऊ, दिनांक: दिसम्बर 14, 2017

प्रतिलिपि—निम्नलिखित अधिकारियों को भारत सरकार नई दिल्ली के उपरोक्त निर्देशानुसार सूचनाएँ एवं आवश्यक अपेक्षित कार्यवाही हेतु प्रेषित।

- 1- मुख्य वन संरक्षक, गिर्जापुर मण्डल, गिर्जापुर।
- 2- प्रभागीय वनाधिकारी, रेनूकूट वन प्रभाग, रेनूकूट।
- 3- कार्यकारी निदेशक, रिहन्द सुपर थर्मल पावर स्टेशन, रिहन्द नगर, बीजपुर, सोनभद्र।

(डा० प्रशान्त कुमार वर्मा)
मुख्य वन संरक्षक/नोडल अधिकारी,
उ०प्र०, लखनऊ।

दिनांक 14.12.2017 को मुख्य वन संरक्षक/नोडल अधिकारी, उ०प्र०, लखनऊ की अध्यक्षता में रिहन्द सुपर थर्मल पावर प्रोजेक्ट, रिहन्दनगर-बीजपुर, जिला सोनभद्र-के वनभूमि हस्तांतरण के सम्बन्ध में भारत सरकार, नई दिल्ली के एफ०ए०सी० की बैठक दिनांक 16.11.2017 को लिये गये निर्णय एवं भारत सरकार नई दिल्ली के पत्र संख्या-8-412/1989-एफ०सी०(पी०टी०), दिनांक 06.12.2017 के क्रम में सम्पन्न हुयी बैठक का कार्यवृत्त

रिहन्द सुपर थर्मल पावर प्रोजेक्ट, रिहन्दनगर-बीजपुर, जिला सोनभद्र के वनभूमि हस्तांतरण के सम्बन्ध में भारत सरकार, नई दिल्ली के एफ०ए०सी० की बैठक दिनांक 16.11.2017 को लिये गये निर्णय एवं भारत सरकार, नई दिल्ली के पत्र संख्या-8-412/1989-एफ०सी०(पी०टी०), दिनांक 06.12.2017 के क्रम में मुख्य वन संरक्षक/नोडल अधिकारी, उ०प्र०, लखनऊ की अध्यक्षता में दिनांक 14.12.2017 को अपराह्न 1:00 बजे बैठक आयोजित की गई, जिसमें श्री आर०आर० जगुआर, मुख्य वन संरक्षक/कार्यकारी अधिकारी, उ०प्र० कैम्पा, लखनऊ विशेष अतिथि के रूप में उपस्थित हुये। बैठक में उपस्थित अन्य अधिकारियों की सूची संलग्न है।

विषयगत प्रकरण में भारत सरकार, नई दिल्ली के एफ०ए०सी० की बैठक दिनांक 16.11.2017 एवं भारत सरकार, नई दिल्ली के पत्र संख्या-8-412/1989-एफ०सी०(पी०टी०), दिनांक 06.12.2017 के क्रम में निम्न लिखित निर्णय लिये गये:-

1. भारत सरकार, नई दिल्ली के पत्र दिनांक 23.08.1991 के द्वारा सैद्धान्तिक स्वीकृति प्राप्त 744 हे० वन भूमि में से एन०टी०पी०सी० द्वारा उपयोग में लाई जा रही वन भूमि का मौके पर चिन्हांकन करते हुये कुल वार्षिक संशोधित वन भूमि का वन (संरक्षण) अधिनियम, 1980 के नवीन दिशा निर्देशों के अनुसार ऑनलाइन प्रस्ताव एन०टी०पी०सी० द्वारा प्रस्तुत किया जायेगा, जिसमें वर्तमान दिशा-निर्देशों के अनुसार उक्त वन भूमि का जियो रिफरेंस डिजिटल मैप, के०एम०एल० फाईल की सी०डी० एवं एस०ओ०आई० टोपोशीट आदि सहित पूर्ण प्रस्ताव प्रस्तुत करेंगे।
2. एन०टी०पी०सी० द्वारा उपरोक्तानुसार उपयोग में लाई जा रही संशोधित चिन्हित वन भूमि का Land use define करेंगे।
3. एन०टी०पी०सी० द्वारा उपयोग में लाई जा रही संशोधित वन भूमि के अतिरिक्त उपयोग में ला लाई जा रही वन भूमि को वन विभाग के पक्ष में वापस करनी होगी, जिस हेतु प्रधान मुख्य वन संरक्षक और विभागाध्यक्ष, उ०प्र० लखनऊ के दिशा-निर्देशों के अनुसार मुख्य वन संरक्षक, मिर्जापुर क्षेत्र, मिर्जापुर द्वारा हस्तांतरण की कार्यवाही सम्पन्न करायी जायेगी।
4. एन०टी०पी०सी० द्वारा प्रस्तुत किये जाने वाले संशोधित प्रस्ताव में शुद्ध वर्तमान मूल्य को पूर्व में जमा की गई शुद्ध वर्तमान मूल्य की धनराशि से समायोजित किया जायेगा।
5. संशोधित वन भूमि हस्तांतरण के प्रस्ताव में भारत सरकार के दिशा-निर्देशों के अनुसार क्षतिपूर्ति हेतु दूगने अयनत वन भूमि क्षतिपूर्क वृक्षारोपण की 10 वर्षों के अनुक्षण सहित आवश्यक धनराशि वर्तमान संशोधित दर के अनुसार गौग की जायेगी, जिसमें एन०टी०पी०सी० द्वारा पूर्व में जमा की गई क्षतिपूर्क वृक्षारोपण की धनराशि को समायोजित किया जायेगा।
6. एन०टी०पी०सी० द्वारा संशोधित वार्षिक क्षेत्रफल के अनुसार प्रस्तुत प्रस्ताव का सम्बन्धित जिलाधिकारी द्वारा वन अधिकार अधिनियम, 2006 के अन्तर्गत जिलाधिकारी का प्रमाण-पत्र प्रस्तुत किया जायेगा।
7. एन०टी०पी०सी० के द्वारा उपरोक्त कार्यवाही के साथ भारत सरकार के पत्र दिनांक 23.08.1991 द्वारा निर्गत सैद्धान्तिक स्वीकृति की पूर्ण बिन्दुवार अनुपालन आख्या भी प्रस्तुत की जायेगी।
8. भारत सरकार के पत्र दिनांक 06.12.2017 में दिये गये निर्देश के क्रम में एन०टी०पी०सी० को निर्देशित किया गया कि वन सलाहकार समिति के निर्णय के अनुपालन में एश ड्राईक को छोड़े गये खनन क्षेत्रों में डग करने से हेवी मेटल के रिहन्द रिजरवायर जलाशय में लीच करने की सम्भावना पर एक अध्ययन National Economic and Environmental Research Institute, Nagpur से तत्पान कराते हुये उनकी रिपोर्ट इस कार्यालय के माध्यम से भारत सरकार, नई दिल्ली को उपलब्ध कराया जायेगा।

कार्यालय, मुख्य वन संरक्षक/नोडल अधिकारी, उत्तर प्रदेश, लखनऊ।
पत्रांक- 1607/11-सी-नैटक, दिनांक, लखनऊ, दिसम्बर (2), 2017

प्रतिलिपि- निम्नलिखित को उपरोक्त के क्रम में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. सहायक वन महानिरीक्षक (एफ0सी0), भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इण्डिरा पर्यावरण भवन, अलीगंज, जोर बाग रोड, नई दिल्ली।
2. प्रमुख सचिव, वन एवं वन्यजीव अनुभाग-2, उ0प्र0 शासन, लखनऊ।
3. मुख्य वन संरक्षक/कार्यकारी अधिकारी, उ0प्र0 कैम्पा, लखनऊ।
4. मुख्य वन संरक्षक, मीरजापुर क्षेत्र, मीरजापुर।
5. प्रभागीय वनाधिकारी, रेनूकूट वन प्रभाग, रेनूकूट।
6. कार्यकारी निदेशक, रिहन्द सुपर थर्मल पावर स्टेशन, रिहन्द नगर, बीजपुर, सोनभद्र।

(डा0 प्रशान्त कुमार वर्मा)

मुख्य वन संरक्षक/नोडल अधिकारी,
वन (संरक्षण) अधिनियम, 1980
उत्तर प्रदेश, लखनऊ।