

Date: 20<sup>th</sup> July 2016.

Dr. Shri Dheeraj Pandey  
Hon. DFO, Mussorie Forest Division  
Mussorie, Uttarakhand.

Reg: Proposal no. FP/UK/Others/14556/2015 seeking approval of the Central Govt. under the FCA 1980 for construction of a residential house at Srinagar Estate, a private notified estate.

Sub: Your EDS dt. 27<sup>th</sup> June 2016 informing that my above Proposal is rejected by the Hon. MoEFCC.

Ref: 1) Your letter no. 3693/12-1 dated 15<sup>th</sup> June 2016  
2) Letter no. 2962/12-1(1) dt. 3<sup>rd</sup> June 2016 from Conservator of Forests, Yamuna Circle, Uttarakhand, Dehradun  
3) EDS query from The Addl. PCCF cum Nodal Officer, Conservation of Forest, Indranagar Forest Colony,  
4) Letter no. 8B/UCP/09/64/2016/FC/191 dt. 3<sup>rd</sup> May 2016 from Shri M.S.Negi, Conservator of Forests, MoEFCC Regional Office, Pearson Road, FRI Campus, Dehradun

Sir,

This is with reference to the above letters wherein you have informed me through an EDS uploaded online on 27.06.2016, that my Proposal no. FP/UK/Others/14556/2015 seeking approval of the Central Govt. under the FCA 1980 for construction of a residential house at Srinagar Estate, a private forest notified estate has been rejected.

With reference to the letter no. 8B/UCP/09/64/2016/FC/191 dt. 3<sup>rd</sup> May 2016 from Shri M.S.Negi, Conservator of Forests, MoEFCC Regional Office, Pearson Road, FRI Campus, Dehradun, I wish to inform you that:

1. I, Amit Rajendrakumar Gupta DO NOT OWN ANY RESIDENTIAL PREMISES IN INDIA. I beg to refer and rely upon the Balance Sheets as submitted with the I.T.dept. The premises in Dehradun is owned by a separate entity, a totally different income tax assessee, an HUF, wherein the female members of my family (i.e my wife and daughter) have a share in the property. As such, the plot of land situated at Srinagar Estate in Mussorie is the only property in my name, available with me to build a residential house for myself and use the balance land for forest based activities. I have purchased this property situated at Srinagar Estate in Mussorie prior to the HUF buying the flat here in Dehradun during which time I was staying at a tenanted apartment. I will be 50 years old next year i.e. in 2017 and hence the urgency to the Hon. Ministry to consider my above Proposal. And as such, I request you to consider myself to qualify as a 'homestead owner'.
2. I have purchased this property from Mr. Azhar Ali Shah, a resident of Mussorie since many decades. Mr. Azhar Ali Shah had purchased this property on 31.07.1976 from Smt. Prakash Devi, w/o Mr. R.B.Lal who have been residing in Mussorie prior to Independence and many years before the Forest Conservation Act came into effect. Both Mr. Lal and Mr. Shah have had their residences/farmhouse on Srinagar Estate wherein farming, agriculture and other forest based activities were being carried out and that they have sold only a part of their property. Hence they should be considered to qualify as 'homestead' owners.
3. Non-forest land, and that too, if any available within the MDDA areas of Mussorie, Uttarakhand would be mostly located in densely populated areas of the town of Mussorie. It would be very costly and would not have been in my budget. It would have very narrow roads and access will be through densely populated area replete with flowing drains and garbage. Also there is no chance of any farming or agricultural activity to take place in such 'non-forest lands in MDDA areas' and it would defeat the very purpose for a peaceful living. There was also no data separately available of any non-forest land for sale in MDDA area of Mussorie as demarcation has not yet been completed by the Dept.. Hence I presume such properties would not qualify as being a 'homestead' owned property. The reason behind purchasing this particular property situated at Srinagar Estate in Mussorie was to build a residential house or farmhouse for myself and use the balance land for forest based activities which is also advisable for my health.



4. I have purchased this property on 18.01.2012 and there has been no violation of the FCA on my part on the property. In my above Proposal bearing no. FP/UK/Others/14556/2015, I have requested the Hon. Ministry to accord approval for the diversion of a **MINISCULE** portion of the total private notified forest land purchased by me. **An area of only 249.96 sq.m. from a total area of 4118.90 sq.m., a mere 6.06% of the total land area** is to be accorded approval. Rest 93.94% of the land will continue to have farming and other forest related activities like medicinal plant cultivation, bee-keeping, etc. Hence, I request you to consider myself to qualify as a homestead owner.

I beg you to look into the merits of my Proposal again on a 'case to case' basis and consider my fulfillments of the conditions as laid out in the guidelines dt. 11.02.2011. I quote the said conditions vide letter dt. 11.02.2011 (*in italics*) and my fulfillment of the said conditions, which follow suit:

a) *Construction activity for residential purpose in private forest area shall be allowed only for domestic purpose and shall not be extended to any institutional building or commercial development* – my Proposal no. FP/UK/Others/14556/2015 is to seek approval of the Central Govt. under the FCA 1980 for the construction of a private residential house for domestic purpose only on a mere 6.06% of the total land area available with me.

b) *The construction activity shall be restricted to a maximum of 250 sq.m. of builtup area in each case* - in my above Proposal, I seek approval of only 249.96 sq.m. of builtup area which includes rainwater harvesting tank, septic tanks and pipelines, approach, etc

c) *The construction of residential building in private forests is permitted in MDDA areas and other parts of Uttarakhand State only in order to alleviate hardship of homestead owners for constructing/completing their bona-fide residential buildings* – I do not own any residential building in my name in the entire country and given my resources, I can construct and own my own residential house on this property of mine on **an area of only 249.96 sq.m. from a total area of 4118.90 sq.m., a mere 6.06% of the total land area** belonging to me. Rest 93.94% of the land will continue to have farming and other forest related activities like medicinal plant cultivation, bee-keeping, etc. Hence, I request you to consider myself to qualify as a homestead owner and further request you to reconsider my Proposal and help alleviate my hardship as a homestead owner by permitting me to construct my bona-fide residential building.

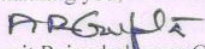
d) *The Permission will be subject to:*

- Tree felling should be minimum* – as per Annexure nos. 4 and 22 of my Proposal, of the 25 trees growing within 10 metres radius of the proposed residential house, only 3 trees will need to be felled or trimmed hence tree felling is minimum.
- Sufficient soil conservation methods should be taken* – tree felling is minimum, rainwater harvesting system is proposed and Geologist report is attached with my Proposal & hence sufficient soil conservation methods have been considered.
- Permission of MDDA and other regulatory bodies for construction in hill areas shall be obtained* – till date there is no violation and due permission will be applied for prior to any construction activity.

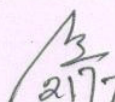
e) *All other standard conditions required for such projects including planting of tree species and NPV* – please refer to Annexure nos. 24 and 25B in my Proposal wherein depositing of such amounts under NPV and additional trees to be planted has been submitted.


Sir, in view of the above, I request you to reconsider my Proposal no. FP/UK/Others/14556/2015 for construction of a residential house at Srinagar Estate, a private forest notified estate and accord approval of the Central Govt. under the FCA 1980 at the earliest and oblige. I am ready and willing to give an undertaking to the Authorities Concerned in respect of my abovementioned contentions, as and when called upon to do so.

Thanking you,

  
Amit Rajendrakumar Gupta

- Cc: 1) The Conservator of Forests, MoEFCC Regional Office, Pearson Road, FRI Campus, P.O. New Forest, Dehradun.  
2) The Addl. PCCF & Nodal Officer, Indira Nagar Forest Colony, Dehradun  
3) The Conservator of Forests, Yamuna Circle Uttarakhand, Rajpur Road, Dehradun.

  
21/7/16

  
परिचय प्रमाणित अधिकारी  
कार्यालय वन 20/7/16  
नया पत्त, उत्तराखण्ड, देहरादून

