

परियोजना का नाम:- चन्द्रभागा नदी, शिवपुरी रेंज (190 है०) में उपर्युक्त चुगान कार्य

एन०पी०वी० की देयता से छूट का प्रमाण पत्र

प्रमाणित किया जाता है कि मा० उच्चतम न्यायालय द्वारा दिनांक 28 मार्च 2008 को जारी आदेशानुसार वन क्षेत्र के अन्तर्गत वनों के संरक्षण एवं बचाव हेतु विभागीय/राजकीय उपक्रम द्वारा कराये जा रहे उपर्युक्त चुगान कार्य एन०पी०वी० देयता से मुक्त रखा है, उक्त से सम्बन्धित आदेश की प्रति संलग्न है।

प्रभागीय लौगिंग प्रबन्धक (खनन)
उत्तराखण्ड वन विकास निगम
दहरोदूल

प्रभागीय वनाधिकारी
नरेन्द्रनगर वन प्राप्ति
मुनि की रेती (मि० ग०)
नरेन्द्रनगर

Sparshuk
वन क्षेत्राधिकारी
शिवपुरी रेज
नरेन्द्रनगर वन प्रभाग
मुनि की रेती

Alok
उप प्रभागीय वनाधिकारी
(शिवपुरी)
वनाधिकारी वन

Chapter 3

Net Present Value

3.1 In pursuance of the orders of 29th Oct 2002 of the Supreme Court in Writ Petition (Civil) No. 202/95 in addition to the funds realized for compensatory afforestation, the Net Present Value (NPV) of forest land diverted for non- forest purposes is also to be recovered from the user agencies, for undertaking forest protection, other conservation measures and related activities.

3.2 NPV is recoverable in all cases where diversion is approved on or after 29th Oct 2002 and also the cases for which in-principle clearance was granted before 29th October 2002 and final clearance after that.

3.3 In their orders of 28th March 2008, 28th April 2008 and 9th May 2008, the Apex Court decided the rates of NPV per ha. of the forest area diverted effective from 28th March 2008 for three years and subject to variation after three years, and also exemptions in specified categories of non-forest uses.

3.4 NPV Rates

The rates of NPV recoverable from the User Agency with effect from 28th March 2008 depending upon the type of forest land diverted are as mentioned below:

Eco-Value class	VDF	DF	OF
			NPV (in Rs.)
Class I	10,43,000	9,39,000	7,30,000
Class II	10,43,000	9,39,000	7,30,000
Class III	8,87,000	8,03,000	6,26,000
Class IV	6,26,000	5,63,000	4,38,000
Class V	9,39,000	8,45,000	6,57,000
Class VI	9,91,000	8,97,000	6,99,000

Eco-Class I -	Tropical Wet Evergreen Forests, Tropical Semi Evergreen Forests and Tropical Moist Deciduous Forests
Eco- Class II-	Littoral and Swamp Forests
Eco-Class III-	Tropical Dry Deciduous Forests
Eco-Class IV -	Tropical Thorn Forests and Tropical Dry Evergreen Forests
Eco-Class V -	Sub-tropical Broad-Leaved Hill Forests, Sub-Tropical Pine Forests and Sub-Tropical Dry Evergreen Forests
Eco-Class VI -	Montane Wet Temperate Forests, Himalayan Moist Temperate Forests, Himalayan Dry Temperate Forests, Sub Alpine Forest, Moist Alpine Scrub and Dry Alpine Scrub

However, for following specified areas of diversion/ projects the following rates of NPV will be applicable:

1.	Forest land falling in National Parks, if permitted in exceptional circumstances	10 times NPV for the forest area
2.	Forest land falling in Wildlife Sanctuaries, if permitted in exceptional circumstances	5 times NPV for the forest area
3.	Non-forest land falling within the National Parks and Wildlife Sanctuaries, if permitted.	NPV payable for the adjoining forest area
4.	Non-forest land falling within marine National Parks / Wildlife Sanctuaries, if permitted	5 times NPV for adjoining forest areas
5.	Re-diversion of already diverted forest land	Normal NPV for re-diverted forest land, except when such re-diversion is for the same UA and for same project (i.e. change of land use for the same project for which diversion has been approved)
6.	Mining area broken up before 25.10. 1980	Normal NPV for the forest area at the time of renewal of mining lease.

3.5 Exemption from payment of NPV

The following category of projects have been given exemption to the extent mentioned in the list below:

S. No.	Category	Particulars of Exemptions
1.	(i) Schools (ii) Hospitals (iii) Children's playground of non-commercial nature (iv) Community centers in rural areas (v) Over-head tanks (vi) Village tanks, (vii) Laying of underground drinking water pipeline up to 4" diameter (viii) Electricity distribution line up to 22 KV in rural areas	Full exemption up to 1 ha., of forest land provided: (a) no felling of trees is involved (b) alternate forest land is not available; (c) the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and (d) area is outside any National Park or Wild Life Sanctuary.

2.	Relocation of villages from National Parks/Sanctuaries to alternate forest land	Full Exemption												
3.	Collection of boulders/silts from the river belts in the forest area	<p>Full exemption provided:</p> <ul style="list-style-type: none"> (a) area is outside National Park/Sanctuary; (b) No mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests 												
4.	Laying of underground optical fiber cable	<p>Full exemption provided:</p> <ul style="list-style-type: none"> (a) no felling of trees is involved; and (b) area falls outside National Park/Sanctuary 												
5.	Regularization of eligible encroachments before 22.10.1980, and conversion of forest villages into revenue villages	Full exemption												
6.	Underground mining	<table border="1"> <tr> <td>Surface strain predicted by 3-D subsidence prediction model</td> <td>NPV</td> </tr> <tr> <td>Up to 5mm/m</td> <td>NIL</td> </tr> <tr> <td>5mm to 10mm/m</td> <td>10% of normal rates of NPV</td> </tr> <tr> <td>10mm/m to 15mm/m</td> <td>25% of normal rates of NPV</td> </tr> <tr> <td>15mm/m to 20mm/m</td> <td>50% of normal rates of NPV</td> </tr> <tr> <td>more than 20mm/m</td> <td>Normal rates of NPV</td> </tr> </table>	Surface strain predicted by 3-D subsidence prediction model	NPV	Up to 5mm/m	NIL	5mm to 10mm/m	10% of normal rates of NPV	10mm/m to 15mm/m	25% of normal rates of NPV	15mm/m to 20mm/m	50% of normal rates of NPV	more than 20mm/m	Normal rates of NPV
Surface strain predicted by 3-D subsidence prediction model	NPV													
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15mm/m to 20mm/m	50% of normal rates of NPV													
more than 20mm/m	Normal rates of NPV													
7.	Other underground works requiring diversion of forest land	50% of normal rates of NPV												

8.	Grant of Petroleum Mining Lease [under P& NG Rules under Oil Field (Regulation and Development) Act 1954]	2% of the NPV for entire forest land in the mining lease.
9.	Wind Energy	50% at the minimum NPV rate provided minimal tree felling is involved, irrespective of the eco-class in which the project lies.
10.	Field firing range by the Defence Ministry not involving felling of trees and no likelihood of destruction of forests	Full exemption
11.	Small Hydro-Electric Project (upto 25 MW)	50% of the normal NPV, as granted to Wind mill energy Projects
12.	Regularization of encroachment over Zudpi Jungle land prior to 12.12.1996 (Category-II) as per the decision of the FAC dated 26.10.2017	Full Exemption
13.	Prospecting	
	Seismic Surveys	1%
	Forest area with vegetation density 0.1 to 0.4	2%
	Forest area with vegetation density 0.4 to 0.7	5%
14.	Zoo	15%

3.6 Vide their order dated 5th October 2015 the Apex Court ordered to transfer various applications for exemption from payment of NPV to the MoEF&CC for consideration in accordance with law as expeditiously as possible.

3.7 The latest ISFR of FSI may be followed for determination of density for the purpose of NPV rates.

छाया प्रति प्रताणित

 प्रभागीय लोकिन प्रबन्धक (लोकन)
 उत्तराखण्ड राज विकास निगम
 देहरादून

STAFFED EMPOWERED COMMITTEE

CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA
IN WRIT PETITION (CIVIL) No. 202/95 & 171/96)

47/Block C, Shyam Bhawan, Charki Puri, New Delhi 110021, Tel 26884921, 26034923, 2410193, FAX No. 241161925

File No. 1-19/CEC/SC/2006-Pt

Dated 5th June, 2008

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- (i) The Chief Secretary
(All States / Union Territories)
- (ii) The Principal Chief Conservator of Forests
(All States / Union Territories)



Sub: Hon'ble Supreme Court's orders dated 28.3.2008 and order dated 9.5.2008 in IA No. 826 in 566 and related IA's regarding the rate of the Net Present Value (NPV) of forest land.

Sir,

I am sending herewith copies of the Ho'nble Supreme Court's orders dated 28.3.2008 and 9.5.2008 in IA Nos. 826 in 566 with related IA's in Writ Petition (Civil) No. 202/1995, regarding the rate of the NPF payable for the use of the forest land for non-forestry purposes and related issues. It is requested that the Ho'nble Court's orders may please be brought to the notice of all concerned for strict compliance.

Yours faithfully,

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(M.K. dív/rajka)
mbur Secretary

R. M. # - 6835 / 30-37 C1 Ap- 24 / 6 / 08

प्रीतीलेपि विनाशक विवेत को सर्वानुर्भव स्वरूप अवश्यक उत्तर देवा
उत्तरान्ते व्याकुलितस्य कामलियो करे अपि विनाशक विवेत विवेत-

1. अपराह्न-व्रत (शुद्धि चरीव)
2. व्रत उत्तम (शुद्धि व्रत)
3. शुद्धि व्रत (शुद्धि व्रत)
4. शुद्धि व्रत (शुद्धि व्रत)

छात्रा प्रति प्रमाणित
(८७)

25/6/2008

प्रभागी विकास निदेशक
प्रभागी विकास निदेशक
उत्तरायण वन की सूचनाएँ
उत्तरायण वन की सूचनाएँ
प्रभागी विकास निदेशक

25/6/2008

प्रभागी वन संस्कार
उत्तरायण

25/6/2008

छाया प्रति प्रभागी

प्रभागी विकास निदेशक
उत्तरायण वन विकास निदेशक
देल्हीदूर

R-TB-102

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. Nos. 826 IN 566 WITH 955 IN 566, 958, 985, 1001-1001A, 1013-14, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233 IN 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 IN 1137, 1325, 1364, 1365-1366, 1370-1370A, 1371, 1384, 1385-1386, 1387, 1434, 1435-1437, 1438, 1441 WITH 1634, 1475-1476, 1513, 1573, 1639 IN 1135-1136 IN IA 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 IN I.A. NO. 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2078 IN 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN I.A. 566 IN W.P.(C) NO. 202/1995

T.N. Godavarm Thirumulpad

...Petitioners

Versus

Union of India & Ors.

...Respondents

ORDER

On 28th March, 2008, we had passed an order regarding payment of Net Present Value (NPV) accepting the recommendations made b/ CEC which were more or less acceptable to MoEF. In that order we had also indicated that exemptions from payment of NPV have to be granted in respect of certain categories. However, it is brought to our notice that certain typographical mistakes had crept in that order as to categories to which such exemptions are to be granted. Therefore, we direct that as regards exemptions from

छाया प्रति प्रमाणित
प्रभागीय लैटेन व्रान्तक (दिल्ली)
उत्तराखण्ड दल विकास निगम
देहरादून

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payment of NPV, the last part of that order reading "We are of the view..... (x) construction of the transmission lines" on pages 10 to 11 shall stand substituted with the following :-

Category	CEC
i) Schools ii) Hospitals iii) Children's play ground of non commercial nature iv) Community centres in rural areas v) Over-head tanks vi) Village tanks, vii) Laying of underground drinking water pipeline upto 4 diameter and viii) Electricity distribution line upto 22 KV in rural areas.	Full exemption upto 1 ha. of forest land provided : (a) no felling of trees is involved; (b) alternate forest land is not available; (c) the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and (d) the area is outside National Park/Sanctuary
Relocation of villages from the National Parks/Sanctuary to alternate forest land	Full Exemption
Collection of boulders/silts from the river belts in the forest area	Full exemption provided:- (a) area is outside National Park/Sanctuary; (b) no mining lease is approved/signed in respect of this area.

छाया प्रति प्रमाणित
प्रभागीय लौमिंग प्रबन्धक (खंडन)
उत्तराखण्ड द्रव विकास निगम

	<ul style="list-style-type: none"> (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests
Laying of underground optical fibre cable	<p>Full exemption provided :</p> <ul style="list-style-type: none"> (a) no felling of trees is involved; and (b) areas falls outside National Park/Sanctuary
Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages	<p>Full exemption provided these are strictly in accordance with MoEF's Guidelines dated 18.9.1990.</p>
Underground mining	50% of the NPV of the entire area

छाया प्रति प्रभाणित

प्रभाणीय नियमित प्रबन्धक विभाग
उत्तराखण्ड राज्य विकास भिजम
देहरादून

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.

.....
 (K.G. BALAKRISHNAN)
 CJI

.....
 (DR. ARIJIT PASAYAT)

.....
 (S.H. KAPADIA)

New Delhi;
 May 9, 2008.

छाया प्रति प्रमाणित
 प्रभागीय हौंडेंग प्रबल्द्धक (संघर्ष)
 उत्तराखण्ड दब विकास निगम
 देहरादून