



नेशनल थर्मल पावर कॉर्पोरेशन लि०

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

ANEY-1
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. 070/PSA/LA/

Date 2.7.89

THE NODAL 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 Dadhi, Distt. Sonebhadra

Sir,

Enclosed please find a proposal for transfer of forest land for construction of Rihand Super Thermal Power Project of NTPC in Distt. Sonebhadra. 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.

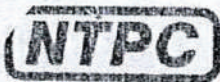
As regards (a) and (b) above, there is no adverse implication in respect of their proposal being submitted for clearance.

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 MO as an appellate court.

C13..2

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



नेशनल थर्मल पावर कॉर्पोरेशन लि०

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. Admin. 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/-



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

नेशनल थर्मल पावर कारपोरेशन 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.

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. 8-412/89-FC

दस्तावेज : ANEX-2
Telephone :
सार :
Telegram : PARYAVARAN,
NEW DELHI
टेलिग्राम :
Telex : W-66165 DOE IN
फैक्स नं :
FAX NO. : 360678
पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स,
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)
23-8-91

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.

24am 23-8-91
(KHAZAN SINGH)
AIG(FC)

141490.

14

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO. 1061 of 1982.
CRL. Misc. Petition No. 2662 Of 1986.

Banawasi Sowa Ashram.Petitioner
-Versus-
State of U.P. and ors.Respondents

ORDER

On the basis of a letter received from Banawasi Sowa 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 Robertsgang 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 Rebertganj 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

....3.

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 Robertsganj 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

Robertsganj 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 Robertganj 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 NTPD 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:

- 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 Robertsganj and Tilbudwa of Robertsganj 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

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, Mitthanai, 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

should be kept for appropriate use in future. 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 custeers" 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.

- (1) 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;
- (ii) 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.

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
(RANGANATH MISRA)

NEW DELHI:
NOVEMBER 20, 1986.

39

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.
(For directions & Exemption). Respondent(S).

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

CORAM:

Hon'ble Mr. Justice Ranganath Misra.

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. DD.
Sharma, Advs.

For the Opposito : Mr. MK. Ramamurthy, Sr. Ad. 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. Subramaniam, 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 ^{required} 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.

पाण्डेय

कार्यालय बोर्ड आफ कमिशनर्स
सुप्रीम कोर्ट आफ इंडिया
मुर्धना, रेंकूट, सोनभद्र (उत्तर प्रदेश)

URGENT
By HAND

ANEX-5

संदर्भ.....

16.9.1989

दिनांक.....

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, Jarha 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 20.11.86. Hence it would be a clear violation of the order of Hon'ble Supreme court dated 8.2.89 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.

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.

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) डेय

कमिशनर

सुप्रीम कोर्ट आफ इंडिया

0/सहाय

न संरक्षक, गैसिप से उक्त गियर्स 11)
1 तब फील्ड भौतिक शक्ति नही है क्या
गामों में अक्षय निका वन जी हूय के

अक्षय 111)

12/10

राम देव

17/10

भारत सरकार
पर्यावरण एवं वन मंत्रालय
Government of India
Ministry of Environment & Forests
NO. 8-412/89-FC

दूरभाष :
Telephone No.
तार :
Telegram : PARYAVARAN,
NEW DELHI
पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स
PARYAVARAN BHAWAN, C.G.O. COMPLEX
लोदी रोड, नई दिल्ली-110003
LODI ROAD, NEW DELHI-110003

ANEX-6

Dated the, 27th Sept., 1989.

To

The Secretary Forests,
Uttar Pradesh, Lucknow.

Sub:

Transfer of 951.620 ha. of forest land to NTPC for construction
of Rihand Super Thermal Power Project in Sonabhadar Distt.
.....

Sir,

I am directed to refer to your letter NO.L-83/14-3-975/83
dated 19.9.89 on the above subject and to inform that the information
submitted is still incomplete in following respects.

1. It is noticed that work is going on in the project area and
835.622 acres of land is already in the possession of NTPC.
This is a violation of the Act. It may be informed what
action State Govt. has taken for the violation of the Act.
2. The State Govt. has not identified the land required for
compensatory afforestation from the land bank. The same may be
done at the earliest.

The above information should reach within one month time
failing which the case will be treated as rejected for non furnishing
of information.

Yours faithfully,

(Khazan Singh)
Asstt. Inspector General of Forests.

✓ Copy to: Nodal Officer, UP, Lucknow.

2. CCF, Central, Regional Office, Lucknow with a request to
submit the inspection report at the earliest as requested
vide this Ministry letter of even number dated 4.9.89.

2domv27-9-89
(Khazan Singh)
AIG(FC)

संख्या- 2398/14-3-275/83

ANEX-7

(3)

श्री रंजीत गुप्ता,
विशेष कार्य अधिकारी।वन।,
उत्तर प्रदेश शासन।

सेवा में,

सचिव,
भारत सरकार,
पर्यावरण एवं वन मंत्रालय,
वन एवं वन्य-जन्तु विभाग,
सी०जी० ओ० कॉम्प्लेक्स,
लोदी रोड, नई दिल्ली।

अनुभाग- 3

तहाना/ दिनांक/ 94 अक्टूबर, 1989

विषय:- जनपद सोनभद्र। मिर्जापुर। में हिन्दू स्मर धर्म पावर प्रोजेक्ट के निर्माण हेतु
951.620 हे० वन भूमि का रन०टी०पी०सी० लि० की सीज पर दिये जाने विषयक।

महोदय,

उपयुक्त विषयक आपके पत्र संख्या- B-412/89- रंजीत० दिनांक: 27-9-1989
के संदर्भ में मामले में भारत सरकार द्वारा वांछित सूचना से सम्बन्धित बिन्दुवार विवरण
निम्न है :-

111 रन०टी०पी०सी० लि० की 835.622 एकड़ वन भूमि का कब्जा
माननीय सर्वोच्च न्यायालय के निर्णय दिनांक: 14-12-1988 के अधीन
नियुक्त सदस्य मोई आक कमिशनर के द्वारा रन०टी०पी०सी० लि०
को दिया गया।

121 क्षतिपूर्ति वनीकरण हेतु लैंड बैंक से वाही गयी आवश्यक भूमि के चिन्तीकरण
का जहाँ तक प्रश्न है, इस सम्बन्ध में निवेदन करना है कि इस हेतु
लैंड बैंक से 954.36 हे० वन भूमि चिन्तित कर ली गयी है। पुधारो-
पित उपरोक्त भूमि के समस्त विवरण व मानचित्र आदि संलग्न कर
प्रेषित है।

वर्णित स्थिति में मुझे कह कहने का निर्देश हुआ है कि आप कृपया मामले में
भारत सरकार की वांछित अनुमति प्राप्त कर इस राज्य सरकार को ध्यानीय उपलब्ध
कराने का कष्ट करें।

भवदीय,

। रंजीत गुप्ता ।
विशेष कार्य अधिकारी।वन।

रंजीत गुप्ता
सचिव, वन विभाग

संख्या- 2398/14-3-275/83, उक्त दिनांक।

वृत्तिलिपि निम्नलिखित की सूचनाएं एवं आवश्यक कार्यवाही हेतु प्रेषित:-
वन संचालक, वन उपयोग वृत्त, एवं नोडल अधिकारी उमर, तहाना।
सहायक प्रबन्धक, हिन्दू स्मर, धर्म पावर प्रोजेक्ट, पी० - हिन्दू नगर,
सोनभद्र। मिर्जापुर। पिन कोड नं०- 231223

26/10

महोदय
रंजीत गुप्ता
26/10

आज्ञा से,
। रंजीत गुप्ता ।
विशेष कार्य अधिकारी।वन।

Item No.7

Court No.1

Section XV.

SUPREME COURT OF INDIA

167341.

record of proceedings

WRIT PETITION(S) (CIVIL) NO. (S)

1061 OF 1982.

Banwasi Seva Ashram.

....Petitioner(S)

-Versus-

State of U.P.

....Respondent(S).

Date 8.2.1989

This/these petition(s) was/were, called
on for hearing today.

CORAM:

HON'BLE MR.JUSTICE RANGANATH MISRA

HON'BLE MR.JUSTICE M.N.VENKATACHALIAH

For the Petitioner(s) Mr.MA.Krishnamurthy, Mrs.Chandana
Ramamurthi, Advs.

For rr.

Mr.Gopal Subramaniam, Adv.

Mr.D.Bhandari, Adv.

For the Respondent(s) Ms.A.Subhashini, Mrs.Sushma
Suri, Advs.

For rr.NTPC.

M/s.J.C.Seth, D.D.Sharma, Advs.

--UPON Hearing counsel the Court Made the
following

O R D E R

On November 20, 1986, this Court made the
following order, as far as the Rihand Super
Thermal Power Project of the NTPC is concerned;

"The land sought to be acquired for the
Rihand Super Thermal Power Project of the N.T.P.C.
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 Khamakiya, Mithanai,
Parebatwa, Jheeltele, Dodhar and Jharha.

.....2.

44

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 should be kept for appropriate use in future. 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 N.T.P.C. has agreed before the Court that it shall strictly follow the policy or facilities to be given to land oustees as placed before the Court in the matter of lands which are subjected to acquisition for its purposes. The same shall be taken as an undertaking to the Court."

At it appears the requirement of the N.T.P.C. has now increased to 2495 acres. Out of these land 1322 acres are said to be under occupancy, 185 acres constitute Goan Sabha Lands and 987 acres are said to be forest lands. (791) acres of these lands seem to have ^{been} notified as reserved forest under section 20 of the Indian Forest Act, 1927, they are outside the purview of the writ petition as already directed by this Court. Release of such lands can only be done by satisfying the requirement of the Forest (Conservation) Act, 1980 and our order has, therefore, nothing to do with those (791) acres of land.

.....3.

(195) acres are said to be covered by a Notification under section 4 of the Forest Act. The balance of 942 acres seem to have been notified under section 4 of the Forest Act and they are covered by the present survey and record operations under the supervision of the Commissioners appointed by the Court. So far as the lands covered by survey and record operations shall be completed upto the level of A.R.O. within an outer limit of 20 days from today. Counsel for the N.T.P.C. says that this has already been done while petitioner's counsel does not accept this position. We make it clear that in case the record upto A.R.C. level has been completed, the same need not be repeated but in case it has not been done, immediate steps should be taken to complete the operations upto that level. Mr. Pandey, one of the Commissioners, is directed to ensure that the work is continued and the record upto the level of A.R.O. in regard to the lands is completed and on the basis of such record containing the particulars indicated in our directions of November, 1986, possession has to be made over to N.T.P.C. Mr. Gopal Subramaniam has assured us that all facilities would be extended to Mr. Pandey to comply with this direction.

We are of the View that the lands which are subjected to the notification under Section 4 of the

46

Forest Act, would also come within the purview of Sec. 2 of the Forest (Conservation) Act, 1980 and it would, therefore, be necessary for the N.T.P.C. to obtain appropriate clearance under that Act from the appropriate authority.

After the records, as stated above, are completed Mr. Pandey is directed to hand over the possession of the land to N.T.P.C. We hope and trust that the records should properly reflect the existing position so that persons who may be entitled to compensation may not in any manner be prejudiced, Counsel for the N.T.P.C. undertakes to comply with the conditions mentioned in the minutes of the meeting held on 27th December, 1988, a copy whereof is placed on record.

List this matter after six weeks for directions.

(K. BALA SOOD)
COURT MASTER.

ANEX-9

D.O.NO. 1061/82/SEC-XV.

Supreme Court of India.
New Delhi.

Dated the 13th February, 1989.

From,

Mr. V.P. Gupta,
Assistant Registrar.

To,

1. Judicial 'A' Secretary,
State of Uttar Pradesh,
Lucknow.
2. Mr. R.P. Pandey,
Commissioner,
33/2, Stainly Road,
Allahabad (U.P.) (332)

IN THE MATTER OF :-

WRIT PETITION (CRIMINAL) NO. 1061 OF 1982.
(Under Article 32 of the Constitution of India)

Banwasi Sewa Ashram

.....Petitioner

Versus

State of U.P.

.....Respondent

Sir,

In Continuation of this Registry's letter of even number dated the 17th December, 1988, I am directed to forward herewith for your information and necessary action a Certified Copy of the order of the Supreme Court as contained in the Record of Proceedings of the Court dated the 8th February, 1989, Passed in the petition above-mentioned.

Please acknowledge receipt.

Yours faithfully,
sd/ Assistant Registrar.

सं० 1496/14-3-975/83

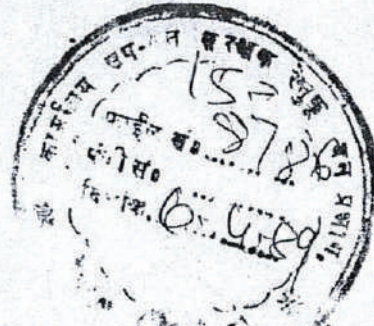
ANEX-10

प्रेषक,

श्री गोपी मोहन श्रीवास्तव
संयुक्त सचिव
उ०प्र०शासन ।

सेवा में,

वन संरक्षक
वन उपयोग वृत्त
एवं नॉडल अधिकारी
उ०प्र०, लखनऊ ।



वन अनुभाग-3

लखनऊ दिनांक 17 मई 1989

विषय रिहन्दसुपर थर्मल पावर प्रोजेक्ट के निर्माण हेतु एन०टी०पी०सी० को वनभूमि हस्तांतरण विषयक

महोदय,

उपर्युक्त विषयक शासन को पृष्ठांकित आपके पत्र सं० 2953/11/सी-10 §120§ दिनांक 18-1-89 के संदर्भ में माननीय उच्चतम न्यायालय के आदेश दिनांक 8 फरवरी 1989 की प्रतिलिपि संलग्न करते हुए मुझे यह कहने का निदेश हुआ है कि आप कृपया मामले में तदनुसार आवश्यक कार्यवाही करने का कट करे ।

भवदीय,

ह०/ गोपी मोहन श्रीवास्तव
संयुक्त सचिव ।

सं० 1496/14-3-975/83 तद दिनांक

प्रतिलिपि संलग्नक की प्रतिलिपि सहित निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- वन संरक्षक, द०वृ०, उ०प्र०, इलाहाबाद ।
- 2- महाप्रबंधक नेशनल थर्मलपावर प्रोजेक्ट पो०आ०रिहन्दनगर §मिर्जापुर §
- 3- वन अनुभाग-2

आज्ञा से,

ह०/ गोपी मोहन श्रीवास्तव
संयुक्त सचिव ।

कार्यालय वन संरक्षक, दक्षिणी वृत्त, उत्तर प्रदेश, इलाहाबाद ।

सं०जी- 8123 /द०वृ०/ 15-155 दिनांक, इलाहाबाद, मार्च 31, 89

प्रतिलिपि मय संलग्नक प्रभागीय वनाधिकारी रेनुकूट को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित । कृपया इस मामले में अपनी आख्या भेजे ।

संलग्नक- उपरोक्त ।

आज्ञा से,
ह०/ गोपी मोहन श्रीवास्तव
संयुक्त सचिव ।
उ०प्र०, इलाहाबाद ।
30/2

कार्यालय नोडल अधिकारी एवं वन संरक्षक, वन उपयोग बृत्त, 3050, लखनऊ ।
पत्र संख्या 917/का.सी-10/120 दिनांक: लखनऊ: फरवरी 1996.
सेवा में,

प्रभागीय वनाधिकारी,

रुकुट वन प्रभाग,

रुकुट ।

विषय :- श्री हरिहन्द सुवर धर्मल बाबर प्रोजेक्ट बीजपुर द्वारा क्षतिग्रस्त व
रोपण हेतु गैर वन भूमि उपलब्ध कराया जाना क्षतिग्रस्त वृक्षों
रोपण पर व्यय की जाने वाली धनराशि का वन विभाग को
उपलब्ध कराया जाना ।

सन्दर्भ :- वन संरक्षक, बाराणसी वृत्त-2 विन्ध्य वृत्त 3050 बाराणसी
पत्रांक 2812/विन्ध्य/15 दिनांक 5-1-1996.

महोदय,

वन.टी.पी.सी. द्वारा उपलब्ध करायी जा रही 280.508
गैर वन भूमि पर, क्षतिग्रस्त वृक्षारोपण योजना, स्थल मानचित्र एवं रोपित होने
वाली प्रजातियों के नामाचार प्रतियों में इस कार्यालय को प्रेषित करें । एक
वन.टी.पी.सी. को भी उपलब्ध करायें । संबंध एवं वृक्षारोपण की दृष्टि से उ
पुक्तता का प्रमाण-पत्र भी प्रत्येक प्रति पर अंकित भूमि का प्रकार उत्तर, अधवा
सामान्य भी इंगित किया जाय जिससे तदनुसार धनराशि की मांग प्रस्तुत क
जा सके ।

भवदीय,

जी०सी० मिश्र
नोडल अधिकारी,

वन संरक्षक, वन उपयोग बृत्त, 3050, लखनऊ
दिनांकित

पत्र संख्या

818/

प्रतिनिधि निम्नलिखित को सूचनाई एवं आवश्यक कागजाती
महाप्रबन्धक, वन.टी.पी.सी. बीजपुर, जनपद सोनभद्र । प्रभागी
वनाधिकारी द्वारा निरीक्षण के बाद उपयुक्त पाये जाने पर
गैर वन भूमि, 280.508 हे० का वन विभाग के पक्ष में नामाच
र प्रमाण-पत्र बनाने का कष्ट करें ।

2 सचिव, वन अनुभाग-2, 3050 शासन, लखनऊ । सन्दर्भ :- इस काय
का. 90 783/11 सी-10/120 दिनांक 3-1-1996.

3 वन संरक्षक, बाराणसी वृत्त विन्ध्य वृत्त 3050, बाराणसी ।
सन्दर्भ :- उनका पत्रांक 2812/विन्ध्य/15 दि० 5-1-1996.

जी०सी० मिश्र
नोडल अधिकारी,

वन संरक्षक, वन उपयोग बृत्त, 3050, लखनऊ

रतन/7/2/96

प्रमाणित

अवर सचिव

प्रमाणित

15
8565

16-2-96

ਜੇਕਰ ਤੇਜ਼

ANEX-12

निष्पत्ति :-

सन्दर्भ :-

महोदय,

शिवद्वये च.

पत्र संख्या 1026/(-

3187

1955年11月

ॐ नमः

202

३३

333

१५५

४ जी. ० सी. ० मिश्र ४
मोहन गंगुली

वन संरक्षक, वन उपयोग वृत्त, ३०५०, लखनऊ।

रतन/14/2/96.

Cap. OBERAI

अ. नि. 303/11/2-87
वन महानिरीक्षक एवं विशेष सचिव
भारत सरकार
INSPECTION GENERAL OF FORESTS &
SPECIAL SECRETARY
GOVERNMENT OF INDIA

ANEX-13

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

Encl - 800 (901) 187
8-1

Dear Shri Puri,

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 notion 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 even 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.

पर्यावरण एवं वन मंत्रालय, सी. 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 : 'PARYAVARAN'

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 hithertofore. 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 Punia,
Secretary (Forests),
Dept. of Environment & Forests,
Govt. of Uttar Pradesh,
Lucknow.

Fax: 0522-224538

F. No. 8-412/1989-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 line 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. Forrestclearance.nic.in](http://www.Forrestclearance.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 revised area (out of 744 ha) shall be submitted along with the compliance of conditions stipulated in stage-I issued by MoEF&CC on 23.08.1991.

[Signature]
 6.12.17

- 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 (2x500 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- 1466 /11-सी-NTPC, लखनऊ, दिनांक: दिसम्बर 14, 2017

प्रतिलिपि:—निम्नलिखित अधिकारियों को भारत सरकार नई दिल्ली के उपरोक्त निर्देशानुसार सूचनार्थ एवं आवश्यक अग्रेत्तर कार्यवाही हेतु प्रेषित।

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

(डा० प्रशांत 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 जमुआर, 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 वास्तविक 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 ना 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 अवनत वन भूमि क्षतिपूरक वृक्षारोपण की 10 वर्षों के अनुरक्षण सहित आवश्यक धनराशि वर्तमान संशोधित दर के अनुसार मांग की जायेगी, जिसमें एन०टी०पी०सी० द्वारा पूर्व में जमा की गई क्षतिपूरक वृक्षारोपण की धनराशि को समायोजित किया जायेगा।
6. एन०टी०पी०सी० द्वारा संशोधित वास्तविक 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 डम्प करने से हेवी मेटल के रिहन्द रिजरवायर जलाशय में लीच करने की सम्भावना पर एक अध्ययन National Economic and Environmental Research Institute, Nagpur से तत्काल कराते हुये उनकी रिपोर्ट इस कार्यालय के माध्यम से भारत सरकार, नई दिल्ली को उपलब्ध कराया जायेगा।

अन्त में बैठक सधन्यवाद सहित समाप्त हुयी।

(डा० प्रशान्त कुमार वर्मा)
मुख्य वन संरक्षक/नोडल अधिकारी,
वन (संरक्षण) अधिनियम, 1980
उत्तर प्रदेश, लखनऊ।

कार्यालय, मुख्य वन संरक्षक/नोडल अधिकारी, उत्तर प्रदेश, लखनऊ।
पत्रांक- 1607/11-सी-बैठक, दिनांक, लखनऊ, दिसम्बर 14, 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।