



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport & Highways, Government of India)

परियोजना क्रियान्वयन इकाई - बागपत, Project Implementation Unit, Baghat

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NHAI/PIU-BPT/1012/709AD/II/2022/D-

9205

Date: 29.08.2022

सेवा में,

प्रभागीय निदेशक

सामाजिक वानिकी प्रभाग

शामली, उ०प्र०

Online Proposal No.FP/UP/ROAD/147898/2021

विषय:- जनपद शामली में भारतीय राष्ट्रीय राजमार्ग प्राधिकरण प०क०ई० बागपत द्वारा Additional forest land diversion required for Eastern Yamuna canal falling in Shamli District for "Four laning of Panipat (Start from junction with Existing Km of NH-44 at Panipat) -to Shamli (End at its junction with Existing 39+300 of SH- 12) of NH-709AD in the State of Uttar Pradesh Package -1 (0.000 to 35.580) 0.111 हे० संरक्षित वन भूमि के गैरवानिकी प्रयोग बिना वृक्ष पातन की अनुमति के सम्बन्ध में।

- सन्दर्भ- 1. भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, लखनऊ के पत्र संख्या-08बी/यूपी/06/73/2022/एफसी/335, दिनांक 03.08.2022
2. आपका पत्रांक-269/14-1, दिनांक 20.8.2022

महोदय,


कृपया उपर्युक्त विषयक सन्दर्भित पत्र का अवलोकन करने का कष्ट करें, जिसके माध्यम से की गई आपत्तियों का निराकरण कर दिया गया है, जो इस प्रकार है :-

क्रमांक	आपत्ति	निराकरण
1-	Since Violation has been committed action need to be initiated as per clause 1.21 (ii) of FCA 1980 guidelines the penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest.	Query related to DFO Shamli
2-	State Government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non forestry purpose without prior approval of Government of India.	Query related to State Government
3-	User agency responsible for violation shall be prosecuted under local act of the State for unauthorized use of forest land without the permission of the State authority.	<p>Forest clearance of NH-709AD Pkg-I (Panipat to Shamli) was granted by Forest department on 30.01.2020 (Stage-I) & 18.02.2021 (Stage-II) after submission of proposal by NHAI on 30.11.2018 i.e., Stage-I approval received after 14 months. The proposed alignment of this project was submitted to DFO office and after thorough checking of all the forest lands, this proposal was forwarded by DFO and approved by their Competent Authority.</p> <p>However, during the execution of this project, forest department stated asking to take additional forest permission for this project as 0.111 Ha land near Eastern Yamuna Canal was not diverted. It seems that this portion was left out intentionally by Forest Department as the alignment of this project was submitted with the original proposal and was also checked by forest officials. Also, earlier forest department and irrigation department were not clear of the status of this land.</p>

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		<p>In this regard, it is pertinent to inform about the para 3(c) and 3(d) of gazette notification no. GSR 185(E) dated 14.03.2014 :-</p> <p><i>"(c) The Divisional Forest Officer shall examine the factual details and feasibility of the proposal, certify the maps, carry out site inspection and enumeration of the trees and forward his findings in the Format specified in this regard to the Conservator of Forests.</i></p> <p><i>(d) The Divisional Forest Officer shall process and forward the application along with his findings on the proposal involving forest land upto forty hectares, above forty hectares and upto one hundred hectares to the Conservator of Forests within a period of thirty days, forty five days and sixty days respectively."</i></p> <p>As per the above gazette, the action on proposal on submission of user agency is to be taken within 110 days (< 4 months).</p> <p>It is not clear from the above that how this portion was left out in the original proposal when alignment of NHAI is same from the beginning (i.e., there is no change in alignment) and thoroughly checked by forest officials.</p> <p>This office again submitted the proposal for approval of additional forest land on 30.09.2021 but even after lapse of 11 months (approx.), forest approval of this portion is not granted. This issue was also discussed with local administration and it was directed to the then DFO and the executing agency (EPC Contractor of NHAI) to continue with the work as it involves bypass for Shamli district. As Shamli district faces huge traffic congestion and regular accidents due to entry of commercial vehicles from Haryana/UP, it was directed to complete Shamli bypass on priority so that the issue of traffic congestion/accidents/city pollution, etc. may be reduced drastically. Accordingly, NHAI processed the above proposal and as instructed by administration the work was continued by EPC Contractor.</p>
4-	State Government to send a detailed report, person/agencies responsible for violation and action taken by the State Government as per 1.21(ii) of guidelines.	Query related to State Government

अतः आप से अनुरोध है कि कृपया प्रकरण में तत्काल अग्रेतर कार्यवाही कराने का कष्ट करें।


 29.8.2022
 परियोजना निदेशक,
 भा0रा0रा0प्रा0, प0क0ई0 बागपत।