

GOVERNMENT OF MEGHALAYA
OFFICE OF THE DIVISIONAL FOREST OFFICER (T): JAINTIA HILLS
DIVISION: JOWAI

No. No. JH/GVI/2018-19/Pt.IV/203/B/2875

Dated- Jowai the 15th November, 2019

To,

✓
M/s Green Valley Industries Limited
Nongsning Village
Chiehruphi PO
Khliehriat PS
East Jaintia District

Sub: *Proposal for diversion of 6.55 Ha of deemed private forest land for Limestone Mining Project at Madan Pyrda, Chiehruphi Village in EJH District, Meghalaya of M/s Green Valley Industries Limited*

Ref: *MFG.22/385/6.55ha/16493 dated the 29th October Shillong, 2019*
FOR.14/2017/549 dated the 18th October, Shillong, 2019
3-MG B 027/2018-SHI/2596-97 dated the 14th October, 2019

Please find the enclosed herewith a copy of Govt. Letter No MFG.22/385/6.55ha/16493 dated the 29th October Shillong along with its enclosures received from Nodal Officer (FC Act, 1980), Shillong which is self-explanatory for your information and to comply on the conditions stipulated by Regional Office, Shillong as mentioned below:

1. The compensatory afforestation shall be taken up by the Forest Department over 6.55 ha in single patch equivalent non-forest land located at Nongumiang in West Khasi Hills district adjacent to Nongumiang Reserved Forest at the cost of the User Agency. As far as possible a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

To be performed by Forest Department under CAMPA

2. The non-forest land shall be transferred and mutated in favour of the State Forest Department

User Agency to provide Land Transfer Certificate and Mutation Certificate to the undersigned office

3. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include cost increase for works scheduled for subsequent years.

Total Cost of CAMPA is Rs 19,22,916 (Details Enclosed – Appendix I) (Rupees Nineteen Lakhs Twenty-Two Thousand Nine Hundred and Sixteen Only)

4. The State Government shall charge the Net Present Value (NPV) for the 6.55 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08,2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP(C) No.202/1995 and as per the guidelines issued by the Ministry vide letter No.5-1/1998-FC(Pt.II) dated 18/09/2003, as well as letter No.5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated- 05/02/2009 in this regard.

NPV for 6.55 Ha is Rs 9,39,000 / Ha * 6.55 = Rs 61,50,450 (Rupees Sixty-One Lakh Fifty Thousand Four Hundred and Fifty Only) User agency to deposit the above amount in CAMPA account

5. The State Govt. shall ensure the payment of 5(five) times the NPV plus 12% simple interest till the deposit is made from the user agency as a penalty for use of 4.92 ha of forest land for non-forestry purpose without the forest clearance under Forest (Conservation) Act, 1980 as per the Ministry's letter F.No.11-42/2017-Fc dated 29.01.2018.

Penalty

- a) **Principal Amount= $9,39,000 * 4.92 * 5 = 2,30,99,400$ (Rupees Two Crore Thirty Lakh Ninety-Nine Thousand and Four Hundred Only)**
- b) **Total Interest as on 7th Nov, 2019 = 1,89,93,403 (Rupees One Crore Eighty-Nine Lakh Ninety-Three Thousand Four Hundred and Three Only)**
- c) **Total Penalty (PA + Interest) as on 7th Nov, 2019 = 4,20,92,803 (Four Crore Twenty Lakh Ninety-Two Thousand Eight Hundred and Three Only)**

Note* Total Interest/Total Penalty varies on the actual date of final payment.

A table is enclosed (Appendix II) showing total penalty amount to be paid based on the actual date of payment (from current date till 31st Dec, 2019. The total penalty amount has to be recalculated based on the date of payment if it is done after 31st Dec, 2019)

6. Additional amount of the NPV of the diverted forest land, if any becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

User Agency to give an Undertaking on the same

7. All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e- portal(<https://parivesh.nic.in/>)

To be ensured by User Agency and verified by the undersigned office

8. The User Agency shall bear and deposit the amount of the cost of demarcation of the land proposed for diversion directly to the concerned Divisional Forest Officer. The concerned Division Forest officer shall demarcate the land proposed for diversion on the ground by erecting at least 4' high cement –concrete pillars duly numbered, forward and backward bearing and distance from pillar to pillar written on the pillars and DGPS co-ordinates to be inscribed on the pillars. The competent authority shall verify and issue a certificate to this effect. Photographs showing permanent boundary pillars with GPS Co-ordinates to be submitted.

User Agency to submit the amount to the undersigned office bank account as per the scheduled PWD rates prescribed

9. The Cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

→ **Forest Royalty on the trees charged for entire 6.55 Ha = Rs 1,24,997 (Rupees One Lakh Twenty Four Thousand Nine Hundred And Ninety Seven Only) (Details enclosed – Appendix III)**

(To be submitted to Treasury – inclusive of GST)

→ **Cost of felling/dragging charged for unbroken land only – 1.63 Ha = Rs 72,034 (Rupees Seventy Two Thousand and Thirty Four Only) (Details enclosed – Appendix IV)**

(To be submitted to undersigned office current account)

Royalty rates as per Government of Meghalaya notification No.FOR.1 1 1 12007 IPU 17

4. Dated 19th June 2014

10. The Complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

User Agency to submit prescribed certificate from the East Jaintia Hills District Collector

11. The User Agency shall obtain Environment Clearance as per the project provisions of the Environment (Protection) Act, 1986, if required under the said Act.

User Agency to submit prescribed certificate from the concerned authority

12. No labour camp shall be established on the forest land.

User Agency to give an Undertaking on the same

13. The felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of State Forest Department Forest.

Felling to be done at mutually agreed date and undersigned office to submit the compliance report of the same

14. The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulders in forest land, if necessary.

User Agency to give an Undertaking on the same

15. Sufficient quantity of firewood, preferably the alternate fuel, shall be provided by the user agency to the labourers after purchasing the same from the State Forest Department or the Forest development Corporation or any other legal source of alternate fuel.

User Agency to give an Undertaking on the same

16. The State Government shall ensure that the User agency, provide proper drainage, retaining wall and stabilization of side slope.

User Agency to ensure the same and to be verified by the undersigned office

17. The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency department or person.

User Agency to give an Undertaking on the same

18. The lay out plan of the proposal shall not be changed without the prior approval of the Central Government.

User Agency to give an Undertaking on the same

19. As per Ministry's letter No.11-30/96-FC(Pt) dt-14.9.2001, if the compliance of stipulated conditions is awaited from the State Government for more than 5(five) years, the in principle approval would summarily be revoked considering that the user agency is no longer interested in the project.

User Agency to take note of the same

20. All other clearance/NOCs under different applicable rules/regulations/local laws and under Forest Dwellers (Recognition of Forest Right) Act, 2006 as required vide MoEFCC, New Delhi guideline No.11-9/1998-FC(pt) dated- 03.08.2009 shall be complied with.

User Agency to give an Undertaking on the same

21. After receipt of the compliance report from the State Government on fulfilment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be affected by the State Government till final approval orders approving the diversion of forest land are issued by the Central Government.

User Agency to take note of the same

22. The compliance report shall be uploaded on e.portal(<https://parivesh.nic.in>).

Undersigned Office to ensure the same once all the above mentioned compliances are completed by User agency.

This is for your kind information and necessary action.



The Divisional Forests Officer
Jaintia Hills Territorial Division, Jowai
Dated- Jowai the 7th November, 2019

Memo. No. JH/GVI/2018-19/Pt.IV/203/A/
Copy to

- 1) Nodal Officer, (FC Act, 1980), Meghalaya, Shillong for information
- 2) Conservator of Forests (T & WL), Khasi and Jaintia Circle for information

The Divisional Forests Officer
Jaintia Hills Territorial Division, Jowai.

APPENDIX I

COST OF COMPENSATORY AFFORESTATION

Area to be Diverted	6.55
Area to be Afforested	6.5500

A. CREATION OF NURSERY

1. Number of Seedling to be raised (seedlings per bed)		1000
2. Basic for cost estimates: The mandays for creation of nursery and plantation in one hectare is taken from the cost norms raising plantation and nursery etc as approved vide government of Meghalaya, Forests & Environment Department letter no. FOR.85/86/461 dated Shillong the 5 th June, 2017.		
3. Wage Rate: (per day, fixed by Labour Department vide notification no. LBG 75/2012/361 dated Shillong, the 7 th January, 2019.)		300
4. Number of Seedlings to be raised (3500 per hectare)		22925
5. Number of Beds required		23

ABSTRACT COST INVOLVED

Particular	Activities	Estimated Cost (Rupees)			Total amount
		Mandays (per hectare)	Amount (per bed or per hectare)	Amount for given CA area (for approved number of nursery beds)	
A. Creation of nursery for above mentioned number of beds	First year creation	30.6	9180	211140	228045.00
	Second year maintenance	2.45	735	16905	
B. Creation of plantation in above mentioned area	Preliminary Work	113	33900	222045	1218300.00
	Fist Year creation and maintenance	81	24300	159165	
	Second Year maintenance	69	20700	135585	
	Third Year maintenance	58	17400	113970	
	Fourth Year maintenance	35	10500	68775	
	Fifth Year maintenance	44	13200	86460	
	Sixth year maintenance	44	13200	86460	
	Seventh year maintenance	44	13200	86460	
	Eighth year maintenance	44	13200	86460	
	Ninth year maintenance	44	13200	86460	
Tenth year maintenance	44	13200	86460		
Total CA				1446345.00	

C. SMC Conservation	15 % of the total CA cost in degraded land			216951.75	288545.828
	(1) Headload Transportation cost of construction materials approximately 15 km distant @ 30% of SMC cost.			65085.525	
	(2) Contingencies @3% of SMC Cost			6508.5525	
	Total Under SMC				
D. Monitoring and Evaluation	@10 % of the total CA cost in degraded land				144634.5
E. Miscellaneous Cost	@ 3% of the total CA cost of degraded Land.				43390.35
Grand Total					1922915.68

APPENDIX II

Principal Amount	23099400.00
Penalty date considered for calculation of Interest	01/01/2013
Annual Simple Interest	2771928.00
Interest per day	7594.32
07th Nov 2019 is x th day of 365 days	311
Total Penalty as on 7th Nov, 2019	42092802.54

Total Penalty (Principal Amount + Interest)	Date of Payment	Total Penalty (Principal Amount + Interest)	Date of Payment
42092802.54	07/11/2019	42275066.22	01/12/2019
42100396.86	08/11/2019	42282660.54	02/12/2019
42107991.18	09/11/2019	42290254.86	03/12/2019
42115585.50	10/11/2019	42297849.18	04/12/2019
42123179.82	11/11/2019	42305443.50	05/12/2019
42130774.14	12/11/2019	42313037.82	06/12/2019
42138368.46	13/11/2019	42320632.14	07/12/2019
42145962.78	14/11/2019	42328226.46	08/12/2019
42153557.10	15/11/2019	42335820.78	09/12/2019
42161151.42	16/11/2019	42343415.10	10/12/2019
42168745.74	17/11/2019	42351009.42	11/12/2019
42176340.06	18/11/2019	42358603.74	12/12/2019
42183934.38	19/11/2019	42366198.06	13/12/2019
42191528.70	20/11/2019	42373792.38	14/12/2019
42199123.02	21/11/2019	42381386.70	15/12/2019
42206717.34	22/11/2019	42388981.02	16/12/2019
42214311.66	23/11/2019	42396575.34	17/12/2019
42221905.98	24/11/2019	42404169.66	18/12/2019
42229500.30	25/11/2019	42411763.98	19/12/2019
42237094.62	26/11/2019	42419358.30	20/12/2019
42244688.94	27/11/2019	42426952.62	21/12/2019
42252283.26	28/11/2019	42434546.94	22/12/2019
42259877.58	29/11/2019	42442141.26	23/12/2019
42267471.90	30/11/2019	42449735.58	24/12/2019
		42457329.90	25/12/2019
		42464924.22	26/12/2019
		42472518.54	27/12/2019
		42480112.86	28/12/2019
		42487707.18	29/12/2019
		42495301.50	30/12/2019
		42502895.82	31/12/2019

Appendix III

Average list of trees based on sampling size of 10m x 10m for 1 ha

Sl. No.	Spp	Girth (cm)	length (m)	Volume (m ³)	Class
1	Gamary	0.80	3	0.12	A2
2	Gamary	0.75	3	0.105	A2
3	Gamary	1.50	3	0.492	A2
4	Gamary	1.60	3	0.48	A2
5	Pooma	0.80	3	0.12	A3
6	Pooma	0.85	3	0.135	A3
7	M/sal	1.2	3	0.27	B
8	M/sal	1.45	3	0.394	B
9	Champa	0.45	3	0.567	C
10	Champa	0.85	3	0.135	C
11	Champa	0.90	3	0.151	C
12	Champa	1.45	3	0.394	C
13	Devil tree	0.65	3	0.079	C
14	Devil tree	0.85	3	0.135	C
15	Devil tree	1.20	3	0.27	C
16	Devil tree	1.60	4	0.64	C
17	Diengtlong	0.800	3	0.12	D
18	Badam	0.50	3	0.468	E
19	Badam	0.52	3	0.567	E
20	Badam	0.95	3	0.169	E
21	Badam	1.30	3	0.136	E
22	Badam	1.60	4	0.64	E
23	Diengsning	0.65	3	0.79	E
24	Diengsning	0.75	3	0.105	E
25	Jam	0.95	3	0.169	E
26	Kokon	1.60	4	0.64	E
27	Lakhait	0.45	3	0.379	E
28	Lakhar	0.55	3	0.567	E
	Total			9.2376	

Total tree/pole enumeration list wrt. girth class for 1 ha (extrapolation to 6.55 ha)

Class	G/Class	No.of Trees	Volume (m ³)	Volume in 6.55 Ha (m ³)	Forest Royalty
A1	45-120cm	0	0	0	0
A1	120+cm	0	0	0	0
A2	45-120cm	2	0.225	1.47375	5143.3875
A2	120+cm	2	0.972	6.3666	33297.318
A3	45-120cm	2	0.255	1.67025	5010.75
A3	120+cm	0	0	0	0.00
B	45-120cm	1	0.27	1.7685	4,032.18
B	120+cm	1	0.394	2.5807	7,974.36
C	45-120cm	6	1.337	8.75735	11,822.42
C	120+cm	2	1.034	6.7727	12,529.50
D	45-120cm	1	0.12	0.786	715.26
D	120+cm	0	0	0	0.00
E	45-120cm	8	3.214	21.0517	11,788.95
E	120+cm	3	1.416	9.2748	6,214.12
	Total	28	9.237	60.50235	98,528.24

Girth Class	No. of Poles	No. of Poles in 6.55 Ha	Forest Royalty
Poles of 0-30 cm girth of class A2 & A3	6	39	786
Poles of 30-45 cm girth of class B to E	6	39	1376
Poles of 0-30 cm girth of class A2 & A3	24	157	2358
Poles of 30-45 cm girth of	22	144	2882
Total	58	380	7402

Forest Royalty (Trees & Poles) = 105930

GST at 18% = 19067

Total Forest Royalty (Trees & Poles) = 124997

Appendix IV

Felling/Dragging charges for 1.63 Ha

Felling/Dragging charges for trees			
Volume in m3	Volume in cft	Charges	
15.06	531.84	61161.6	
Felling/Dragging charges for poles			
Number of poles	95	Charges	10872.1

Total Felling and Dragging Charges (Trees & Poles) = 72034