

File No. 8B/UP/06/34/2018
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi - 110003
Dated: As per e-sign

To

The Principal Secretary (Forests),
Government of Uttar Pradesh,
Lucknow.

S u b : Proposal for diversion of 0.0768 ha of forest land for construction of approach road to retail outlet located on Aligarh-Ramghat Road (MDR-105) km. Ch. 15.150 at Khasra No. 1470, village Ukhlana, Tehsil Kol, District Aligarh , Uttar Pradesh (Proposal No: FP/UP/Others/13881/2015)-regarding

Sir,

I am directed to refer to the Government of Uttar Pradesh's letter No. 619/14-2-2017-800(56)/2017 dated 03.08.2017 on the above subject seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful examination and recommendation of the proposal by the Advisory Committee, constituted under Section-3 of the aforesaid Act, 'in-principle' approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980 was granted vide this Ministry's letter of even no. dated 16.10.2024 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter no. letter No. 3058/11-C-FP/UP/Approach/13881/2015 dated 25.04.2025 and letter No. 674/11-C-FP/UP/Approach/13881/2015 dated 26.08.2025, 'Final/Stage-II approval' of the Central Government is hereby accorded under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980 for diversion of 0.0768 ha of forest land for construction of approach road to retail outlet located on Aligarh-Ramghat Road (MDR-105) km. Ch. 15.150 at Khasra No. 1470, village Ukhlana, Tehsil Kol, District Aligarh , Uttar Pradesh subject to fulfillment of the following conditions:-

(i) Legal status of the diverted forest land shall remain unchanged;

(ii) *Five times penal NPV along with 12% simple interest from the date of raising of such demand shall be paid by the user agency.*

(iii) *The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued;*

(iv) The Compensatory afforestation shall be raised by the State Forest Department as per approved scheme and as per the rules/guidelines on the matter at the cost of the user agency;

(v) The CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;The compensatory afforestation scheme, as approved, shall be implemented by the State Forest Department at the project cost within a period of two years from the date of grant of 'Final' approval;

(vi) The User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

(vii) Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes;

(viii) The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.

(ix) The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department as per the scheme submitted with the compliance of Stage-1 approval;

(x) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;

(xi) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;

(xii) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;

(xiii)The User Agency, if required, shall obtain the environment clearance under the Environment Impact Assessment Notification, 2006 issued under the Environmental (Protection) Act; 1986;

(xiv) No labour camp shall be established on the forest land and the User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;

(xv) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;

(xvi) The forest land shall not be used for any purpose other than that specified in the proposal;

(xvii) The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;

(xviii) The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;

(xix) The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;

(xx) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;

(xxi) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;

(xxii) The User Agency shall implement the R & R Plan, if applicable, as per the R & R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R & R Plan will be monitored by the State Government/Regional Office of MoEF&CC;

(xxiii) The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;

(xxiv) Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;

(xxv) The State Government, before issuing the final diversion order, shall ensure that the user agency has complied with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s), including compliance of Forest Rights Act, 2006, pertaining to this project, for the time being in force, as applicable to

the project;

(xxvi) Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of consolidated guidelines and clarifications issued under of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023.

(xxvii) The State Government and user agency shall ensure compliance to all conditions stipulated in the 'Stage-I/In-principle' approval letter of even no. dated 16.10.2024 and undertakings which have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order(S), if any, or the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, before handing over the forest land to the user agency;

(xxviii) As per Sub-rule 7 of Rule 11 of Van (Sanrakshan Evam Samvardhan) Rules, 2023 the State Govt. after receiving the 'Final' approval of the Central Government under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and after fulfillment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), shall issue order for diversion of forest land.

Yours faithfully,

(S.Sundar)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Uttar Pradesh, Lucknow.
2. The DDGF (Central), Regional Office, Lucknow.
3. The Nodal Officer (FCA), Department of Forest, Government of Uttar Pradesh, Lucknow.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.