



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
REGIONAL OFFICE (RANCHI)
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जहाँ है वन्याली ।
वहाँ है सुशासी ॥

No. FP/BR/Others/25453/ 2017/1415

Dated 11th August, 2017

To

The Principal Secretary,
Department of Environment and Forests,
Government of Bihar, Sinchai Bhawan,
Secretariat, Patna.

Sub: Diversion of 0.0045 ha of forest land for construction of approach road for opening retail outlet of BPCL on Dalsinghsarai-Vidhapati Road by Shri Rakesh Kumar Paswan in Samastipur district of Bihar.

Sir,

I am directed to refer to your letter No. Van Bhumi-12/2017-362(E)/Pa.Va. dated 31.05.2017 and letter no. FC-735 dated 01.08.2017 of APCCF-cum-Nodal Officer, Bihar in reply of this office letter of even no. dated 21.06.2017 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Forest(Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the Central Government, hereby, conveys "in-principle" approval for diversion of 0.0045 ha of forest land for construction of approach road for opening retail outlet of BPCL on Dalsinghsarai-Vidhapati Road by Shri Rakesh Kumar Paswan in Samastipur district of Bihar, subject to the fulfillment of the following conditions.

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
3. Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by the State Govt. from the user agency.
4. The State Government shall plant 50 trees to maintain the green cover at the project cost. Planting site for the purpose shall be identified by the State Forest

Department preferably within or in the surrounding area of the project. Indigenous tree species should be preferred for such plantation. The user agency shall transfer the cost of plantation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to State Forest Department.

5. The State Government shall deposit Net Present Value and all other funds **through e-challan**, with the Ad-hoc Body of Compensatory Afforestation Fund Management and Planning Authority (CAMPA), in SB Account No.**SB01025201** of Corporation Bank, CGO Complex, Phase-1, Lodhi Road, New Delhi – 110 003 (**RTGS/IFSC No.CORP0000371**) through the RTGS/NEFT mode, as per the instructions communicated vide letter No.12-2/2010-CAMPA dated 13.05.2011 and dated 24.06.2011.
6. State Government shall upload the details of compensatory levies demanded and received from the project proponent in the Ministry website and submit compliance in this regard.
7. The boundary of the forest land proposed for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc.
8. The approach road to petrol pump/fuel station should be as per the following norms issued by the Ministry of Road Transport and Highways and communicated vide Ministry's letter No.11-268/2014-FC dated 11.07.2014:-
 - (a) Fuel station should generally be a part of rest area complex having other amenities like place for parking, toilets, restaurants, rest rooms, shops etc. Proper planning should be done by the user agency, in advance, for construction of such complexes along the highways so that destruction of road side forest is minimized.
 - (b) Suitable signs and markings showing the location of the fuel station may be provided without disturbing the road side plantations.
 - (c) Entire periphery of the establishment should be lined up with tree plantation at a close spacing of 1.0 to 1.5 meter keeping an offset of 1.5 meter from the boundary, with light crown trees which will maintain greenery without compromising with the land requirement of the establishment.
 - (d) Suitable plantations should be raised by the user agency along the approach road, Separator Island and other vacant areas in addition to the compensatory afforestation, required to be raised as per the extant guidelines.

9. Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.
10. It will be the responsibility of the User Agency to ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
11. The lay out plan of the proposed forest land shall not be changed without prior approval of the Ministry of Environment, Forests and Climate Change.
12. The forest land proposed for diversion shall, under no circumstances, be transferred to any other agency, department or person without prior approval of the Ministry of Environment, Forests and Climate Change.
13. The forest land shall not be used for any purpose other than that specified in the proposal.
14. The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.
15. Any other conditions that the Ministry of Environment, Forest & Climate change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.

After receipt of the compliance report on fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. **Transfer of forest land to user agency should not be effected by the State Government till formal order approving diversion of forest land is issued by the Central Government.**

Yours faithfully,


(Vasanta Kiran Babu)

Dy.Conservator of Forests (Central)

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Copy to:-

1. The Director RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
2. The Principal Chief Conservator of Forests, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.

3. The APCCF-Cum-Nodal Officer, Forest Department, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
4. The Divisional Forest Officer, Samastipur Forest Division, Bihar.
5. Shri Rakesh Kumar Paswan, S/o Shri Ramprit Paswan, Village – Piparpanti, P.O. – Kewta, Thana - Dalsinghsarai, Dist – Samstipur, Bihar - 848114.
6. Guard File.

Dy. Conservator of Forests (Central)

14/11/17
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