



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

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FC-III/CH-115/2019-NGP / 5895

Dated: 15th Nov, 2019

To

✓ The Principal Secretary (Forests),
Government of Chhattisgarh, Forest Department,
Mantralaya, Mahanadi Bhavan,
New Raipur (CG).

Sub: Diversion of 6.690 ha of Forest Land in favour of M/s. Malka Renewable Energy Pvt. Ltd. Secunderabad for Small Hydro Electric Project in Dharamjaygarh Forest Division in Raigarh District in the State of Chhattisgarh- regarding.

Sir,

I am directed to refer to the Government of Chhattisgarh's letter no. 5-06/2019/10-2 dated 19.07.2019 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined and recommended by the Regional Empowered Committee (REC) constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Regional Empowered Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 6.690 ha of Forest Land in favour of M/s. Malka Renewable Energy Pvt. Ltd. Secunderabad for Small Hydro Electric Project in Dharamjaygarh Forest Division in Raigarh District in the State of Chhattisgarh subject to fulfilment of the following conditions:

i. **Compensatory afforestation**

- a. Compensatory afforestation shall be taken up by the Forest Department over 7.47 ha non-forest land (Khasra No. 145/1 under Rengakhar Range and Khasra No. 54/3 under Salewahara Range) at the cost of the User Agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;
- b. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

- ii. 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 appropriate provision for anticipated cost increase for works scheduled for subsequent years;

iii. **NPV:**

- a. The State Government shall charge the Net Present Value (NPV) for the 6.690 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 letters 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;
- b. 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;
- iv. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- v. Copy of approved Catchment Area Treatment (CAT) Plan, if applicable shall be submitted in accordance to para No. 4.8 (i) of Forest (Conservation) Act, 1980 Handbook;
- vi. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- vii. 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/>);
- viii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of a report on the compliance of conditions no i (b), ii, iii (a), vi, vii and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,

(Dr. E. Arockia Lenin)
Scientist 'C'

Copy to:

1. The PCCF, Government of Chhattisgarh, Raipur
2. The Nodal Officer FCA), O/o of the PCCF, Government of Chhattisgarh, Raipur.
3. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
4. User Agency.
5. Guard File.

(Dr. E. Arockia Lenin)
Scientist 'C'