

I/46422/2023



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय/Integrated Regional Office

पता: द्वितीय तल, झारखण्ड राज्य आवास बोर्ड मुख्यालय, हरमू चौक, राँची, झारखण्ड - 834002
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संख्या: एफ.पी/बी.आर/एप्रोच/151337/2022/1191

दिनांक: 13/06/2023

सेवा में,

प्रधान सचिव

पर्यावरण, वन एवं जलवायु परिवर्तन विभाग

बिहार सरकार, सिंचाई भवन

पटना – 800015.

विषय :- श्री संजय कुमार यादव द्वारा बांका जिलान्तर्गत जमखुट मौजा के खाता संख्या – 09, खेसरा संख्या – 310, थाना संख्या – 201/1, थाना – कटोरिया में बांका-कटोरिया पथ के किनारे IOCL का रिटेल आउटलेट स्थापित करने के क्रम में पहुँच पथ निर्माण हेतु वन (संरक्षण) अधिनियम, 1980 के अंतर्गत 0.01278 हे० वन भूमि अपयोजन प्रस्ताव पर सैद्धांतिक (स्टेज-1) स्वीकृति के संबंध में।

महाशय,

निर्देशानुसार उपर्युक्त विषय पर वन संरक्षण अधिनियम, 1980 की धारा 2 के तहत पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय की पूर्व स्वीकृति हेतु राज्य सरकार, बिहार के पत्र संख्या वन भूमि-04/2023-212(ई)/प.व.ज.प. दिनांक 20.03.2023 और अपर प्रधान मुख्य वन संरक्षक-सह-नोडल पदाधिकारी (एफ. सी.), बिहार के पत्र संख्या एफसी/08/2022-411 दिनांक 06.06.2023 के संदर्भ में कहना है कि राज्य सरकार के प्रस्ताव पर विचारोपरान्त श्री संजय कुमार यादव द्वारा बांका जिलान्तर्गत जमखुट मौजा के खाता संख्या – 09, खेसरा संख्या – 310, थाना संख्या – 201/1, थाना – कटोरिया में बांका-कटोरिया पथ के किनारे IOCL का रिटेल आउटलेट स्थापित करने के क्रम में पहुँच पथ निर्माण हेतु वन (संरक्षण) अधिनियम, 1980 के अंतर्गत 0.01278 हे० वन भूमि अपयोजन के लिए केंद्र सरकार (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय) की सैद्धांतिक (स्टेज-1) स्वीकृति निम्नांकित शर्तों एवं अपेक्षाओं के अधीन प्रदान की गई है:-

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. The user agency shall transfer the cost of raising and maintain the compensatory afforestation (100 trees plantation and maintenance for 10 years) at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal.
2. The State Government shall charge the Net Present Value (NPV) for the 0.01278 ha forest area to be diverted under this proposal from the User Agency as per the order 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, 5-3/2007-FC dated 05/02/2009 and letter No.5-3/2011-FC(Vol-I) dated 6/1/2022 in this regard.
3. 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>).

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4. The FRA certificate as per Ministry's guidelines shall be submitted before the issuance of final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.
6. The compliance report shall be uploaded on *e-portal* (<http://parivesh.nic.in>).

B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. The State Forest Department shall plant 100 trees to maintain the green cover at the project cost. Planting site for the purpose shall be identified by the State Forest Department preferably in the vicinity of the project site. Indigenous tree species should be preferred for such plantation.
3. 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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. Seven plants are available between the entry and exit paths of the proposed forest land. So, the user agency needs to submit an undertaking regarding the protection of seven trees available between the entry and exit paths of the proposed retail outlet.
5. 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 retail outlet 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 functional space requirement.
 - (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 guidelines.
6. Wherever possible and technically feasible, the User Agency shall in consultation with SFD undertake appropriate afforestation / vegetation enrichment measures near the site related to the area diverted under this approval, at the project cost.
7. The User Agency shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.

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8. The lay out plan of the proposal shall not be changed without prior approval of the Central Government.
 9. (a) The forest land shall not be used for any purpose other than that specified in the Project proposal.
(b) The period of diversion under this approval shall be co-terminus with the period of the project life of the fuel outlet.
(c) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
 10. Any other conditions that the Ministry of Environment, Forest & Climate change may stipulate from time to time in the interest of conservation, protection and development of forest and wildlife.

उपरोक्त शर्तों को पूरा करने के बारे में राज्य सरकार से अनुपालन प्रतिवेदन प्राप्त होने पर वन (संरक्षण) अधिनियम, 1980 की धारा-2 के तहत इस सम्बन्ध में आदेश जारी होने तक प्रयोक्ता अभिकरण को वन भूमि का अपयोजन हेतु हस्तांतरण नहीं किया जाना चाहिए।

विश्वासभाजन

Signed by Shashi Shankar
Pathak

Date: 14-06-2023 17:09:55

Reason: Approved
सहायक वन महानिरीक्षक

प्रतिलिपि:-

1. आई०जी०एफ०, आर०ओ०एच०क्यू०, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इन्दिरा पर्यावरण भवन, जोर बाग रोड, नई दिल्ली-110003.
2. प्रधान मुख्य वन संरक्षक (HoFF)/ अपर प्रधान मुख्य वन संरक्षक- सह – नोडल पदाधिकारी (एफ. सी.), पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, बिहार सरकार, अरण्य भवन, शहीद पीर अली खां मार्ग, पटना-800014.
3. वन प्रमण्डल पदाधिकारी, बांका वन प्रमण्डल, बिहार।
4. श्री संजय कुमार यादव, पिता – श्री त्रिभुवन यादव, ग्राम – जम्खुट, पोस्ट – रणघट्टा, थाना – कटोरिया, जिला – बांका, बिहार - 813103.
5. गार्ड फाईल।

सहायक वन महानिरीक्षक