



भारत सरकार

GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

Regional Office (South Eastern Zone),

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F.No. 4-TNB033/2019-CHN/ 651

Date 18th August, 2020

To

The Additional Chief Secretary to Government of Tamil Nadu,
Environment & Forests Department,
Secretariat, Fort St. George, Chennai - 600 009.

Subject: Diversion of 0.08 ha of forest land for 20 MGD closed circuit scheme for water supply scheme in Thoothukudi District for drinking water as well as Industrial purpose in favour of EE, TWAD Board, Thoothukudi -reg.

Sir,

Please refer to the State Government's letter No 20575 FR-10/2018-9 dated 25.03.2019, 20575/FR.10/2018-14 dated 23.12.2019 20575/FR.10/2018-21 dated 04.08.2020 and online proposal No. FP/TN/IND/34099/2018 seeking prior approval of the Central Government for diversion of forest land in accordance with Section '2' of Forest (Conservation) Act, 1980 for the above mentioned project.

As recommended by the Regional Empowered Committee (REC) in its 42nd meeting held on 14.08.2020 and after careful consideration of the proposal of the State Government, I am directed to convey the Central Government's in-principle approval (*Stage-I*) under Section '2' of Forest (Conservation) Act, 1980 for diversion of 0.08 ha of forest land for 20 MGD closed circuit scheme for water supply in Thoothukudi District for drinking well as Industrial purpose in favour of EE, TWAD Board, Thoothukudi, for a period of 25 years, subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Demarcation of the proposed forest area shall be carried out by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at the cost of User Agency;
- (iii) The Compensatory Afforestation (CA) shall be raised and maintained by the State Forest Department as proposed over 0.16 ha of degraded forests in Compt No 48, 49, Srivaigundam Range, Vallanadu RF at the cost of the User Agency;

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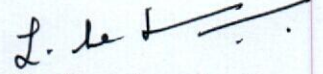
- (iv) Identified CA land shall not be changed without the prior approval of the Central Government.
- (v) The State Government shall charge the Net Present Value NPV and Penal NPV as below, from User Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995;
- a. NPV for an area over 0.05 ha of forest area for which Govt of Tamil Nadu accorded permission under FCA, 1980 the State Government vide G.O. (Ms) No.18, Environment and Forests (FR.10) Department Dated 17.03.2008, if not realized earlier;
 - b. State Government shall realize NPV for an area of 0.025 ha (the additional area being utilized by the UA) and to collect simple interest from the date of utilizing of the said area till the date of deposition from the User Agency;
 - c. The State Government shall realize maximum penalty of 5 times the NPV for the entire area of 0.08 ha plus 12 percent simple interest till the deposit made as per the provisions made in hand book 1.21 (ii) (a) (b) towards (penal NPV);
- (vi) Additional amount of Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the User Agency. User Agency shall furnish an undertaking to this effect;
- (vii) The funds received from the User Agency towards Compensatory Afforestation, Net Present Value and any money received in compliance of the conditions stipulated by the Central Government under this project shall compulsorily be deposited in to the "State Compensatory Afforestation Fund of Tamil Nadu State" by generating challan from the parivesh web portal;
- (viii) Clearance under FCA,1980 is limited to diverting of forest area over 0.08 ha for non-forestry purpose and water supply / allocation for drinking & industrial usage shall be regulated as per the Hon'ble Supreme Court of India directions and fortnightly reports of District Collector Thoothukudi in the matter to be sent to Regional Office also for records without fail;
- (ix) The State Government shall issue advisory to TWAD Board directing not to involve in violation of FCA, 1980 in any manner. Copy of such advisory shall be submitted to the Regional Office, Chennai along with the compliance report;

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- (x) Detailed report on calculation of NPV & Penal NPV to be collected from the User Agency shall be provided along with the compliance report;
- (xi) The State Government shall initiate disciplinary action as per the provisions made in hand book 1.21 (ii) (c) (d) against the officials belonging to the User Agency and the forest department for not being able to prevent use of forest lands for non-forestry purposes without the approval of Government of India;
- (xii) The State Government shall **revoke** the G.O.(Ms) No.18, Environment and Forests (FR.10) Department Dated 17.03.2008 wherein had conveyed the approval under General approval category under FCA, 1980 for diversion of 0.055 ha in favor of TWAD board for drinking purpose and shall inform the same with supporting documents to the Regional Office;
- (xiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xiv) The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>);
- (xv) The total forest area utilized for the project shall not exceed **0.08 ha** and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal;
- (xvi) The forest land proposed for diversion shall under no circumstances be transferred or sublet to any other agency, department or person without prior approval of the Central Government;
- (xvii) User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines and court orders if any, for the time being in force, as applicable to the project;
- (xviii) Any other conditions that the Central Government or DDG(Central) of Regional Office, Chennai 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;
- (xix) In the event of failure to comply with any of the above conditions the User Agency is liable for penal action provision under FCA, 1980 and guidelines made thereunder.

After receipt of the compliance report on above mentioned conditions, the proposal will be considered for final approval. This in-principle approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this in-principle approval may be revoked as per the rules.

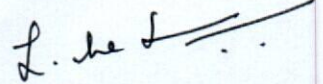
Yours faithfully,


(L.Chandrasekar)

Deputy Inspector General of Forests (Central)

Copy to:-

1. The Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, No.1, Jeenis Road, Panagal Building, Saidapet, Chennai - 600 015.
2. The Additional Principal Chief Conservator of Forests/Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, No.1, Jeenis Road, Panagal Building, Saidapet, Chennai - 600 015
3. The Executive Engineer, TWAD Board, Maintenance Division, No 25, Chidhambaram Nagar, Thoothukudi District, Tamil Nadu-628008
4. Guard File.


(L.Chandrasekar)

Deputy Inspector General of Forests (Central)