

**GOVERNMENT OF TELANGANA
FOREST DEPARTMENT**

From:
Sri M. Raja Ramana Reddy, M.Sc., LL.M
Forest Divisional Officer,
KAGHAZNAGAR.

To
The Executive Engineer, Irrigation
Department, I & CADD, MIP
Division Mancherial

Re.No. 80/2018-D1, Dt. 01.09.2018

DEMAND NOTICE

Sir,

Sub: - TS - Forest (Conservation) Act - Diversion of Forest land to an extent of 18.083 ha in Bellampally forest division - For excavation of left flank main canal and 8 - R Distributor for Neelwai Medium Irrigation Project in Mancherial District (Package No. 12 in favour of Executive Engineer, Irrigation Department, MIP Division Mancherial - CA Non-Forest Land identified - Handing over of CA Land I -In-principle (Stage-I) approval- Accorded Orders - Communicated- Demand Notice issued for 23.2816 Ha. area falling in Kaghaznagar Division and called compliance conditions - Requested -Reg.

Ref: - 1. GOI, MoEF & CC, Regional Office, Chennai, F.No.4-TS/124/2018-CHN/0894 dated 12.06.2018
2. PCCF, TS Hyd, Re. No. 12954/2017-FCA-I dated 23.06.2018
3. CA Scheme accepted by the Addl. PCCF, FCA O/o the PCCF on 21.07.2018.

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It is to inform that, the Principal Chief Conservator of Forests (Ho/F),Telangana Hyderabad vide reference cited has communicated the Stage I approval under Section 2 of Forest (Conservation) Act 1980 for diversion of 18.083 Ha for Diversion of Forest land to an extent of 18.083 ha in Bellampally forest division - For excavation of left flank main canal and 8 - R Distributor for Neelwai Medium Irrigation Project in Mancherial District (Package No. 12) in favour of Executive Engineer, Irrigation Department, MIP Division Mancherial and also requested to submit the condition wise compliance report. The details of demand notice is as follows.

Sl. No.	Conditions stipulated by the GOI MoEF in Stage-I approval.	Conditions to be fulfilled by the User Agency						
1	2	3						
i	Legal status of the diverted forest land shall remain unchanged.	It continues to be Reserve Forest and the diversion area falling in Bellampally Divisions						
ii	The demarcation of the forest area proposed for diversion 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.	The diversion area falling in Bellampally Divisions						
iii	The Compensatory Afforestation (CA) and related activities proposed in CA Scheme shall carryout by the State Forest Department over 23.2816 Ha of non forest area identified in Sy. No. 57 of Kamargaon village of Penchikalpet Mandal in Kumarambheem Asifabad District at the cost of user agency. The State Forest department shall also carry out Compensatory Afforestation and its maintenance over an extent of 13 Ha of degraded fore land identified in Compt No. 153 of beat Kondapally South, Section Loadpally of Penchikalpet Range falling in Kadamba R.F. at the cost of use agency, to meet the requirement of raising of 1000 plants / Ha of forest land diverted.	The User Agency is requested to deposit the following CA amount through e-payment method by generating the Challan from the Ministry's web portal (www.forestsclearance.nic.in) <table border="1" data-bbox="557 1122 985 1234"> <thead> <tr> <th>Sl No</th><th>Item</th><th>Amount in Rs.</th></tr> </thead> <tbody> <tr> <td>1</td><td>CA scheme for raising of plantations cost of user agency</td><td>Rs. 2,39,13,750/-</td></tr> </tbody> </table>	Sl No	Item	Amount in Rs.	1	CA scheme for raising of plantations cost of user agency	Rs. 2,39,13,750/-
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1	CA scheme for raising of plantations cost of user agency	Rs. 2,39,13,750/-						
iv	The State Forest Department shall also carry out Penal Compensatory Afforestation (PCA) and its maintenance over an extent of 28.00 of degraded forest land identified in Compt No. 372 of R.F. Jasjaravelly, Yellaram Beat, Nennel Section Kushanpally Range Bellampally Division at the cost of user agency.	The PCA area is falling in Bellampally Division						
v	Entire non-forest land over an extent of 23.2816 ha identified for compensatory afforestation shall be transferred and mutated along with the details of DGPS coordinates of the NFL area in favour of the State Forest Department before issue of the Stage - II Clearance	Shall be complied by User Agency.						
vi	Non forest land which is transferred and mutated in favour of the State Forest department for the purpose of compensatory Afforestation, shall be declared as Reserve forest under Section - 4 or Protected Forest	Shall be complied by User Agency.						

	under Section 29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the State Forest Act. The Nodal Officer must report compliance within a period of six months from the date of grant of final approval and send a copy of the original notification to this office for information and record.	
vii	Identified CA lands and approved CA Scheme shall not be changed without the prior approval of the Central Government and the State Forest Department shall ensure that the amount realized from the user agency towards compensatory afforestation should not be left unspent as recommended by the Regional Empowered Committee (REC).	Undertaking to be given.
viii	The State Government shall charge the Net Present Value of the diverted forest land measuring 18,983 ha from user Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA No 826 in 566 with related IA's in Writ Petition (Civil) 262/1995	The diversion area falling in Bellampally Division.
ix	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 User Agency. User agency shall furnish an undertaking to this effect.	The diversion area falling in Bellampally Division.
x	As recommended by the Regional Empowered Committee (REC), since the user agency has committed the works in violation of FCA, 1980 unintentionally, due to discrepancies in the land records, the said violation shall be treated under section 3 (E) of the Ministry's guideline dated 21.01.2018.	----
xi	The State Government shall ensure that no such violation shall take place in the future and shall issue suitable directives to all the Government agencies in this regard.	----
xii	Since the proposed for diversion is falling within 10 Kms of Pranahita Wild Life Sancturay, the State Government / User Agency shall obtain necessary clearance from the Standing Committee of the National Board of Wildlife for the project before the final approval and the State Government and the user agency shall implement / comply with the mitigation measures suggested by the NBWL if any at the project cost.	Shall be complied by User Agency.
xiii	Wherever feasible the State Forest Department shall carry out translocation of trees instead of resorting to felling at the cost of user agency.	The diversion area falling in Bellampally Division.
xiv	The funds received from the User Agency towards Compensatory Afforestation and Net Present Value under this project shall be deposited in the Corporation Bank account of the Telangana State CAMPA. The User Agency shall compulsorily deposit the NPV and other levies only by generation challan through the Ministry's website.	Shall be complied by User Agency.
xv	The layout plan of the proposal shall not be changed without the prior approval of the Central Government	Shall be complied by User Agency.
xvi	The user agency shall provide fire wood preferably alternate fuel to labourers working at the site to avoid damage / Tree felling.	Shall be complied by User Agency.
xvii	Disturbance shall be kept minimum by creating labour camps outside the forest area as far as possible and it shall be the responsibility of the user agency to ensure that the labourers & staff engaged in execution of work do not destruct nearby forest flora & fauna	----

xviii	The user agency shall ensure that bare minimum trees are felled on the forest land being diverted under strict supervision of State Forest Department also ensuring that tree available between full reservoir leve (FRL) and FRL-4 meters are not felled; and the user agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable)	The diversion area falling in Bellampally Division.
xix	The user agency shall not object the State Forest Department Authorities to have free rights to use the water for nursery / forestry related work and similar facilities to manage forest and fauna of the area.	Shall be complied by User Agency.
xx	Planting of indigenous tree species shall be undertaken on vacant land along the reservoirs and canals by the user agency at the project cost;	The diversion area falling in Bellampally Division.
xxi	The dug out material / overburden shall be dumped outside the forest area. No storage of any material shall be done in the forest area proposed.	Shall be complied by User Agency.
xxii	The total forest area utilized for the project shall not exceed 18.083 ha and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. User Agency shall furnish an undertaking to this effect.	The diversion area falling in Bellampally Division.
xxiii	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.	The diversion area falling in Bellampally Division.
xxiv	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.	Shall be complied by User Agency.
xxv	Any other conditions that the Central Government or Addl. PCCF (Central) of Regional Officer, 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.	Undertaking to be given by User Agency.
xxvi	The progress of the compensatory Afforestation as mentioned by the FDO Bellampally Forest Division in Sl. No. 12 (v) (a) of Part II i.e., 9.3 Ha of forest land and 150.946 Ha of degraded forest land shall be monitored by the Circle Head and a copy of such monitoring report shall be forwarded to the Regional Officer to upload the same in the web portal.	The diversion area falling in Bellampally Division.
xxvii	In the event of failure to comply with any of the above conditions the user agency is liable for penal action and decided by the Additional PCCF (Central), Regional Office, Chennai.	Undertaking to be given by User Agency.

Further, the User Agency is requested to comply with the following accordance with the Government of India instructions issued vide F.No.4-TSB124/2018-CHN/0894 dated 12.06.2018 communicated vide PCCF's Rc.No.12954/2017-FCA-1 dated 23.06.2018 and publish the orders at the cost of the project proponent.

1. Publish the entire forest clearance granted in verbatim along with the conditions and safe-guards imposed by the Central Government in two widely circulated daily newspapers, one in vernacular language and the other in English language, so as to make people aware of the permission granted to the project proponent for use of forest land for non-forest purpose.
2. The copies of the Forest Clearance should also be submitted to the Head of local bodies, Panchayats and Municipal Bodies by the project proponents in addition to the relevant offices of the Government who in turn has to display the same in 30 days from the date of receipt of this reference.

Further the Executive Engineer, Irrigation Department, I & CADD, MIP Division Mancherla is requested to furnish the copies of Paper clippings about the publishing of forest Clearance etc., as instructed by the Prl. Chief Conservator of Forests TS Hyderabad vide reference 2nd cited the said reference along with its enclosures are enclosed for their ready reference.

Further it is also informed that, this in-principle approval shall be valid for a period of 5 years. In the event of non-compliance of the above conditions, this in-principle approval shall automatically stand revoked after 5 years.

(4)

The User Agency is also request to note that the work should commence only after receiving working permission from the Principal Chief Conservator of Forests (HoFF), Telangana Hyderabad. Any violations of the above will attracts Penal Compensatory Afforestation.

Therefore it is requested to refer all the references in connection with this case with utmost care and furnish the required information on compliance of the above conditions as called in this case urgently for taking further course of action.

This should be attended on top priority and report compliance

Encl:

1. GOI, MoEF & CC, Regional Office, Chennai, F.No.4-
TSB124/2018-CHN/0894 dated 12.06.2018
2. PCCF, TS Hyd, Re. No. 12954/2017-FCA-1 dated 23.06.2018

Yours faithfully,

Sd/-
Forest Divisional Officer,
Kag haznagar

Copy submitted to the Additional Principal Chief Conservator of Forests, (FCA) / Nodal Officer O/o
Principal Chief Conservator of Forests, TS, Hyderabad for favour of kind information.

Copy submitted to the Conservator of Forests, Adilabad Circle, Adilabad for favour of kind information.

Copy submitted to the District Forest Officer, Kumrambleem Asifabad for favour of kind information.

Copy to the Forest Divisional Officer, Bellampally for information.

Sd/-
Forest Divisional Officer,
Kag haznagar

//t.c.b.o.//

Superintendent

slc
1/9/18