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GOVERNMENT OF MIZORAM
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
DEPARTMENT OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
MIZORAM::AIZAWL

No.B.22015/2/2020-FC/PCCF/646-647

Dated Aizawl the 18th November, 2022

To,
Executive Director (P),
National Highways & Infrastructure Development Corporation Ltd.,
Ministry of Road Transport & Highways, Govt. of India,
Regional Office-Aizawl, Mizoram - 796001.

Subj : Demand note for payment of Penal NPV in respect of Construction of 2-laning with hard shoulder configuration of NH-302 and NH 54 (A) from Lunglei - Tlabung section of NH-302 in Mizoram under Bharatmala Pariyojna on EPC mode.

Ref : Y.L. No.NHIDCL/RO-Aizawl/Forest/2022/391 dated 16.09.2022

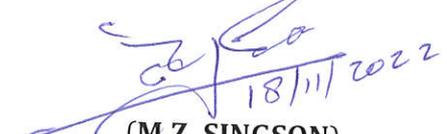
Sir,
In pursuance to your representation cited under reference above, the matter has been examined in consultation with Integrated Regional Office, Shillong MoEF&CC and concerned Divisional Forest Officers. In pursuance of Integrated Regional Office, Shillong MoEF&CC's clarification letter No.3-MZC024/2022-SHI/2292-93 dated 10.11.2022 (copy enclosed), the revised penal NPV is as follows:

S.N	Division	Violated area (in ha.)	Violation period (in yrs)	Density	Eco-class	NPV Rate	Penal NPV Amount (in Rs.)	Amount payable - 20% of penal NPV amount as per condition 2.A.7(b) of IPA (in Rs.)
1	Lunglei	0.084	1	0.4 (Open)	I	1116900	93,819.60	18,763.92
2	Tlabung	3.02	1	0.5 (Dense)	I	1436670	43,38,743.4	8,67,748.68
Total								8,86,512.60

I am directed to request you to deposit the above penal amount in pursuance to condition 2 A.7 of In-Principle Approval letter No.3-MZC024/2022-SHI/1651-52 dated 30.08.2022 (copy enclosed). The payment is to be made online through PARIVESH Portal as stipulated at condition No. 4 of the above said In-Principle Approval.

Encl: As above

Yours faithfully,


18/11/2022
(M.Z. SINGSON)
Deputy Conservator of Forests (FC)

Memo No.B.22015/2/2020-FC/PCCF/646-647

Dated Aizawl the 18th November, 2022

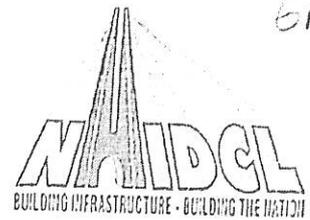
Copy to:

1. Deputy Inspector General of Forests (C), Ministry of Environment Forests & Climate Change, Integrated Regional Office, Law-U-Sib, Lumbatngen, Near MTC Workshop, Shillong - 793021 for kind information.
2. The Conservator of Forests (Southern Circle), EF&CC Lunglei for kind information.
3. The Divisional Forest Officer, Lunglei Forest Division w.r.t. letter No.B.14015/1/2022-DFO(L)/146-147 dt.17.11.2022.
4. The Divisional Forest Officer, Tlabung Forest Division w.r.t. letter No.B.12013/86(C)/2020-DFO(TLB)/3066 dt.28.10.2022.
5. The Under Secretary to Govt. of Mizoram, EF&CC Dept. for kind information.


Deputy Conservator of Forests (FC)



BHARATMALA
ROAD TO PROSPERITY



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A GOVT. OF INDIA UNDERTAKING

F.No. NHIDCL/RO-Aizawl/Forest/2022/391

Date: 16.09.2022

To,

Sh. R.S. Sinha
Addl. Principal Chief Conservator of Forests
& Member Secretary, SEIAA Mizoram.

Sub: Demand note for payment of Compensatory Afforestation, Net Present Value, Avenue Plantation Penal NPV and Cost of felling of trees in respect of Construction of 2-laning with hard shoulder configuration of NH-302 and NH-54(A) from Lunglei-Tlabung section of NH-302 in Mizoram under Bharatmala Pariyojana on EPC mode.

Ref: i)No.B.22015/2/2020-FC/PCCF/607, dt.12.09.2022.
ii)No.3-MZ C 024/2022-SHI/1651-52, dt.30.08.2022.

Sir,

With reference to the above subject matter the Demand note for payment of Compensatory Afforestation, Net Present Value, Avenue Plantation Penal NPV and Cost of felling of trees in respect of Construction of 2-laning with hard shoulder configuration of NH-302 and NH-54(A) from Lunglei-Tlabung section of NH-302 in Mizoram under Bharatmala Pariyojana on EPC mode vide ref.no.(i).

2.In the Demand Note Penal NPV was imposed for the whole 39.81 Ha of Forest Land.The violation was limited to 0.323 ha in Lunglei Forest Ddivision and 3.02 Ha in Tlabung Forest Division. The Penal NPV should be only for the violation area only. According to para no.7(b) of vide ref.no.(ii) the Penal NPV should be Rs.72,151.74/- for Lunglei Forest Division and Rs.8,67,748.68/- for Tlabung Forest Division. Calculation was shown below.

Sl.No.	Forest Division	Violated Area	NPV Rate	Amount	Penal NPV Amount
1.	Lunglei	0.3202 Ha	11,16,900	3,60,758.70	72,151.74
2.	Tlabung	3.02 Ha	14,36,670	43,38,743.40	8,67,748.68
	Total				9,39,900.42

3.It is requested your goodself to reconsider the Penal NPV imposed vide ref.no.(i) and submit the revise Demand Note for the same to make the necessary payment into the Central CAMPA Fund Account.

Encl:As above.

(Signature)
16/09/2022
(Virendra Kumar Jakhar)
Executive Director (P)

P/B OF PCCF
Receipt No. 5284
Date 19.9.2022



सत्यमेव जयते

भारतसरकार
GOVERNMENT OF INDIA
एकीकृतक्षेत्रीयकार्यालय
INTEGRATED REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लॉउसीबलुम्बतंगेन/LAW-U-SIB, LUMBATNGEN,
शिलॉंग/SHILLONG-793021
TEL. 0364-2537278; FAX. 0364-2536041
E-mail: moefro.shillong@gov.in



No.3-MZ C 024/2022-SHI - 2292-93

10th November, 2022

To,

Principal Secretary,
Government of Mizoram,
Environment, Forests & Climate Change Department,
Aizawl-796001.

Sub : Proposal for diversion 39.81 Ha of Forest Land for construction of 2-laning with hard shoulder configuration of NH 302 and NH54 (A) from Lunglei-Tlabung section of NH-302 in the State of Mizoram Under 'BharatmalaPariyojana' on EPC Mode -reg.

Ref : E-mail dated 28.10.2022 from Forest Conservation Nodal Office, Govt of Mizoram.

Sir,

With reference to the subject and e-mail dated 28.10.2022 on the above, I am directed to inform that the request of the State Govt has been examined in this office. In this matter the State Forest Department may accept the request of the User Agency for payment of CA, NPV and Avenue Plantation.

However, with respect to condition no. 7 of In-principle Approval attracting the provision of 1.21(ii) of Forest Conservation Rules, 2003 (Guidelines & Clarification), the calculation of Penal CA may be done as per 4.3 (ii) of the above said rule where only the area worked / used in violation is to be imposed.

Kindly process for compliance at the earliest and submit the report to this office for taking further necessary action.

भवदीय,

(Mrs. L. J. Syiemiong)

वनउपमहानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests (C)

Copy to:

Additional Principal Chief Conservator of Forests & Nodal Officer (FC), Govt. of Mizoram,
Environment, Forests & Climate Change Department, Aizawl.

वनउपमहानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests (C)



भारतसरकार
GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लॉउसीबलुम्बतंगेन/LAW-U-SIB, LUMBATNGEN,
शिलॉंग/SHILLONG-793021
TEL. 0364-2537278; FAX. 0364-2536041
E-mail: moefro.shillong@gov.in



No.3-MZ C 024/2022-SH/ 1651-52

30th August, 2022

To,

Principal Secretary,
Government of Mizoram,
Environment, Forests & Climate Change Department,
Aizawl-796001.

Sub : : Proposal for diversion of 39.81 ha of forest land for construction of 2-laning with hard shoulder configuration of NH 302 and NH 54 (A) from Lunglei-Tlabung Section of NH-302 in the State of Mizoram under 'Bharatmala Pariyojana' on EPC Mode by NHIDCL.

Sir,

This has got reference to the State Government of Mizoram letter No.G.20015/65/2022-FST dated 13.06.2022 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government of Mizoram and the additional information submitted vide their letter No.G.20015/65/2022-FST, dated 20.06.2022, the REC on 27.06.2022 has recommended for submission to Ministry, New Delhi for approval. Upon receipt of **ex-post facto approval** from Competant Authority subject to standard and penalty, the **In-principle / Stage-I approval** of the Central Government is hereby granted for diversion of **39.81 ha** of forest land for widening and upgradation of NH 302 and NH 54 (A) to 2-lane with hard shoulder and in the State of Mizoram by NHIDCL, subject to the following conditions:

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 Net Present Value (NPV) of the forest land being diverted under this proposal, as per the Ministry's Guideline No.5-3/2011-FC (Vol.I) dated 06.01.2022 and even No. dated 19.01.2022. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned;

2. The user agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate for anticipated cost increase for works scheduled for subsequent years;

3. The user agency shall transfer the cost of raising Avenue plantation on the road side with the State Forest Department to CAMPA account only though e-portal;

4. All the funds received from the user agency under the project shall be transferred/deposited to CAMPA account only though e-portal (<https://parivesh.nic.in>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;

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5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the District Collector;
6. The KML files of the area to be diverted, the CA area shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be;
7. The violation reported in this instant proposal will attract the provision of 1.21 (ii) of the Forest Conservation Rules, 2003 (Guidelines and Clarifications) that deals with Ex-post facto approval and Penal provisions as under:-
 - a. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times of NPV plus 12% simple interest till the deposits is made.
 - b. In this case, 20% of the above penalty shall be imposed, as this proposal is for public utility project of the Government.
 - c. State Government will initiate disciplinary action against the Forest and NHIDCL officers/officials concerned as per State Forest laws for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
 - d. User agency responsible for violation shall be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State authority.
8. 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. F-22017-FC dated 28.05.2019;
9. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
10. Undertaking from the user agency for providing proper drainage of retaining / breast wall in steep slopes and stabilization of side slope to avoid soil erosion and landslides; and to provide drains / cross drains. Physical barriers / structures to prevent muck from entering streams & rivers and other ecologically sensitive areas are to be constructed on the lower slope side, if required, before any construction works are started;
11. The compliance report shall be uploaded on e-portal (<https://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 the diverted forest land shall remain unchanged;
2. Compensatory Afforestation shall be raised over equivalent non-forest land over 39.81 ha identified by the State Forest Department at Khawbel, Serchhip Forest Range under Thenzawl Forest Division;
3. The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as Reserve Forest/Protected Forest under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with 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(s) of the local Forest Act as the case may be, within the stipulated period to the Central Government for information and record.

4. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 5. No damage to the flora and fauna of the adjoining area shall be caused;
 6. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
 7. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
 8. The user agency shall undertake re-grassing of the muck dumping area and restore the land to a condition which is fit for growth of fodder, flora, fauna etc;
 9. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
 10. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
 11. All other clearance/NOCs under different applicable rules/regulations /local laws and under Forest Dwellers (Recognition of Forest Rights)Act, 2006 as required vide MoEF, New Delhi guideline No.11-9/1998-FC(pt) dated 03.08.2009 shall be complied with;
 12. As per Ministry's letter No 11-30/96-FC(Pt) dt 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5(five) years, the in-principle approval would be summarily be revoked considering that the user agency is no longer interested in the project;
- 2 After receipt of the compliance report from the State Government on fulfilment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval is granted by the Central Government.

This is issued with approval of Deputy Director General of Forests (C).

भवदीय,



(Mrs. L.J. Syiemiong)

वनउपमहानिरीक्षक (केंद्रीय) /

Deputy Inspector General of Forests(C)

Copy to:

1. Additional Principal Chief Conservator of Forests & Nodal Officer (FC), Govt. of Mizoram, Department of Environment, Forests & Climate Change Department, Aizawl.



Deputy Inspector General of Forests(C)

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