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ENVIRONMENT & FORESTS(FR.10)  
DEPARTMENT, SECRETARIAT,  
CHENNAI 9.

Letter No.20575 / FR.10 / 2018-9, Dated: 25.03.2019

From  
Thiru. Shambu Kallollikar, I.A.S.,  
Principal Secretary to Government.

To  
The Additional Director General (Central),  
Government of India,  
Ministry of Environment, Forests and Climate Change,  
Regional Office (South Eastern Zone),  
1 & 2<sup>nd</sup> Floor, HEPC Building,  
No.34, Cathedral Garden Road,  
Nungambakkam, Chennai-34. (w.e.)

Sir,

Sub: Forests - Forest (Conservation) Act, 1980 – Tirunelveli Circle /  
Thoothukudi Forest Division - Proposal for diversion of 0.08 ha of forest  
land for 20 MGD Closed circuit Scheme for Water supply scheme in  
Thoothukudi District for drinking purpose in favour of Executive Engineer,  
TWAD Board, Thoothukudi – Regarding.

Ref: 1. From the Principal Chief Conservator of Forests Letter  
No.TS4/24793/2018, dated 22.10.2018.  
2. Government letter No. 20575/FR.10/2018-1,dated 19.11.2018,  
01.02.2019 and 27.02.2019.  
3. From the Principal Chief Conservator of Forests Letter  
No.TS4/24793/2018, dated 23.01.2019, 26.02.2019 and  
28.02.2019.  
4. Orders of Hon'ble Supreme Court of India dated 04.02.2019 in  
C.A.No.11935 of 2018 and batch cases.

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I am directed to state that in the reference first cited, the Principal Chief Conservator of Forests (HoD) has stated that the User Agency (i.e. Tamil Nadu Water Supply and Drainage Board, Thoothukudi) has furnished online application under Section 2 of Forest (Conservation) Act, 1980 in the prescribed format of Form A – Part I for diversion of 0.08 ha. of forest land for 20 MGD Closed circuit Scheme for Water supply scheme to Thermal Power Project, SIPCOT complex, Heavy water plant and other industries in Thoothukudi District for drinking and industrial purpose.

2. The District Forest Officer has inspected the area with User Agency on 21.08.2018 and reported that this project site is located in Srivaikundam Forest block Reserved land and the area proposed by the user agency is very minimum and there is no alternative land for the proposed project except this forest land. The land required for diversion is (804.8m<sup>2</sup>) 0.0804 ha. Out of this, 0.0552 ha. had already approved by the Government of Tamil Nadu vide G.O.(Ms)No.18, Environment and Forests (FR.10) Department, dated 07.03.2008. Now the User Agency has proposed additional area of 0.025 ha. for already constructed at the time of original allotment during 2008 which is in



excess i.e., Pathway and EB Transformer yard was found as deviated. The total area is found to be 0.080 ha which is below 1 ha. In view of the importance of the project i.e., for industrial purpose, double the extent of land for that is to be diverted i.e., 0.16 ha. of degraded reserved forest in Vallanadu RF of this division can be afforested by collecting the required fund from the User Agency. The area proposed for Compensatory Afforestation had been marked in the map and the user agency had given an undertaking that they will pay all amounts as demanded and collect the lease rent at the prevailing rates. The details of amounts to be collected from user agency are below:-

Sl. No.	The land proposed for diversion in 0.080 ha	Already collected for 0.0552 ha	Now arrived amount	Balance amount
1	The NPV to be collected is 0.080 x 6.99 lakhs	38,088	55920	22832
2	Penalty for 0.025 ha		17475	17475
3	Lease rent for 0.025 ha x 111.25 x 10		1113	1113
4	Cost of Compensatory Afforestation 0.080 x 2 = 0.16 ha (0.160 x 2,50,000)	4,162	40000	35837
5	1 <sup>st</sup> year maintenance Rs.50,000 (0.16 x 50000) = 8000.00		8000	8000
6	Maintenance cost of 4 year @ Rs.4480/- per year x 0.1600 ha.	3,894	17920	14026
	<b>Total Rs.</b>	<b>46,144</b>	<b>1404285</b>	<b>99283</b>

3. The District Forest Officer has further stated that the requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project and no work in violation of the Act or guidelines issued under the Act has been carried out. As against the diversion of 0.08 ha. of forest land for 20 MGD Closed circuit Scheme for Water supply scheme to said Project, Compensatory Afforestation scheme has been proposed for 0.16 ha. identified in the Vallanadu RF of Thoothukudi Division.

4. The District Forest Officer has further stated that there is no protected archaeological or any other important monument is located in the area, no tree growth is available in the proposed forest area. He has also furnished the site suitability certificate for the identified non forest land is suitable for Compensatory Afforestation. He has therefore recommended the proposal of diversion of 0.08 ha of forest land for 20 MGD Closed circuit Scheme for Water supply scheme to Thermal Power Project, SIPCOT complex, Heavy water plant and other industries in Thoothukudi District for drinking and industrial purpose.

5. The Chief Conservator of Forests, Tirunelveli circle has inspected the proposed Project area on 08.09.2018 which lies in Srivaikundam Forest block, Reserved land for diversion of 0.08 ha. forest land and stated that he agrees with the recommendations of the District Forest Officer. Diversion of 0.08 ha. of forest land for 20 MGD Closed circuit Scheme for Water supply scheme to said Project is meager and there is no alternate non forest land available for the project. This proposal involves diversion of 0.08 ha of forest land for 20 MGD Closed circuit Scheme for Water supply scheme to Thermal Power Project, SIPCOT complex, Heavy water plant and other industries in Thoothukudi District for drinking and industrial purpose. Hence he has



recommended this proposal for diversion of 0.08 ha. to TWAD Board for the above purpose which involves no damage to the existing flora.

6. The Principal Chief Conservator of Forests has, therefore recommended and forwarded the said proposal to the Government for approval for a period of 20 years subject to certain conditions.

7. On further clarifications, the Principal Chief Conservator of Forests has stated that in G.O.(Ms)No.18, Environment and Forests (FR.10) Department, dated 07.03.2008,(copy enclosed) diversion of forest land was allowed for drinking water purpose only. The User Agency has failed to report the usage of water for industrial purpose. Thus they violated the order issued in the approval of Forest (Conservation) Act, 1980. For the reported violations, based on Government of India guidelines, penalty has already been imposed by the District Forest Officer and the amount has also been credited in the State Compensatory Afforestation Fund Management and Planning Authority account by the Tamil Nadu Water Supply and Drainage Board. Further, the District Forest Officer, Thoothukudi has reported that, while uploading Part-II of Form A, violation by the User Agency (Tamil Nadu Water Supply and Drainage Board) in the project area has not been uploaded by mistake. Now the District Forest Officer has uploaded the details about violations in the project area and furnished the revised Part-II of Form A. The Chief Conservator of Forests in the revised Part-III has agreed with the recommendation of the District Forest Officer, Thoothukudi and recommended the proposal. However, the Additional Principal Chief Conservator of Forests in the revised Part-IV recommendation dated 28.2.2019 has stated that the User Agency has violated the provisions of Forest (Conservation) Act, 1980 by usage of excess forest area of 0.025 ha. and by supply of water to industries other than allowed by State Government orders. For the violation of usage of excess area, penalty has been imposed by the District Forest Officer. Additional Principal Chief Conservator Forests has therefore recommended the proposal for drinking water purpose only. He has further stated that the proposal is not recommended for usage of Industrial purpose.

8. The Principal Chief Conservator of Forests has, therefore recommended the proposal for diversion of 0.08 ha. of forest land in Srivaikundam Forest block Reserved land in Thoothukudi Forest Division, Thoothukudi District for 20 MGD Closed circuit Scheme for Water supply for **drinking purpose only** and not for industrial use under section 2 of the Forest (Conservation) Act, 1980 for a period of 20 years, subject to the following conditions:-

- 1) The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
- 2) Felling of trees of spontaneous origin shall not be carried out. User Agency shall furnish an undertaking to this effect.
- 3) The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered at an interval of 20 mts at the cost of User Agency.
- 4) The User Agency shall pay the Net present value of the diverted forest area at the rates stipulated by the Ministry of Environment, Forests and Climate Change, from time to time, 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 IAs in Writ Petition (Civil) No.202/1995.
- 5) The Additional amount of the 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. The User Agency shall furnish an undertaking to the effect.
- 6) The fund from the User Agency towards Compensatory Afforestation and NPV under this project shall be deposited in SB A/C No.1025227-CAF, Tamil Nadu, Corporation Bank, CGO Complex, Lodhi Road, New Delhi 110 003 (RTGS/IFSC No. CORP 0000371) The details of deposition of funds including inter-alia the DD Nos. and date, amount, the Bank on which drawn and the date of deposition in the designated Bank shall also be furnished. The User Agency shall generate challan from the Ministry's Online web portal to deposit the amount towards Compensatory levies.
  - 7) The User Agency shall be responsible for any loss to Flora and Fauna in the surroundings and shall take all possible measures to conserve the same.
  - 8) The forest land shall not be used for any other purpose other than that specified in the proposal.
  - 9) The lease rent should be realized from the User Agency as per G.O.Ms.No.272, E&F(FR.XIII) Dept. dated 15.04.1991.
  - 10) The User Agency / TWAD Board, Thoothukudi should issue constructive order on free supply of water to the Forest Department buildings in the locality near by the project area.
  - 11) The District Forest Officer may impose any other condition in the interest of conservation / protection and development of forests.

9. Further in the order fourth cited, the Hon'ble Supreme Court of India has disposed of the appeals with a direction that a joint meeting be held of the representatives of the State Government and of the Tamil Nadu Water Supply and Drainage Board to resolve the issue relating to this proposal within a period of two weeks from the date of issue of the order and the proposal shall thereupon be forwarded to Ministry of Environment, Forests and Climate Change within three weeks from 04.02.2019 and the competent authority shall take a decision on the proposal in accordance with law within a period of two months thereafter.

10. The Government have carefully examined the proposal of the Principal Chief Conservator of Forests for diversion of 0.08 ha. of forest land in Srivaikundam Forest block Reserved land in Thoothukudi Forest Division, Thoothukudi District for 20 MGD Closed circuit Scheme for water supply for drinking purpose only and not for Industrial purpose for a period of 20 years, subject to the conditions mentioned at para 8 above, in favour of the Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Thoothukudi under section 2 of Forest (Conservation) Act, 1980 and decided to forward the same. I am, therefore, directed to request you to kindly obtain the concurrence of the Government of India, Ministry of Environment, Forests and Climate Change and communicate the same to this Government, before the time limit stipulated by Hon'ble Supreme Court of India.

Yours faithfully,

*G. R. Sundar*

for Principal Secretary to Government.

Copy to:

✓ The PCCF (HoD), Chennai-15.

The Executive Engineer,

Tamil Nadu Water Supply and Drainage Board, Thoothukudi District.

PART - V

(To be filled in by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

Proposal for diversion of 0.08 ha of forest land in Srivaikundam Forest Block Reserved land in Thoothukudi Forest Division for 20 MGD Closed circuit Scheme for Water supply scheme in Thoothukudi District for drinking purpose only and not for Industrial purpose in favour of Executive Engineer, TWAD Board, Thoothukudi, for a period of 20 years.

18. Recommendation of the State Government

(Adverse comments made by any officer or authority in Part-B or Part - C or Part - D above should be specifically commented upon)

The recommendation of APCCF (FCA) dated 28/02/19 may be accepted and the proposal is recommended for drinking purpose only and not for Industrial purpose.

Signature *[Signature]* 28/03/19

Name & Designation  
(Official Seal)

Under Secretary to Government  
Environment and Forests Department  
Secretariat, Chennai-600 009

Date 25.03.2019

Place : Chennai-9.