

GOVERNMENT OF TRIPURA
FOREST DEPARTMENT

No.F. 6-1165/FC/For-18/ 01-07

Dated, the, 02 April March, 2019

ORDER

Sub: - Proposal for diversion of 0.1962 ha of forest land for establishment of 33/11 KV Sub-Station at Ekinpur under District Forest Officer, South

This has got a reference to the letter No.3- TR B 045/2019-SHI/4095-96 dated 04.03.2020 of Regional Office, MoEF & CC, Shillong on the subject mentioned above towards dispose off the proposal at the State level for granting approval.


After careful consideration of the proposal of the Addl General Manager & Nodal Officer, TSECL, Agartala conveys the approval in Principle in accordance with Section-2 of Forest (Conservation) Act, 1980 for diversion of forest land measuring 0.1962 ha in Khatian No-2/4, C.S Plot No-3273 of Mouja-Tebaria, Belonia Sub-Division, South District for establishment of for establishment of 33/11 KV Sub-Station at Ekinpur subject to the following conditions:-

1. The Legal status of the forest land shall remain unchanged.
2. The compensatory afforestation shall be taken up by the Forest Department over double the degraded forest area of 0.40 ha in degraded forest land in Mouja-Nidaya, CS Plot No.681, Kh. No.3/12, Tulatalibari RF, Rangmura Range, Trishna Wildlife Sanctuary, South District of Tripura at the cost of the user agency. As far as possible, mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
3. The State Govt shall charge the Net Present Value for the forest area to be diverted under the proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 & 09.05.2008 in IA No.566 in WP (C) No.202/1995 and as per the guideline issued by this Ministry vide letter No. 5-2/2006-FC dated 03.10.2006 No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal to Ad-hoc CAMPA account of the State concerned.
4. The cost of the compensatory afforestation at the prevailing wages as per the compensatory afforestation shall be deposited in the Compensatory Afforestation Fund of Tripura State manage by the Adhoc CAMPA through e-portal in the account of the Ad-hoc CAMPA. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. Additional amount of 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 be charged by the State Govt from the User Agency. The user agency shall furnish an undertaking to this effect.
6. All the funds received from the User Agency under the project towards compensatory levies shall be transferred/deposited to compensatory afforestation Fund of Tripura State managed by the Ad-hoc CAMPA only through e-portal mode.
7. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.

8. The DFO, South will take appropriate action on the violation matter, if not taken as per para 1.21.(i) on ex post facto approval penal provisions of handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules 2003 Guidelines and Clarifications before issuing work permission on the project or within 3 months whichever is earlier.
9. The charges for felling, logging and transportation of project affected trees should be collected from the User Agency at the rates approved by the State Govt and deposited with the DFO concerned for utilization immediately following the diversion of forest land.
10. The expenditure like felling, logging and transportation of project affected trees should be collected from the user agency at the rates approved by the State Govt. and deposited with the DFO concerned for utilization immediately following the diversion of the forest land.
11. The expenditure like boundary walls, stone pillars, and demarcation charges cost of damage of trees the fund on these accounts should be deposited with DFO concerned.
12. The user agency shall restrict the felling of trees to minimum number in the diverted forest land and trees shall be felled under strict supervision of State Forest Department Forest and the cost of the felling of trees shall be deposited by the user agency with the State Forest Department.
13. The complete compliance to the Forest Right Act, 2006 shall be ensured by way of prescribed certificate from the concerned District collector.
14. The User Agency shall obtain Environment Clearance as per the project provisions of the Environment (Protection) Act, 1986, if required under the said Act.
15. The lay out plan of the proposal shall not be changed without the prior approval of the Central Government.
16. No labour camp shall be established on the forest land.
17. Sufficient quantity of firewood, preferably the alternate fuel, shall be provided by the user agency to the labourers after purchasing the same from the State Forest Department or the Forest development Corporation or any other legal source of alternate fuel.
18. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
19. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
20. The forest land proposed to be diverted shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person without prior approval of Govt of India.
21. The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulders in forest land, if necessary.
22. As per Ministry's letter No. 11-30/96-PC (Pt) dt. 14.9.2001, if the compliance of stipulated conditions is awaited for more than 5 (five) years, the in-principle approval would summarily be revoked considering that the user agency is no longer interested in the project.
23. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt. 29/01/2018.
24. 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.


25. Any other conditions that the North Eastern Regional Office, Ministry of Environment, Forest & Climate Change may be stipulated from time to time in the interest of conservation, protection and development of forests & Wildlife.
26. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in>).
27. The Govt. shall consider granting final approval for the project after getting the compliance report against the stipulation mentioned above from the user agency.

This is in pursuance to the general approval under Section-2(ii) of Forest (Conservation) Act, 1980 and Forest (Conservation) Rules, 2003(Guidelines & Clarifications) Handbook 2019.


(Harshakumar C)
Joint Secretary
to the Government of Tripura

Copy to:-

1. The Principal Chief Conservator of Forests, Tripura for favour of kind information please
2. The Deputy Director General of Forests(Central), Ministry of Environment & Forests North Eastern Regional Office, Law-U-Sib, Lumbatngen, Near M.T.C. Workshop, Shillong 793021 of kind information please
3. The Nodal Officer, FCA, O/O- the Principal Chief Conservator of Forests, Tripura for favour of kind information please.
4. The District Magistrate & Collector, South, Belonia for kind information.
5. The District Forest Officer, South, Belonia for kind information.
6. The Sub-Divisional Magistrate, Belonia for kind information
7. The Addl. General Manager & Nodal Officer, Transmission Circle, TSECL, 79 Tilla, Agartala for kind information


01.04.2020
Joint Secretary
to the Government of Tripura