

**Letter No.18747/FR.10/2022-5, dated:25.10.2023**

From  
Tmt.Supriya Sahu, IAS.,  
Additional Chief Secretary to Government.

To  
The Assistant Inspector General of Forests (Central),  
Government of India,  
Ministry of Environment, Forests and Climate Change,  
Regional Office,  
1<sup>st</sup> Floor, Additional Office Block for GPOA,  
Shastri Bhawan, Haddows Road,  
Nungambakkam, Chennai-600 006 (w.e)

Sir,

Sub: Forest (Conservation) Act, 1980 – Proposal (FP/TN/Substation/149440/2021) for diversion of 4.85 ha of forest land in Pillur Slope Reserved Forests of Coimbatore Forest Division for improvement of 230 KV Substation into 400 KV Substation at Parali in Coimbatore District in favour of the Superintending Engineer, General Construction Circle, Tamil Nadu Transmission Corporation Limited (TANTRANSCO), Coimbatore - Forwarding of - Regarding.

- Ref: 1. From the Principal Chief Conservator of Forests, letter No.TS3/43555/2021, dated 17.11.2022.  
2. Government letter No.18747/FR.10/2022-1, dated 20.12.2022.  
3. From the Principal Chief Conservator of Forests, letter No.TS3/43555/2021, dated 01.03.2023.  
4. Government letter No.18747/FR.10/2022-2, dated 05.04.2023, 29.5.2023 and 11.08.2023.  
5. From the Principal Chief Conservator of Forests, letter No.TS3/43555/2021, dated 18.06.2023 and 07.09.2023.

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I am directed to enclose copies of the references 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> cited and to state that, the Principal Chief Conservator of Forests (Head of Forest Force) in his letter first cited has stated that, Superintending Engineer, GCC, Transmission Line Construction (TANTRANSCO), Coimbatore has uploaded online forest clearance proposal under section 2 of Forest (Conservation) Act, 1980 diversion of 4.85 ha of forest land in Pillur Slope Reserved Forests of Coimbatore Forest Division for improvement of 230 KV Substation into 400 KV Substation at Parali in Coimbatore District under proposal No.FP/TN/Substation/149440/2021.



2. In the Part-II of Form-A, the District Forest Officer, Coimbatore Division has furnished following particulars:-

- i) The legal status of the proposed site of diversion of 4.85 ha of forest lands requested for the project is Reserved Forests. As per site inspection report name of the forest area involved in the project reported as Pillur Slope Reserved Forest.
- ii) The District Forest Officer has reported that, density of the forest area is 0.5 and Eco class of forest area is One.
- iii) In the Part-II of Form-A, the District Forest Officer has furnished the details of species wise and girth class wise enumeration of trees in the area and 199 number of trees enumerated in the proposed forest diversion area. The District Forest Officer has reported that out of 199 number of trees, 116 number of trees are spontaneous and 83 numbers are planted trees. All the 199 number of trees enumerated are to be removed for this project.
- iv) On the Brief note on vulnerability of the forest area to erosion, the District Forest Officer has reported that no vulnerability to erosion.
- v) The District Forest Officer has reported that Elephant, Leopard, Bear, Spotted deer, Sambar deer, Indian Gaur, Wild boar, Reptiles, Peacock etc., are present in and around the forest land proposed for diversion.
  - a) The forest area proposed for diversion is part of Nilgiris Biosphere Reserve. This land was already leased out to Tamil Nadu Electricity Board and hence there may not be much impact on wildlife.
  - b) The forest area proposed for diversion is not located within eco-sensitive zone of the Protected Area notified under Wildlife (Protection) Act, 1972.
  - c) The forest area proposed for diversion is located within 1 km from boundary Nilgiris Biosphere Reserve.
  - d) Rare / endangered / unique species of flora and fauna found in the area.
- vi) There is no protected archaeological / heritage site / defense establishment or any other important monument is located in the area.
- vii) 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 has been carried out.
- viii) For the diversion of 4.85 ha of forest land, the District Forest Officer has proposed the compensatory afforestation scheme work in 10.00 of degraded forest area in Odanthurai RF of Sirumugai Range in Coimbatore Forest Division.
  - a) For the diversion of 4.85 ha of forest area, compensatory afforestation scheme has been proposed including plantation protection measures for an amount of Rs.75.65 lakhs, which needs to be taken into account for compensatory afforestation scheme. However, in the abstract of the Compensatory Afforestation scheme estimate, Compensatory Afforestation scheme cost was mistakenly mentioned as Rs.67.304 lakhs and Rs.142.777 lakhs in Section 13(i) of Part-II which was not rectified in web portal.
- ix) In the site inspection report, the District Forest Officer, Coimbatore Division has stated that, the proposed project site of 4.85 ha in Pillur Slope Reserved Forest of Karamadai Range inspected on 04.06.2022. This area was already leased out to Tamil Nadu Electricity Board prior



to 1961. The project area contains unutilized and damaged Tamil Nadu Electricity Board Staff Quarters and consist of 116 Nos of naturally grown trees and 83 Nos of planted trees. There 199 trees enumerated are to be removed for the project. The total area proposed by the user agency in the proposal is 4.85 ha. The canopy density of vegetation is 0.50 with 116 Nos of Naturally grown trees and 83 Nos of planted trees.

- x) In the specific recommendation of the proposal, the District Forest Officer, Coimbatore Division has recommended that an area of 4.85 ha of forest land in the Pillur Slope Reserved Forest may be diverted for the improvement of 230 KV substation into 400 Kv substation subject to the following conditions:-

(i) Permission from the Hon'ble Supreme Court for felling of 116 naturally grown trees., (ii) payment of prescribed NPV, (iii) payment of compensatory afforestation fund required, (iv) exploring the possibility of translocation of old trees instead of felling wherever possible, (v) Any other conditions stipulated during the process of Forest Conservation Act.

3. The Conservator of Forests and Field Director, Anamalai Tiger Reserve, Coimbatore has endorsed the facts and views furnished by the District Forest Officer, Coimbatore Division and forwarded the proposal with his recommendation.

4. Further, the Principal Chief Conservator of Forest (HoFF) has stated that the User Agency has requested forest area diversion for a period of 20 years. The District Forest Officer, Coimbatore Division and Conservator of Forests and Field Director, Anamalai Tiger Reserve, Coimbatore have recommended the forest area diversion for a period of 20 years. Based on the recommendations made by the District Forest Officer, Coimbatore Division and Conservator of Forests and Field Director, Anamalai Tiger Reserve, Coimbatore, diversion of forest area for the project proposal is recommended for a period of 20 years.

5. The Principal Chief Conservator of Forest (HoFF) has further stated that, the proposal is sent duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer, Forest (Conservation) Act, 1980 of the State of Tamil Nadu.

6. Based on the recommendations made by the District Forest Officer, Coimbatore Division, Conservator of Forests and Field Director, Anamalai Tiger Reserve, Coimbatore and the Additional Principal Chief Conservator of Forest (FCA)/Nodal Officer, Forest (Conservation) Act, 1980 the Principal Chief Conservator of Forests has recommended the proposal for diversion of 4.85 ha of forest land in Pillur Slope Reserved Forests of Coimbatore Forest Division for improvement of 230 KV Substation into 400 KV Substation at Parali in Coimbatore District in favour of the Superintending Engineer, General Construction Circle, TANTRANSCO, Coimbatore for a period of 20 years under section 2 of Forest (Conservation) Act, 1980 and requested the Government to consider and forward the same to Government of India for obtaining their approval for the project proposal, subject to the following conditions:-

- i). The legal status of the diverted forest land remains unchanged.
- ii). The Demarcation of the proposal forest land of 4.85 ha land to be diverted for the project shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.



- iii). The User Agency has to pay the cost of Raising Compensatory Afforestation/Maintenance of plantation, protection of plantation etc., as fixed by the Forest Department and willingness to deposit additional amounts if any suggested as amended owing to the change in planting technique, enhancement in the FSR etc, demanded subsequently.
- iv). The User Agency has to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India.
- v). The User Agency has to bear the additional amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.
- vi). Amount of Compensatory levies, Net Present Value of forest area under the project shall be transferred / deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
- vii). The user agency has to obtain orders from the Hon'ble Supreme Court of India for felling of 116 number of spontaneous trees to be felled in the project proposal area.
- viii). The user agency has to pay the cost towards felling and transportation cost of trees to be cut in the project area (199 numbers) to the District Forest Officer, Coimbatore Division for immediate execution of the felling of trees work after getting necessary permission for felling of trees.
- ix). The user agency in consultation of the District Forest Officer, Coimbatore Division as to explore possibility of translocation of trees wherever possible for the trees identified in the project area for felling.
- x). The User Agency has to pay the cost towards lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted of the above project in future for the entire project period as the forest area diversion is meant for commercial activity usage.
- xi). The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies/department or person with out prior approval of State Government.
- xii). Violation of any of these conditions will amount to violations of Forest (Conservation) Act, 1980 and action would be taken as per rules in force.
- xiii). The total forest area utilized for the project shall not exceed 4.85 ha.
- xiv). Period of lease can be twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.
- xv). Any other conditions that the Ministry of Environment, Forests and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forests and Wildlife.

7. On further clarification the Principal Chief Conservator of Forest (HoFF) has furnished the original certificate issued by the District Collector, Coimbatore about settlement at Rights under ST & OTFD (Recognition of Forest Rights) Act, 2006. Further he has furnished the following:-

Query-i - As per format prescribed in Part-II of Form-A of the guidelines under Forest (Conservation) Act, 1980, if the proposed forest area forms part of Biosphere Reserve, the comments of the Chief Wildlife Warden is to be annexed. The proposed forest area is part of Nilgiris Biosphere Reserve, it has been requested to obtain and send the remarks of the Chief Wildlife Warden on wildlife point of view.



- a) In the Part-II of Form-A of Forest clearance proposal uploaded in the parivesh web portal, the District Forest Officer, Coimbatore Division has reported the following on the forest land proposed for diversion from wildlife point of view.
- i) Elephant, Leopard, Bear, Spotted deer, Sambar deer, Indian Gaur, Wild boar, Reptiles, Peacock etc., are present in and around the forest land proposed for diversion.
  - ii) The forest area proposed for diversion is part of Nilgiris Biosphere Reserve. This land was already leased out to Tamil Nadu Electricity Board and hence there may not be much impact on wildlife.
  - iii) The forest area proposed for diversion is not located within eco-sensitive zone of the Protected Area notified under Wildlife (Protection) Act, 1972.
  - iv) The forest area proposed for diversion is located within 1 km from boundary Nilgiris Biosphere Reserve.
  - v) Rare/ endangered / unique species of flora and fauna found in the area.
- b) In this regard, the Principal Chief Conservator of Forests and Chief Wildlife Warden has opined that, "A Biosphere Reserve is not a Protected area. It may comprise of Protected areas within it. The proposed project site is beyond the Eco Sensitive Zone of the Protected areas., hence does not require to be recommended by the Standing Committee of National Board for Wildlife (NBWL)".

Query-ii - As per the report of the District Forest Officer, an amount of Rs.97,76,00,405/- (Lease rent of Rs.76,50,764/- Interest amount of Rs.94,44,46,481/- and Penal Interest of Rs.2,55,03,160/-) is due from the Tamil Nadu Electricity Board. No lease rent due has been settled by the Tamil Nadu Electricity Board so far. Immediate action shall be taken in respect of collection of such huge amount of lease rent due from the Tamil Nadu Electricity Board. District Forest Officer has to take immediate action for collection of the long pending lease rent due from the Tamil Nadu Electricity Board for consideration of the present proposal and also to send the detailed calculation sheet on arriving at the above said lease rent due to Government immediately.

In this regard, the District Forest Officer, Coimbatore Division has reported that the revised lease rent, arrear lease rents to be collected from the Tamil Nadu Electricity Board has been fixed as per G.O(Ms)No.6, Electricity (A2) Department, dated 03.02.2011 and as per Principal Chief Conservator of Forests Chennai Ref. No.TS3/21512/2003, dated 08.09.2014.

- i) The revised lease rent due from the Tamil Nadu Electricity Board has been reported to the Principal Chief Conservator of Forests and the arrear lease rent has not been reconciled with the Tamil Nadu Electricity Board authorities so far due to various discrepancies reported by the Tamil Nadu Electricity Board vide letter of Superintending Engineer, Generation Circle, Kundah in Ref. No.SE/G/K/AO/AS/ PR/A.2/F.Forest land/D.No.348/2019, dated 06.09.2019 and once the issue is settled, action will be taken as deemed fit reconciling the rent.
- ii) The District Forest Officer has sent the letter to the Tamil Nadu Electricity Board informing the lease due particulars for the amount mentioned in the above Government EDS query letter (Total Lease rent due – Rs.97,76,00,405/- (Lease rent of Rs.76,50,764/- Interest amount of Rs.94,44,46,481/- and Penal Interest of Rs.2,55,03,160/-) with the detailed calculation sheet.



- iii) As per the report of the District Forest Officer, presently 813.864 acres of land (596.648 acres of forest land in Submergible portion and 217.216 acres of forest land in non-submergible other usage area) is under the control of Tamil Nadu Electricity Board for Kundah Hydro Electric Project Phase III & IV in Coimbatore Division area.
- iv) Lease amount for submergible area has been fixed @ Rs.1/- per acre and for non-submergible other usage area is @ 1% of the guideline value of forest land/adjoining land.

Query-iii - The user agency has reported that, the proposed site is already under possession of Tamil Nadu Electricity Board from 1965 onwards on lease from Forest Department. After enactment of the Forest (Conservation) Act, 1980, any non-forestry activity allowed within the forest land without obtaining prior permission of Forest Department is a violation of the provisions under Forest (Conservation) Act, 1980. Clarify whether any action has been taken regarding the violation of Forest (Conservation) Act, 1980 by Tamil Nadu Electricity Board in this regard following details are furnished:-

- a) As per Chapter I of Court orders and General clarification issued under Part-B of Handbook of Forest (Conservation) Act, 1980 and Forest (Conservation) Rule 2003 issued by the Government of India, Ministry of Environment Forests and Climate Change, in letter F.No. 5-2/2017-FC, dated 28.03.2019, the cases in which specific order for de-reservation or diversion of forest land for any project has been issued by the State Government prior to 25.10.1980 need not be referred to the Central Government.
- b) In G.O.(Ms)No.2974, Agriculture Department, dated 21.10.1967, the Government has directed that the forest land measuring in all (6200 acres in Nilgiris and Coimbatore District) be placed at the disposal of the MSE Board (Madras State Electricity Board) for the execution of III and IV Stages of Kundah Hydro Electric Project on collection of land value at the uniform rate of Rs.1000/- (Rupees one thousand only) per acre and the Chief Conservator of Forests had been requested to send proposals for dis-reservation of the forest land in due course.
- c) However, as directed by the Government, dis-reservation of forest area has not been notified under Tamil Nadu Forest Act, 1882 and the status of the land remains as forest land only.
- d) The user agency has stated that the land at S.F. 461 (55.0 Hectare) was classified to the Tamil Nadu Electricity Board as revenue record (RSR& Adangal) based on the sub-division order TK.8A/4/97/ dated 10.11.1988. However, the District Forest Officer, Coimbatore Division in his letter No.6858/2021/D1, dated 28.01.2022 has reported to the District Collector, Coimbatore that, 4.85 ha of land mentioned in the project is part of Nellithurai Reserved Forest and is under the control of Karamadai Range of Coimbatore Forest Division and the areas are leased out to Tamil Nadu Electricity Board.
- e) As per the report of District Forest Officer, Coimbatore Division, 813.864 acres of land (submergible area of 596.648 acres and non-submergible area of 217.22 acres) for Kundah Hydro Electric Project Phase III & IV in Coimbatore Division area are under lease ie., occupation of Tamil Nadu Electricity Board.
- f) The forest lands were placed at the disposal of Tamil Nadu Electricity Board for Hydro Electric Project during the year 1967. However, as directed by the Government, no dis-reservation of the forest land has been done and the legal status remains forest land only.



g) After the enactment of Forest (Conservation) Act, 1980, no fresh diversion of forest land allowed for the project and no renewal of land allotment for the project has been issued. Hence there is no violation of the provisions of the Forest (Conservation) Act 1980 noticed.

8. Further, the Principal Chief Conservator of Forests in his letter dated 07.09.2023 has further stated that the District Forest Officer, Coimbatore Division has reported that 116 spontaneous grown trees to be felled in the project proposal area are naturally grown during the period of 1970's. Hence, the exact age of the trees is not known. Further, he has furnished the approximate age and photos and a copy of report as received from the District Forest Officer, Coimbatore Division. He has, therefore requested the Government to consider and forward the proposal to Government of India for obtaining their approval.

9. As per the Hon'ble Supreme Court of India's Judgement dated 11.01.2023 in I.A Nos.168320/2022 and 168313/2022 and I.A No.191583/2022, the concurrence of the Integrated Regional Office, Chennai is required for felling of 116 numbers of spontaneous trees for this project.

10. The Government have examined and accept the proposal (FP/TN/Substation/149440/2021) of the Principal Chief Conservator of Forests (Head of Forest Force) for diversion of 4.85 ha of forest land in Pillur Slope Reserved Forests of Coimbatore Forest Division for improvement of 230 KV Substation into 400 KV Substation at Parali in Coimbatore District in favour of the Superintending Engineer, General Construction Circle, TANTRANSOCO, Coimbatore, for a period of 20 years, under section 2 of Forest (Conservation) Act, 1980 subject to the following conditions and decided to forward the same to Ministry of Environment, Forests and Climate Change, Government of India for obtaining their concurrence and also for felling of 116 spontaneous trees:-

- i) The legal status of the diverted forest land remains unchanged.
- ii) The Demarcation of the proposal forest land of 4.85 ha land to be diverted for the project shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.
- iii) The User Agency has to pay the cost of Raising Compensatory Afforestation/Maintenance of plantation, protection of plantation etc., as fixed by the Forest Department and willingness to deposit additional amounts if any suggested as amended owing to the change in planting technique, enhancement in the FSR etc, demanded subsequently.
- iv) The User Agency has to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India.
- v) The User Agency has to bear the additional amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.
- vi) Amount of Compensatory levies, Net Present Value of forest area under the project shall be transferred / deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
- vii) The user agency has to pay the cost towards felling and transportation cost of trees to be cut in the project area (199 numbers) to the District Forest Officer, Coimbatore Division for immediate execution of the felling of trees work after getting necessary permission for felling of trees.
- viii) The user agency in consultation of the District Forest Officer, Coimbatore Division as to explore possibility of translocation of trees

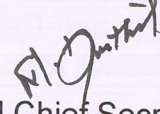


wherever possible for the trees identified in the project area for felling.


- ix) The User Agency has to pay the cost towards lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted of the above project in future for the entire project period as the forest area diversion is meant for commercial activity usage.
- x) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies/department or person with out prior approval of State Government.
- xi) Violation of any of these conditions will amount to violations of Forest (Conservation) Act, 1980 and action would be taken as per rules in force.
- xii) The total forest area utilized for the project shall not exceed 4.85 ha.
- xiii) Period of lease can be twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.
- xiv) Any other conditions that the Ministry of Environment, Forests and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forests and Wildlife.

11. I am, therefore, directed to request you to kindly obtain the concurrence of the Competent Authority and communicate the same to this Government, early.

Yours faithfully,



for Additional Chief Secretary to Government.

  
27/10/2023

**Copy to:-**

The Principal Chief Conservator of Forests (HoFF),  
Chennai-32.

The Superintending Engineer,  
General Construction Circle,  
TANTRANSCO,  
Tatabad / Coimbatore-641 012.



## 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 (FP/TN/Substation/ 149440/2021) for diversion of 4.85 ha of forest land in Pillur Slope Reserved Forests of Coimbatore Forest Division for improvement of 230KV Substation into 400 KV Substation at Parali in Coimbatore District in favour of the Superintending Engineer, General Construction Circle, Tamil Nadu Transmission Corporation Limited (TANTRANSCO), Coimbatore for a period of 20 years, under section 2 of Forest (Conservation) Act 1980.

18. Recommendation of the State Government : *Recommended.*

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

Date : *27* .10.2023

Place : Chennai-9.

*S. Lakshminarayana*  
*27/10/2023*

Signature

Name & Designation

*Deputy Secretary to Government*  
*Environment, Climate Change and Forest Department*  
*Secretariat, Chennai-09*