

भारत सरकार / **Government of India**
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, राँची / **Integrated Regional Office, Ranchi**
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No. FP/BR/Approach/46983/2020 / 4481

Dated: 28.01.2021

To

The Principal Secretary
Department of Environment, Forests & Climate Change
Government of Bihar, Sinchai Bhawan
Patna-800015.

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion 0.0135 ha forest land for construction of approach road for opening retail outlet of BPCL on the side of Khagaria – Bakhri Road, Khata No.10, Khesra No.225, 229, Anchal – Khagaria, Mauza – Kodhia by Shri Rakesh Kumar in Khagaria district of Bihar.

Sir,

I am directed to refer to State Govt. letter No.Van Bhumi-144/2020-51(E)/Pa.Va.Ja.Pa dated 14.01.2021 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Forest (Conservation) Act. 1980.

After due consideration of the proposal of the State Government, the Central Government, hereby, conveys “in-principle” approval for diversion of 0.0135 ha forest land for construction of approach road for opening retail outlet of BPCL on the side of Khagaria – Bakhri Road, Khata No.10, Khesra No.225, 229, Anchal – Khagaria, Mauza – Kodhia by Shri Rakesh Kumar in Khagaria district of Bihar, subject to the following conditions and stipulations:

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 cost of raising and maintain the compensatory afforestation (100 trees plantation and maintenance for 10 years) at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal.
2. The State Government shall charge the Net Present Value (NPV) for the 0.0135 ha forest area to be diverted under this proposal from the User Agency as per the order of the Hon’ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letter

No. 5-1/1998-FC(Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

3. All the funds received from the user agency under the project shall be transferred / deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in>).
4. The FRA certificate as per Ministry's guidelines shall be submitted before the issuance of final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. 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.5-2/2017-FC dated 28.03.2019.
6. The compliance report shall be uploaded on *e-portal* (<http://parivesh.nic.in>).

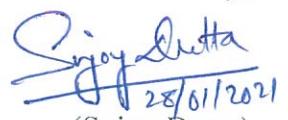
B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. The State Forest Department shall plant 100 trees to maintain the green cover at the project cost. Planting site for the purpose shall be identified by the State Forest Department preferably in the vicinity of the project site. Indigenous tree species should be preferred for such plantation.
3. Additional amount of the 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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The approach road to petrol pump/fuel station should be as per the following norms issued by the Ministry of Road Transport and Highways and communicated vide Ministry's letter No.11-268/2014-FC dated 11.07.2014:-
 - (a) Fuel station should generally be a part of rest area complex having other amenities like place for parking, toilets, restaurants, rest rooms, shops etc. Proper planning should be done by the user agency, in advance, for construction of such complexes along the highways so that destruction of road side forest is minimized.
 - (b) Suitable signs and markings showing the location of the fuel station may be provided without disturbing the road side plantations.
 - (c) Entire periphery of the retail outlet should be lined up with tree plantation at a close spacing of 1.0 to 1.5 meter keeping an offset of 1.5 meter from

- the boundary, with light crown trees which will maintain greenery without compromising with the functional space requirement.
- (d) Suitable plantations should be raised by the user agency along the approach road, Separator Island and other vacant areas in addition to the compensatory afforestation required to be raised as per guidelines.
5. Wherever possible and technically feasible, the User Agency shall in consultation with SFD undertake appropriate afforestation / vegetation enrichment measures near the site related to the area diverted under this approval, at the project cost.
6. The User Agency shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
7. The lay out plan of the proposal shall not be changed without prior approval of the Central Government.
8. (a) The forest land shall not be used for any purpose other than that specified in the Project proposal.
- (b) The period of diversion under this approval shall be co-terminus with the period of the project life of the fuel outlet.
- (c) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
9. Any other conditions that the Ministry of Environment, Forest & Climate change may stipulate from time to time in the interest of conservation, protection and development of forest and wildlife.

After receipt of the compliance report from the State Government regarding due compliance and fulfillment of the above conditions as stipulations, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. **Transfer of forest land by the State Government to the user agency should not be given effect to till formal order approving diversion of forest land is issued by the Central Government.**

Yours faithfully,



28/01/2021
(Sujoy Dutta)

Technical Officer (Forestry)

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Copy to:-

1. The DIGF (ROHQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
2. The Principal Chief Conservator of Forests (HoFF) / APCCF-Cum-Nodal Officer (FC), Department of Environment, Forest & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
3. The Divisional Forest Officer, Begusarai Forest Division, Begusarai, Bihar.

4. Shri Rakesh Kumar, S/o Shri Yogendra Prasad Yadav, At. – Chhoti Kothia, PO – Bari Kothia, PS – Muffasil, Dist. – Khagaria, Bihar – 851204.
5. Guard File.

Sujay Deka
28/01/2021
Technical Officer (Forestry)
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