



सत्यमेव जयते

भारत सरकार/Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, कोलकाता/ Integrated Regional Office, Kolkata
IB-198, Sector – III, Salt Lake City, Kolkata-700106
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File No.IRO/KOL/WB/Water/152151/2022/320(A) Date 28th July 2022

To,

The Addl. Chief Secretary,
Department of Forests,
Government of West Bengal,
Aranya Bhawan, Block-LA, 10-A, Sector – III,
Salt Lake City, Kolkata – 700106.

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion of 0.0378 ha forest land in favour of Darjeeling Municipality for construction of water reservoir for water supply project under AMRUT in Darjeeling district of West Bengal - reg.

Sir,

This refers to letter No.1053-For/O/L/10T-16/2022 dated 14.07.2022 of the State Government, West Bengal on the above-mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys '**Stage-I/in-principle**' approval for diversion of 0.0378 ha forest land in favour of Darjeeling Municipality for construction of water reservoir for water supply project under AMRUT in Darjeeling district of West Bengal subject 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. **Accordingly, revised CA scheme shall be uploaded in Parivesh portal before issuance of final approval.**

2. The State Government shall charge the Net Present Value (NPV) for the 0.0262 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 8/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006, 5-3/2007-FC dated 05/02/2009 and **5-3/2011-FC(vol-I) dated 19/01/2022** 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. Part-I & Part-II dully filled by the concerned Officers with mentioning name & designation and correct density of vegetation of the forest land proposed for diversion shall be uploaded in Parivesh portal before issuance of final approval.
5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
6. 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.
7. 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

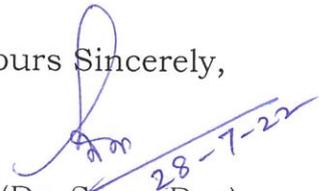
but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of 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 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.
5. Wherever possible and technically feasible, the User Agency shall undertake appropriate afforestation or vegetation enrichment measures near the site(s) related to the area diverted under this approval, in consultation with the State Forest Department at the project cost.
6. The lay out plan of the proposal shall not be changed without prior approval of the Central Government.
7. (a) The User Agency shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
(b) Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.
(c) No labour camp shall be established on the forest land.

- (d) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
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 temporary use of the land.
(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 Sincerely,


(Dr. Soma Das)

Inspector General of Forests (C)

Copy to:-

1. The Principle Chief Conservator of Forest & HoFF, Department of Forests, Government of West Bengal, Aranya Bhawan, Salt Lake City, Kolkata, 700098.
2. The APCCF cum Nodal Officer (FCA), Department of Forest, Department of Forests, Government of West Bengal, Aranya Bhawan, Salt Lake City, Kolkata, 700098.
3. The Divisional Forest Officer, Darjeeling Forest Division, West Bengal.

4. The Chairman, Darjeeling Municipality, Ladenla Road, Darjeeling, West Bengal - 734101.
5. Guard file

Inspector General of Forests (C)