



भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, लखनऊ
Integrated Regional Office, Lucknow



केन्द्रीय भवन, ग्यारवां तल, सेक्टर एच, अलीगंज, लखनऊ-226024

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पत्र सं० : 8बी/यूपी०/०६/१४४/२०२२/एफ.सी./332

दिनांक: 29.08.2023

सेवा में,

अति० मुख्य सचिव,
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग,
उत्तर प्रदेश शासन, बापू भवन, लखनऊ।

ऑनलाईन प्रस्ताव संख्या- FP/UP/Road/123673/2021

विषय: जनपद आगरा के अन्तर्गत उ०प्र० राज्य सेतु लि० आगरा में एन०एच०-०२ से एन०एच०-०३ को जोड़ने हेतु रूनकता से रोहता मार्ग (दक्षिणी बाईपास) पर ईदगाह-बयाना रेल सेक्शन के किमी० ७३/७-८ पर स्थित सम्पार सं०-६८ बी/२ई पर ०४ रेल उपरिगामी के निर्माण हेतु ०.०७३० हे० संरक्षित वनभूमि के गैरवानिकी प्रयोग एवं १५ वृक्षों के पातन/ट्रान्सप्लान्ट की अनुमति के सम्बंध में।

संदर्भ: मुख्य वन संरक्षक/नोडल अधिकारी का पत्रांक ३७३६/११-सी-FP/UP/ROAD/123673/2021 दिनांक २६.०५.२०२३.

महोदय,

उपरोक्त विषयक सचिव (वन), उत्तर प्रदेश शासन का पत्रांक पी-१५९/८१-२-२०२२-८००(१५३)/२०२२, लखनऊ, दिनांक २४.०६.२०२२ का आशय ग्रहण करने का कष्ट करें, जिसके द्वारा विषयांकित प्रकरण में राज्य सरकार द्वारा वन(संरक्षण) अधिनियम, १९८० की धारा (२) के अन्तर्गत भारत सरकार की स्वीकृति मांगी गयी है।

प्रकरण को दिनांक २२.०६.२०२३ को आहूत की गई क्षेत्रीय सशक्त समिति (REC) की बैठक में (REC Agenda item 6.1-UP) शामिल किया गया था। क्षेत्रीय सशक्त समिति (REC) की बैठक में लिए गए निर्णय एवं मंत्रालय, नई दिल्ली के निर्देशानुसार प्रकरण को स्वीकृति प्रदान की गई है। मुझे आपको यह सूचित करने का निर्देश हुआ है कि केन्द्र सरकार जनपद आगरा के अन्तर्गत उ०प्र० राज्य सेतु लि० आगरा में एन०एच०-०२ से एन०एच०-०३ को जोड़ने हेतु रूनकता से रोहता मार्ग (दक्षिणी बाईपास) पर ईदगाह-बयाना रेल सेक्शन के किमी० ७३/७-८ पर स्थित सम्पार सं०-६८ बी/२ई पर ०४ रेल उपरिगामी के निर्माण हेतु ०.०७३० हे० संरक्षित वनभूमि के गैरवानिकी प्रयोग एवं १५ वृक्षों के पातन/ट्रान्सप्लान्ट की सैद्धान्तिक स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department in an area of 0.146 ha. Degraded Forest Land in Mau Forest Block in Banipur Range, Social Forestry Division, District Agra at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
3. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA plantation will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
4. The State Government shall charge the Net Present Value (NPV) for the 0.0730 ha forest area to be diverted under this proposal from the User Agency as per the orders 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 letters 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.

Revised amount of NPV as applicable as per orders dated 06-01-2022 and 19-01-2022 shall be deposited by User Agency in this regard.

5. 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 be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

6. **The Penalty for violation shall be equal to five times NPV of forest land per hectare plus 12 percent simple interest till the deposit is made. Amount towards Penal NPV shall be deposited in CAMPA fund.**
7. **In case of public utility projects of the government the penalty shall be 20% of the penalty proposed in Para 1.21 (ii) of Comprehensive Guidelines.**
8. **No tree felling shall be done in TTZ area during execution of project works without prior approval of Hon'ble Supreme Court.**
9. User agency shall restrict the felling of 15 trees/minimum numbers in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
10. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
11. No violation of Forest (Conservation) Act certificate from concerned DFO shall be provided.
12. The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.
13. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
14. The layout plan of the proposal shall not be changed without prior approval of Central Government.
15. No labour camp shall be established on the forest land.
16. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
17. 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.
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 shall not be used for any purpose other than that specified in the project proposal.
21. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
22. The KML file of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before commencement of works.
23. Any order of Temporary Work Permission in case of linear projects for tree cutting and commencement of work as per clause 11.2 of FCA Guidelines shall be passed under intimation to Nodal office and this office. Order of Temporary Work Permission have to be uploaded on PARIVESH Portal as well. Nodal Officer will strictly monitor and ensure that no further activity is carried out under such permission after the expiry of one year from the date of issue of such permission.
24. 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.
25. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
26. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through (<https://parivesh.nic.in/>).
27. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980, by this office.

The order for transfer of forest land to user agency shall not be issued by the State Government till final approval order for diversion of forest land is issued by Government of India.

भवदीया,

(डॉ० प्राची गंगवार)
उप वन महानिरीक्षक {केन्द्रीय}

प्रतिलिपि (ईमेल द्वारा):

1. प्रधान मुख्य वन संरक्षक(हॉफ), वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
2. मुख्य वन संरक्षक(वन संरक्षण) एवं नोडल अधिकारी, वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
3. वन संरक्षक, आगरा वृत्त, आगरा।
4. प्रभागीय निदेशक, सा०वा० प्रभाग, आगरा।
5. अवर अभियंता (सिविल) उ०प्र० राज्य सेतु निगम लि०, आगरा।
6. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु/आदेश पत्रावली।

(डॉ० प्राची गंगवार)
उप वन महानिरीक्षक {केन्द्रीय}

