

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ  
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of  
Principal Chief Conservator of Forests  
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,  
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

AranyaBhavan, 18<sup>th</sup> Cross  
Malleshwaram, Bengaluru-560 003  
Telephone : 080 2334 6472  
Email : apccffc@gmail.com

Old File No: A5(4).GFL.CR.6/2003-04

E-office File No. KFD/HOFF/A5-4(GFL)/1/2019-FC

E- 71540

Date 14-06-2022

Enclosures :- 2 Sets

To,

The Additional Chief Secretary to Government  
Department of Forest, Ecology and Environment  
M.S. Building, Bengaluru-560 001

Sir,

**Sub:** Diversion of 3.155 hectare of forest land in Sy No. 130, 131 & 132 of Anagodu Village & Sy No.43 44 & 45 of Hulupinakatte Village, Anagodu Hobli, Davanagere Taluk and District for rehabilitation and up-gradation of existing 4/6 lane to Six laning with service road from Chitradurga to Davanagere Section of NH-48 (old NH-4) in favour of the Deputy General Manager (T) & Project Director, NHAI, PIU Chitradurga.

**Proposal No. FP/KA/ROAD/21015/2016 [Stage-I approved]**

- Ref:**
1. Government of India letter No. F.No.4-KRB 1212/2019-BAN/1607 dated 11-02-2019 [Stage-I approval]
  2. Government of Karnataka letter No.FEE 67 FLL 2018 dated 11-04-2019 [communication of Stage-I approval]
  3. This office letter of even number dated 28-04-2020 [communication of Stage-I approval to User Agency and Field officers] and letter dated 02-11-2021 to CCF, Ballari Circle [communication reg in-completeness of the compliance report to the Stage-I conditions submitted to this office]
  4. The Deputy General Manager (Technical) & Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Chitradurga latter No. NHAI/PIU-CTA/Anagodu Forest/2020-21/06/446 dated 10-06-2021 [Compliance Report in respect of conditions of Stage-I approval] and letter dated 28-12-2022 [submission of the incomplete documents sought by this office letter dated 04-02-2022]
  5. Deputy Conservator of Forests, Davanagere Division, Davanagere letter No. A2/Land/NH4/CR/2009-10 dated 19-06-2021 [Compliance Report in respect of conditions of Stage-I approval] and letter dated 24-01-2022 [submission of the incomplete documents sought by this office letter dated 02-11-2021]
  6. Chief Conservator of Forests, Ballari Circle, Ballari letter No.M1/MNG/NHAI/CR-1/2019-20 dated 20-09-2021 [Compliance Report] and letter dated 31-05-2022 [submission of the incomplete

*documents sought by this office letter dated 02-11-2021]*

The Government of India vide Ref (1) have accorded 'in-principle' (Stage-I) approval for diversion of 3.155 hectare of forest land in Sy No. 130, 131 & 132 of Anagodu Village & Sy No.43 44 & 45 of Hulupinakatte Village, Anagodu Hobli, Davanagere Taluk and District for rehabilitation and up-gradation of existing 4/6 lane to Six laning with service road from Chitradurga to Davanagere Section of NH-48 (old NH-4) in favour of the Deputy General Manager (T) & Project Director, NHA, PIU Chitradurga, subject to fulfillment of certain conditions stipulated therein.

Based on Stage-I approval for the project, the Government of Karnataka vide Ref (2) has directed to submit the Compliance Report in respect of conditions of Stage-I approval.

Accordingly, this office vide Ref (3) has informed the User Agency and Field officers to submit the compliance report of in respect of the conditions of Stage-I approval.

In response, the User Agency vide Ref (4) has submitted the compliance report to the Deputy Conservator of Forests, Davanagere Division, who after verification has, vide Ref (5), submitted the condition-wise Compliance Report to the Chief Conservator of Forests Ballari Circle, who has further submitted the same vide Ref (6) to this office.

Based on the reports received as above, the status of compliance to the conditions of Stage-I approval is as under.

Stage-I approval condition		Status of Compliance
1	The legal status of forest land shall remain unchanged.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
2	The User Agency shall obtain Consent from Regional ESZ Monitoring Committee of the Jogimatti Wildlife Sanctuary, if notified or else submit a Wildlife Mitigation Plan duly approved by Chief Wildlife Warden, Karnataka which is to be implemented at the cost of User Agency prior to commencement of work.	The User Agency has submitted the Wildlife Mitigation Plan to the Deputy Conservator of Forests, Ballari Division vide letter dated 11-04-2022 and therein to the Chief Conservator of Forests, Ballari Circle vide letter dated 13-04-2022 Further, the Chief Conservator of Forests, Ballari Circle has submitted the Wildlife Mitigation Plan to the Principle Chief Conservator of Forests (Wildlife) vide letter dated 21-05-2022 [ANNEXURE-2] <b>However, the Wildlife Mitigation Plan is pending with Chief Wildlife Warden, Karnataka for Approval.</b>
3	The boundary of the forest land to be diverted shall be suitably demarcated on	The User Agency has demarcated the forest area proposed for diversion by erecting concrete pillars duly numbered

	ground at the project cost as per the directions of concerned Divisional Forest Officer before Stage –II approval.	with GPS readings. [ANNEXURE-3]
4	The cost of raising Compensatory Afforestation in double the extent of degraded forest land in Sy No.133 of Anagodu village, Anagodu Hobli, Davanagere Taluk and District at the prevailing wage rates as per Compensatory Afforestation Scheme and the cost of survey, demarcation and erection of cement pillars if, required on CA land shall be deposited in advance with the Forest Department by the User Agency. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increases for works scheduled for subsequent years.	<p>The User Agency has paid an amount of Rs. 1,07,77,480/- for 6.31 hectares @ Rs.17.08 Lacks per hectare (i.e Rs. 1,03,54,500/- + Rs. 4,22,980/-) to Ad-hoc CAMPA through e-payment portal as follows.</p> <p>a. vide e-office challan dated 09-01-2020 for Rs. 1,03,54,500/- [Included in total amount of Rs.1,23,29,530/-].</p> <p>b. vide e-office challan dated 06-09-2021 for Rs. 4,22,980/-</p> <p><b>Copy of Payment Page Print taken from FC Web portal is enclosed ANNEXURE-4 and 4 (A).</b></p> <p><b>However, the CA rates have since been revised to Rs. 18.36 lakh per ha. Hence the User Agency is being informed to pay the CA difference amount. The same will be recovered before handing over of the forest land.</b></p>
5	The State Government shall charge the NPV Value for the 3.155 ha. of forest area to be diverted under this proposal from the user agency as per the orders of the Hon'ble Supreme Court dated 28-03-2008 and 09-05-2008 in IA Nos. 826 in 566 with related IA's in Writ petition (Civil) No. 202/1995.	<p>The User Agency has paid an amount of Rs. 19,75,030/- towards NPV for 3.155 ha of forest land @ Rs.6.26 lakh per ha to Ad-hoc CAMPA through e-payment portal Generated Challan vide transaction dated 09-01-2020 [included in total amount of Rs.1,23,29,530/-].</p> <p><b>Copy of Payment Page Print taken from FC Web portal is enclosed. [ANNEXURE-4]</b></p>
6	Additional Amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the User Agency. The user agency shall furnish an undertaking to this effect	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
7	The User Agency shall restrict the felling of trees to minimum number in the diverted forest land and trees shall be felled under the strict supervision of the State Forest Department and the cost	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]

	of felling of trees shall be deposited by the User Agency with the State Forest Department.	
8	All the funds received from the User Agency under the project shall be transferred / deposited to CAMPA fund only through ( <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> ).	The User Agency has made above mentioned payment towards Compensatory levies to Ad-hoc CAMPA through e-payment portal. Copy of Status of Payment Page taken from FC Web Portal is enclosed [ANNEXURE-4].
9	State Government shall complete settlement of rights, in term of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter NO. 11-9/1998-FC dated 3 <sup>rd</sup> August 2009 read with 05-07-2003, in support thereof.	The User Agency has obtained FRA certificate in <b>FORM-I (for Linear projects)</b> from the Deputy Commissioner, Ballari District vide letter No. LAQ/NHA/CR-02/2021-22 dated 12-11-2021. Copy of the same is enclosed. [ANNEXURE-5]
10	User Agency shall obtain the Environment Clearance as per the provisions of the Environment (protection) Act, 1986, if applicable.	The User Agency has submitted the Gazette Notification No. SO.2559(E) dated 22-08-2013 [copy enclosed as <b>Annexure-6</b> ] which State that "Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40 mtr on existing alignments and 60 mtr on realignments of bypasses" attracts the provision of EC clearance under Environmental Impact Assessment Notification. As the said proposal's road length is less than 100 Km and the additional width to the ROW is less than 40 meters and less than 60 meters in the realignment of by pass, the User Agency has claimed exemption from obtaining EC
11	The layout plan of the proposal shall not be changed without prior approval of Central Government.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
12	No labour camp shall be established on the forest land.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
13	Sufficient firewood, preferably alternate fuels, shall be provided by the User	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.

	Agency to the labourer after purchasing the same from the state Forest Department or Forest Development Corporation or any other legal source of alternate fuel.	[ANNEXURE-1]
14	No additional or new path will be constructed inside the forest area for transportation of the construction materials for execution of the project work.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
15	The forest land shall not be used for any purpose other than i.e. specified in the project proposal. The total forest area utilized for the project shall not exceed 3.155 ha.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
16	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
17	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 project life, whichever is less.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
18	The compliance report shall be uploaded on e-portal ( <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> ).	The User Agency has uploaded the compliance report on e-portal ( <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> ).
19	Any other condition that the Ministry of Environment, Forest and Climate change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
20	Violation of any of these case conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guidelines F.No. 11-42/2017-FC dated 29-01-2018.	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard. [ANNEXURE-1]
21	The State Government and User Agency shall comply the provisions of all the Acts, Rules, Regulation, Guidelines,	The User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.

NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	[ANNEXURE-1]
--	--------------

In view of the above mentioned compliance to conditions of Stage-I approval as reported by the field officers, it is **requested to accord the final (Stage-II) approval for diversion of 3.155 hectare of forest land in Sy No. 130, 131 & 132 of Anagodu Village & Sy No.43 44 & 45 of Hulupinakatte Village, Anagodu Hobli, Davanagere Taluk and District for rehabilitation and up-gradation of existing 4/6 lane to Six laning with service road from Chitradurga to Davanagere Section of NH-48 (old NH-4) in favour of the Deputy General Manager (T) & Project Director, NHAI, PIU Chitradurga under the Forest (Conservation) Act, 1980 for a period of twenty (20) years.**

The relevant documents in 3 sets are submitted here with for kind perusal and further action. The present status of the proposal obtained from the web-portal is also appended for necessary action.

Yours Faithfully

  
(Vijay Sharma, I.F.S.)

Principal Chief Conservator of Forests  
(Forest Conservation) & Nodal Officer (FCA)

**Copy to the:**

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Davanagere Division, Davanagere for information you are directed to issue the **revised Demand Notice to User Agency for payment of the differential CA charges within 7 days positively and to submit the compliance of payment made by the user agency to this office for further processing for Stage-II**
3. The General Manager (Technical) & Project Director, National Highway Authority of India (NHAI), Project Implementation Unit (PIU), Chitradurga for information and **to upload the Demand Notice [for payment of the differential CA charges] obtained from the Deputy Conservator of Forests, Davanagere Division, for acceptance by this office and then to generate the Challan from the said web portal for making payment and also directed to submit the approved Wildlife Mitigation Plan to this office.**