

Government of Punjab
Department of Forests & Wildlife Preservation
O/o Principal Chief Conservator of Forests (HoFF)
Forest Complex, Sector-68, SAS Nagar.
(FCA Branch)

To

Addl. Director General (C),
Government of India,
Ministry of Environment, Forests & Climate Change,
Northern Regional Office, Bays No. 24-25,
Sector 31-A, Chandigarh.

FCA/1980/216/2016/
FP/PB/Road/20078/2016

Dated _____

Sub:

FCA/1980/216/2016:- Diversion of 0.4335 ha of forest land for Toll Plaza on Patiala-Sangrur Barnala Bathinda road NH-64 (New NH-07) km. 80.950-81.500 B/s under Forest Division and Distt. Sangrur.

Ref:

Your letter No. F.No.9-PBB408/2016-CHA dated 14.11.2018.

Please refer to the subject cited above, the reply to the observations made by your office is given below:-

1. User Agency has deposited an amount of Rs. 527883/- for Compensatory Afforestation through Online Challan dated 06.07.2019.
2. User Agency has deposited an amount of Rs. 348101/- for Net Present Value through Online Challan dated 06.07.2019.
3. User Agency has deposited an amount of Rs. 422209/- for Penal Compensatory Afforestation through Online Challan dated 06.07.2019.
4. User Agency has deposited an amount of Rs. 779746/- for Penal Net Present Value through Online Challan dated 06.07.2019
5. A copy of the information regarding amount deposited of CA/PCA/NPV in CAMPA account on prescribed proforma along with copy of D.D.'s sent by DFO is enclosed at **Annexure-I**.
6. A copy of an Undertaking given by the user agency regarding no such proposal for compliance of condition of Stage-I approval is Pending with their Division is enclosed at **Annexure-II**.

As per DFO, Sangrur's report a court case has been filed against the user agency in the court of Sub Divisional Judicial Magistrate, Sangrur regarding violation of FCA, 1980 in which next date of hearing is on 29.01.2020.

Encl: As above

Nodal Officer (FCA),
Punjab, S.A.S. Nagar.

Ends# No: **FCA/1980/216/2016/4341-03**

Dated: 21-1-2020

A copy is forwarded to :-

1. Conservator of Forests, South circle Patiala /DFO, Sangrur W.r.t DFO Sangrur's letter No. 8446 dated 01.01.2020.
2. The Executive Engineer, Construction Division, PWD B&R Branch, Sangrur at Patiala, Punjab.

Handwritten: FCA
11/2/2020
7929
11-2-2020

Signature
Nodal Officer (FCA),
Punjab, S.A.S. Nagar.

Government of Punjab
Department of Forests & Wildlife Preservation
O/o Principal Chief Conservator of Forests (HoFF)
Forest Complex, Sector-68, SAS Nagar.
(FCA Branch)

Dated 04/08/2022

To

Deputy Director General of Forests (Central),
Government of India,
Ministry of Environment, Forests & Climate Change,
Northern Regional Office, Bays No. 24-25,
Sector 31-A, Chandigarh

Sub: Diversion of 0.606 ha of forest land Nidampur Realignment of Patiala-Sangrur road National Highway-64 under Forest Division, Sangrur.FP/PB/ROAD/166/2003.

Ref: Your letter No. F.No. 9-PBB083/2007-CHA/P21P dated 20.09.2007.

With reference to the subject cited above, it is submitted that the Conservator of Forests, South Circle, Patiala and Divisional Forest Officer, Sangrur have reported that Stage-I approval has already been granted by GOI vide letter no. FP/PB/Road/166/2003 dated 20.09.2007. and User Agency has requested that same forest area has been diverted under diversion of 281.8229 ha. Conservator of Forests, South Circle, Patiala and Divisional Forest Officer, Sangrur have recommended to revoke the proposal. A copy of joint site inspection report of CF, South Circle, Patiala and DFO, Sangrur is attached at **Annexure-I.**

Basanta Raj Kumar
NODAL OFFICER (FCA)
04/08/2022

CC:-

1. Conservator of Forests, South Circle, Patiala.

2. Divisional Forest Officer, Sangrur.

Wage Rate : Rs. 328

Plantation Model For Standard Plantation under Compensatory Afforestation

Plants Per Hectare : 1000 Nos.

Sr. No.	Name of Work	Unit	Qty.	Unit Cost (In Rs.)	Amount
	Nursery				
	Nursery cost of raising plants	1100	1100	20.00	22000.00
A	Soil Work				
1	Site / Jungle Clearance (25%)	Ha.	0.5	5367.22	2683.61
2	Alignment & Dagbaling	Ha.	1	984.00	984.00
3	Earth works in Digging of Pits 1000 x 0.5 m x 0.5 m x 0.4 m	1 M3	100	101.38	10138.00
5	Kana Stubbing 25%	Ha.	0.25	26836.00	6709.00
B	Plantation Work				
1	Refilling of Pits 1000x0.5mx0.5mx0.3	100 cum	75	2747.00	2060.25
2	Loading & Unloading of Plants (1000+10% Wastage=1100)	100 No.	1100	550.00	6050.00
3	Carriage of Plants (1000+10% wastage =1100 avg. distance upto 10 km.)	100 No.	1100	196.80	2164.80
4	i) Carriage from site to site	100 No.	1000	131.20	1312.00
	ii) Planting of Plants (1000 No. including 10% replacement)	100 No.	1000	984.00	9840.00
5	Spot Irrigation (1000 Plants)	100 No.	1000	205.00	2050.00
6	Application of Insecticide (2 Times)	100 No.	1000	41.00	410.00
7	Application of Fertilizers (2 Times)	100 No.	1000	41.00	410.00
8	Weeding & Hoeing 3 Times	100 No.	3000	357.52	10725.60
9	Hand Watering (12 Times)	100 No.	12000	205.00	24600.00
10	Replanting of Plants 10%	100 No.	100	579.11	579.11
11	Rejungle Clearance (2 Times)	Per Ha.	1	2378.00	2378.00
12	Covering (25% plants) of plants	100 No.	250	295.20	738.00
13	Uncovering of plants	100 No.	250	32.80	82.00
14	Restubbing of Kana (1 Time)		0.25	26836.30	6709.08
15	Laying out & fixing of Barbed Wire	L/s			7872.00
16	Watch & Ward for every 10 Ha. (7 Months)	Man Year	1 Man 7 Month	8528.00	5969.60
17	Material				
	i) Insecticides / Fertilizers	L/s			5000.00
	ii) POL	L/s			5000.00
	iii) Barbed Wire	L/s			50000.00
	Sub Total				186465.05
	Maintenance 1 Year				
1	Cost of raising plants for 30% replacement	1 No.	300	20.00	6000.00
2	Reopening of Pits 300 x 0.50 x 0.50 x 0.30	1 m3	21.6	59.63	1341.68
3	Refilling of pits with earth in other soils 300 x 0.50 x 0.50 x 0.30	1 m3	21.6	27.47	618.08
4	Loading & Unloading of Plants	1 No.	300	2.46	738.00
5	Carriage of Plants (300+10% Wastage = 330 avg. distance upto 10 Km.)	100 No.	1	196.20	196.20
	Spreading of plants pit to pit	100 No.	165	131.20	216.48
	Re-Planting to plants	100 No.	165	329.08	542.98
	Spot Irrigation	100 No.	165	205.00	338.25
	Weeding & Hoeing (Three)	100 No.	3000	357.52	10725.60
9	Application of Insecticide (2 Times)	100 No.	1000	41.00	410.00
10	Application of Fertilizers (2 Times)	100 No.	1000	41.00	410.00
11	Hand Watering (6 Times)	100 No.	6000	357.52	21451.20
12	Rejungle Clearance (2 Times)	Per Ha.	1	2378.00	2378.00
13	Restubbing of Kana	Per Ha.	0.25	26836.00	6709.00

15	Watch & Ward for every 10 Ha. (10 Months)	Man Year	1/10 Man Yr.	8528.00	5969.60
16	Repair of Barbed Wire	L/s			5000.00
17	POL & Machinery	L/s			5000.00
18	Material and Supply	L/s			5000.00
	Sub Total				73045.06
	2nd Year Maintenance				
1	Cost of raising plants for 15% replacement	1 No.	150	20.00	3000.00
2	Reopening of Pits 150 x 0.60 x 0.60 x 0.40	1 m3	21.6	59.63	644.00
3	Refilling of pits with earth in other soils 150x 0.60 x 0.60 x 0.40	1 m3	21.6	27.47	296.68
4	Loading & Unloading of Plants	1 No.	75	2.46	184.50
5	Carriage of Plants Wastage = 75 avg. distance upto 10 Km.)	500 No.	1	196.20	196.20
6	Spreading of plants pit to pit	100 No.	75	131.20	98.40
7	Re-Planting to plants	100 No.	75	229.09	171.82
8	Spot Irrigation	100 No.	75	205.00	153.75
9	Weeding & Hoeing (Twice)	100 No.	2000	357.52	7150.40
10	Hand Watering (5 Times)	100 No.	5000	205.00	10250.00
11	Rejungle Clearance (2 Times)	Per Ha.	1	2378.00	2378.00
12	Pruning to Plants	100 No.	100	387.61	387.61
13	Watch & Ward for every 10 Ha.	Man Year	1/10 Man Yr.	8528.00	5969.60
14	Repair of Barbed Wire	L/s			5000.00
15	POL & Machinery	L/s			5000.00
18	Material and Supply	L/s			5000.00
	Sub Total				45880.96
	3rd Year Maintenance				
1	Cost of raising plants for 10% replacement	1 No.	100	20.00	2000.00
2	Reopening of Pits 100 x 0.50 x 0.50 x 0.40	1 m3	10	5963.00	429.34
3	Refilling of pits with earth in other soils 100 x 0.50 x 0.50 x 0.30	1 m3	7.5	27.47	197.78
4	Loading & Unloading of Plants	1 No.	100	2.46	246.00
5	Carriage of Plants 50 avg. distance upto 10 Km.)	100 No.	100	1.00	100.00
6	Spreading of plants pit to pit	100 No.	100	131.20	131.20
7	Re-Planting to plants	100 No.	100	229.09	229.09
8	Spot Irrigation	100 No.	100	205.00	205.00
9	Weeding & Hoeing (thrice)	100 No.	2000	357.52	7150.40
10	Hand Watering (8 Times)	100 No.	5000	205.00	10250.00
11	Pruning to Plants 20%	100 No.	200	387.61	775.22
12	Watch & Ward for every 10 Ha.	Man Year	1/10 Man Yr.	8528.00	5969.60
13	Repair of Barbed Wire	L/s			5000.00
14	POL & Machinery	L/s			5000.00
15	Material and Supply	L/s			5000.00
	Sub Total				42683.63
	4th Year Maintenance				
1	Cost of raising plants for 5% replacement	1 No.	50	20.00	1000.00
2	Reopening of Pits 50 x 0.50 x 0.50 x 0.40	1 m3	5	5963.00	429.34
3	Refilling of pits with earth in other soils 100 x 0.50 x 0.50 x 0.30	1 m3	3.75	27.47	197.78
4	Loading & Unloading of Plants	1 No.	50	2.46	123.00
5	Carriage of Plants 50 avg. distance upto 10 Km.)	100 No.	50	1.00	50.00
6	Spreading of plants pit to pit	100 No.	50	131.20	65.60
7	Re-Planting to plants	100 No.	50	229.09	114.54
8	Spot Irrigation	100 No.	50	205.00	102.50
9	Weeding & Hoeing (thrice)	100 No.	2000	357.52	7150.40
10	Hand Watering (8 Times)	100 No.	4000	205.00	8200.00

11	Pruning to Plants 30%	100 No.	300	387.61	1162.83
12	Watch & Ward for every 10 Ha.	Man Year	1/10 Man Yr.	8528.00	5969.60
13	Repair of Barbed Wire	L/s			5000.00
14	POL & Machinery	L/s			5000.00
15	Material and Supply	L/s			5000.00
	Sub Total				39565.59
	5th Year Maintenance				
1	Watch & Ward for every 10 Ha. (10 Motnts)	Man Year	1/10 Man Yr.	8528.00	5969.60
	Sub Total				5969.60
	6th Year Maintenance				
1	Watch & Ward for every 10 Ha. (10 Motnts)	Man Year	1/10 Man Yr.	8528.00	5969.60
	Sub Total				5969.60
	7th Year Maintenance				
1	Watch & Ward for every 10 Ha. (10 Motnts)	Man Year	1/10 Man Yr.	8528.00	5969.60
	Sub Total				5969.60
	8th Year Maintenance				
1	Watch & Ward for every 10 Ha. (10 Motnts)	Man Year	1/10 Man Yr.	8528.00	5969.60
	Sub Total				5969.60
	9th Year Maintenance				
1	Watch & Ward for every 10 Ha. (10 Motnts)	Man Year	1/10 Man Yr.	8528.00	5969.60
	Sub Total				5969.60
	10th Year Maintenance				
1	Watch & Ward for every 10 Ha. (10 Motnts)	Man Year	1/10 Man Yr.	8528.00	5969.60
	Sub Total				5969.60
	Total				423457.89
	Over Head expenses 5%				21172.89
	Wage Enhancement @ 10%				42345.79
	G. Total				486976.58
	Or Say				486977

Cost of Penal Compensatory Afforestation per Ha. For 7-10 Year

Rs. 486977 per Ha. = $486977 \times 0.4335 \times 2 \text{ times} = 0.8670 = 422209/-$

Cost of Compensatory Afforestation per Ha. For 7-10 Year

Rs. 486977 per Ha. = $486977 \times 0.4335 \times 2.50 = 1.084 = 527583/-$

Net Present Value per Ha. @ Rs. 803000 $\times 0.4335 = 348101,$

Penal Net Present Value per Ha. @ Rs. 803000 $\times 0.4335 = 348101 \times 2 = 696202 @ 12\% = 83544 = 779746$

Grand Total = 2077939/-

Divisional Forest Officer,
Sangrur Forest Division,
Sangrur

PERFORMA FOR VERIFICATION OF DEPOSITS IN COMPENSATORY AFFORESTATION FUND							
1	Name of Regional Office			Ministry of Environment & Forests Northern Regional Office, Bays No 24-25 Sector 31-A Chandigarh			
2	State/District/Forest Division to which the proposal relates			Punjab/Sangrur			
3	Name of User Agency, nature of proposal			Executive Engineer, Central Works Division, PWD B&R Branch, Sangrur at Patiala.			
4	Nature and category of proposal			Transmission Line			
5	Proposal number			9-PBB408/2016-CHA Dated 14.9.2018			
6	Extent of forest area involved			0.4335			
7	Whether original, or extension			Original.			
8	If extension of lease, please clarify if proposal involves additional forest area, and if so specify.			NA			
9	Date of 1 st stage clearance			14.9.2018			
10	Extent of CAMPA Charges head wise via						
	(a) Compensatory A forestation			527883-			
	(b) Additional C.A (Tall Plants)			NIL			
	(c) Penal C.A:-			422209-			
	(d) Catchment Area Treatment			Nil			
	(e) Wildlife Management Plan			Nil			
	(f) Additional Charges for division of area falling under notified/protected arrears			Nil			
	(g) Net Present Value:			348101-			
	(h) Any other charges/Levis (Pl specify)(Penal NPV)			779746			
	Total			2077939-			
11	Whether payment made through challan or otherwise. In case of online payment details of challan			Through Challan			
12	Details of deposits						
S No	Type of deposit (NPV/CA /IWMP/ Others (specify))	Whether by RTGS/DD /NEFT (Specify)	UTR/DD No	Amount deposit (Rs)	Date of deposit	Name of Bank from which amount transferred to account of CAF	Bank Account of CAF managed by CAMPA in which fund deposited
	CA, NPV, PCA, PNPV	Through Challan	UTIBR5201 907060032 376	CA= 527883 NPV=348101 PCA=422209 PNPV=779746	6 JULY 2019	AXIS BANK	Corporation Bank Lodhi Complex, New Delhi

Date 19-9-19
Place

(Signature)
Divisional Forest Officer,
Sangrur

In the Court of Harvinder Singh Sindhia
Addl.Chief Judicial Magistrate, Sangrur.
Unique Identification No.PB0283

* * *

CNR No.PBSG030011802018
Registration No.....44 of 2018
Decided on ----- 11.10.2023

Re-State through Forest Range Officer, Sangrur, Tehsil and District
Sangrur.

...Complainant

Versus

1. Amit Sharma Manager Shankar Global Pvt. Ltd. Channo, District Sangrur.
2. Sukhwant Singh A.E (PWD & B & R), Central Works Division, Sangrur at Patiala.

...Accused

Complaint under Section 32(G)/33(G) read with section 63 of the Indian
Forest Act,1927

- - -

Present: Shri Lohit Goyal ,APP for the State assisted by Shri
N.S.Ghuman Advocate counsel for the complainant.
Accused Sukhwant Singh on bail represented by Shri
R.S.Toor Advocate.
Accused Amit Sharma Proclaimed offender

JUDGMENT

Forest Range Officer, Sangrur has filed the present complaint against Amit Sharma(Proclaimed Offender) and Sukhwant Singh A.E (PWD & B & R) on the ground that as per report made by Surinder Singh Forest Guard Incharge Nadampur Beat, Forest Range, Sangrur on 21.08.2017 during patrolling/search done by him, accused is illegally using the passage of forest land without getting the prior sanction/NOC from the Government of India situated at Zirakpur-Patiala-Sangrur-

Barnala Bathinda Road 80.950-81.500(NH 64, near NH 7), whereas both the accused have duty bound to get NOC/sanction from the Punjab Government before using the passage of Forest Department. They have committed an offence punishable under Section 32(G)/33(G) read with Section 63 of the Indian Forest Act, 1927. The accused had refused to sign the damage report for damaging the forest property use and for the ingress of said property without the permission of forest department and also against the Punjab Government Notification No.1122Ft.58/1195 dated 01.05.1958. The accused has also violated the judgment dated 12.12.1996 passed by the Hon'ble Supreme Court of India.

2. On presentation of complainant, accused was ordered to be summoned to face trial under Section 32(G)/33(G) read with Section 63 of the Indian Forest Act, 1927.

3. It is pertinent to mention here that during trial accused Amit Sharma was declared proclaimed offender.

4. Since a prima-facie case under Section 33(C) and 63 of Indian Forest Act, 1927 was made out against accused Sukhwant Singh, charge was framed against the accused, to which, he pleaded not guilty and claimed trial.

5. The prosecution in order to prove its case has examined PW-1 Hardial Singh Block Officer, Forest Department, Bhawanigarh, PW-2 Surinder Singh Forest Guard Incharge Mansa Beat and CW-3 Retd. Range Forest Officer Harmeet Singh and thereafter, learned APP for the State has closed the evidence on behalf of complainant.

6. Upon closure of prosecution evidence, statement of accused U/s 313 Cr.P.C was recorded in which all the incriminating evidence

appearing against the accused was put to him to which, he pleaded innocence and false implication. He has not committed any offence. He has further taken the plea that he has no concern with the said matter. He is not responsible for any act as alleged in complaint by the complainant. As per manual of orders PWD B & R according to Section 2 Chief Engineer is the administrative and professional head of the branch of the department and if any act done in their area then he is responsible for all acts and after that Superintendent Engineer and thereafter Executive Engineer is responsible for the execution and management of all works with his division. If any violation as alleged in complaint then there head department has to issue the notice to the Chief Engineer but in the present case there is no letter or any request placed by the complainant in this regard. No proper sanction has been obtained by the complainant against him being a public servant at that time.

In defence, the accused did not examine any witness and closed his defence evidence.

7. I have heard learned APP for the State, learned counsel for the accused and also gone through the file carefully.

8. It is the case of the prosecution that accused on 21.08.2017 during patrolling/search done by him, accused is illegally using the passage of forest land without getting the prior sanction/NOC from the Government of India situated at Zirakpur-Patiala-Sangrur-Barnala Bathinda Road 80.950-81.500(NH 64, near NH 7), whereas both the accused have duty bound to get NOC/sanction from the Punjab Government before using the passage of Forest Department. They have

committed an offence punishable under Section 32(G)/33(G) read with Section 63 of the Indian Forest Act, 1927.

9. The prosecution in order to prove its case has examined CW-1 Hardial Singh, Block Officer, Forest Department, Bhawanigarh has deposed that on 21.08.2017, he was posted as Block Forest Officer at Bhawanigarh. On that day, a report was prepared by Surinder Singh Forest Guard Incharge that during patrolling and search done by him, accused Sukhwant Singh A.E alongwith Amit Sharma(since Proclaimed Offender) were illegally, using the passage of forest land without getting the prior sanctioned/NOC from the Government of India situated at Zirakpur-Patiala-Sangrur-Barnala-Bathinda Road 80.950-81.500 where both the accused were duly bound to get the NOC from the Government of India before using the passage of Forest department. He has proved the damage report no.127167 dated 21.08.2017 as Ex.CW-1/A, site plan Ex.CW-1/B, challan regarding the same including the amount of fine as Ex.CW-1/C, report dated 04.09.2017 on the basis of said damage report regarding the total fine which was imposed upon the accused regarding the damage caused by them to the sum of Rs.6,50,750/- as Ex.CW-1/D, his signatures on Ex.CW-1/D as Ex.CW-1/E and signatures of Monika Yadav DFO as Ex. CW-1/F.

CW-2 Surinder Singh, Forest Guard who has deposed that on 21.08.2017, he was posted as Forest Guard Incharge, Nidampur. During patrolling and search, he found accused was illegally using the forest land without getting the prior sanction/NOC from the Government of India situated at NH 64 near NH7 whereas both the accused were duty bound to

get the NOC before using the passage of Forest Department. He has proved his damage report Ex.CW-1/A.

CW-3 Retd. Range Forest Officer Harmeet Singh has deposed that on 21.08.2017, Surinder Singh, Forest Guard was on patrolling. During patrolling and search, he found accused was illegally using the forest land without getting the prior sanction/NOC from the Government of India situated at NH 64 near NH7 whereas both the accused were duty bound to get the NOC before using the passage of Forest Department. He proved the damage report prepared by Surinder Singh as Ex.CW-1/A, site plan Ex.CW-1/B which bears his signature Ex.CW-3/A, challan Ex.CW-1/C, complaint Ex.CW-3/B.

10. The learned counsel for accused Sukhwant Singh has argued that the present complaint is not maintainable against him because no prior sanction before launching the complaint against him was obtained by the complainant on the ground that he is a public servant. As per Section 197 of Cr.P.C, sanction was necessary before the prosecution could have been launched against the accused no.2 who was in Government service. My this view is fortified by the case law titled as Gurmail Batwa Vs. Onkar Singh Criminal Misc. No.1568-M of 1994 decided on 04.02.2002 by the Hon'ble Punjab and Haryana High Court wherein the Hon'ble High Court quashed the summoning order on the ground that sanction for prosecution under Section 197 Cr.P.C was not obtained. I have gone through the cross-examination of CW-3 Retd. Range Forest Officer Harmeet Singh who filed the present complaint. In his cross-examination, he has admitted that *he has not obtained any permission/sanction from the concerned department as accused*

no.2 was the government employee. Hence, the present complaint against accused Sukhwant Singh is not maintainable.

11. The learned defence counsel has further argued that the accused has no concern with the matter. He was not responsible for any act as alleged in the complaint by the complainant. As per manual of orders PWD B & R, according to Section 2, Chief Engineer is the administrative and professional head of the branch of the department and if any act done in their area then he is responsible for all acts, thereafter Superintendent Engineer and then Executive Engineer is responsible for the execution and management of all works with his division. CW-1 Hardial Singh, Block Officer in his cross examination has admitted the fact that **there is no such document on the file which proves that the said area is under the supervision of accused no.2; that he cannot produce such document regarding his presence and that he has issued the notice to deposit the fine penalty only to Amit Sharma Manager Shankar Global Pvt. Ltd. On 04.09.2017.** Hence, prosecution has failed to prove the fact that accused no.2 is responsible for the committing of offence as alleged by complainant in his complaint.

12. The learned defence counsel has further argued that the prosecution has failed to prove that the land regarding which the complainant has alleged that the same was Forest property infact was the forest property. Therefore, no offence is made out against the accused. I have gone through the cross-examination of CW-3 Harmeet Singh Retd. Range Forest Officer who in his cross-examination has admitted that he has not brought on the file any revenue papers in order to prove the ownership of the department. However, he has stated that government has

issued the notification vide which I can initiate the present complaint against the said person. The Hon'ble High Court while relying upon the judgment dated 21.05.2014 of the Hon'ble Supreme Court of India in Civil Appeal Nos.4682-4683 of 2005 in case titled as **Gram Panchayat Bari Karoran Vs. State of Punjab and others Civil Writ Petition No.22756 of 2013(O & M) decided on 28.05.2014** has held that whether a land is a forest land or not would depend on the land records and merely because the land is notified under Section 3 of the PLPA would not ipso facto make it forest land. The second limb is that the land has to be recorded as forest land as on 25.10.1980 irrespective of its classification or ownership. In the present case also, prosecution has failed to prove any record showing the fact that the land which was used by the accused illegally was the forest land.

13. In the light of my above discussion, prosecution has not been able to prove its case beyond shadow of reasonable doubt. Thus, accused Sukhwant Singh stands acquitted of the charge framed against him. The file would be revived as and when accused no.1 Amit Sharma is arrested or surrender in the Court. File be consigned to the record room.

Pronounced in open Court

Dated:11.10.2023

Rakesh Kumar
Stenographer Grade-II

Harvinder Singh Sindhia
Addl.Chief Judicial Magistrate,
Sangrur.
Unique Identification No.PB0283

Certified that the judgment has been directly dictated by the undersigned.

Harvinder Singh Sindhia
Addl.Chief Judicial Magistrate,
Sangrur.
Unique Identification No.PB0283

**RAKESH
KUMAR**

Digitally signed
by RAKESH
KUMAR
Date: 2023.10.12
15:36:38 +0530

PERFORMA FOR VERIFICATION OF DEPOSITS IN COMPENSATORY AFFORESTATION FUND

1	Name of Regional Office		Ministry of Environment & Forests Northern Regional Office, Bays No 24-25 Sector 31-A Chandigarh				
2	State/District/Forest Division to which the proposal relates		Punjab/Sangrur				
3	Name of User Agency, nature of proposal		Executive Engineer, Central Works Division, PWD B&R Branch, Sangrur at Patiala.				
4	Nature and category of proposal		Transmission Line				
5	Proposal number		9-PBB408/2016-CHA Dated 14.9.2018				
6	Extent of forest area involved		0.4335				
7	Whether original, or extension		Original.				
8	If extension of lease, please clarify if proposal involves additional forest area, and if so specify.		NA				
9	Date of 1 st stage clearance		14.9.2018				
10	Extent of CAMPA Charges head wise via						
	(a) Compensatory A forestation		527883-				
	(b) Additional C.A (Tall Plants)		NIL				
	© Penal C.A:-		422209-				
	(d) Catchment Area Treatment		Nil				
	(e) Wildlife Management Plan		Nil				
	(f) Additional Charges for division of area falling under notified/protected arrears		Nil				
	(g) Net Present Value:		348101-				
	(h) Any other charges/Levis (Pl specify)(Penal NPV)		779746				
	Total		2077939-				
11	Whether payment made through challan or otherwise. In case of online payment details of challan		Through Challan				
12	Details of deposits						
3	Type of deposit (NPV/CA /IWMP/ Others (specify)	Whether by RTGS/DD /NEFT (Specify)	UTR/DD No	Amount deposit (Rs)	Date of deposit	Name of Bank from which amount transferred to account of CAF	Bank Account of CAF managed by CAMPAs in which fund deposited
No	CA, NPV, PCA, PNPV	Through Challan	UTIBR5201 907060032 376	CA= 527883 NPV=348101 PCA=422209 PNPV=779746	6 JULY 2019	AXIS BANK	Corporation Bank Lodhi Complex, New Delhi

Date 14-9-19
Place

Divisional Forest Officer,
Sangrur

Government of Punjab
Department of Forests & Wildlife Preservation
O/o Principal Chief Conservator of Forests (HoFF)
Forest Complex, Sector 68, SAS Nagar.
(FCA Branch)

Dated:26-09-2024

To

Dy. Director General of Forests (C)
Government of India
Ministry of Environment, Forests & Climate Change
Northern Regional Office, Bays No. 24-25, Sector 31-A, Chandigarh.

Sub:- Diversion of 0.4335 ha of forest land in favour of Executive Engineer, Central Works Division, PWD B&R, Branch Sangrur at Patiala for Toll Plaza on Patiala-Sangrur-Bathinda road NH-64 (New NH-07) KM 80.950-81.500 both said under Forest Division and District Sangrur. (Online Proposal No. FP/PB/Road/20078/2016).

Ref:- Your office letter 9-PBB40/20219-CHA dated 05.02.2020.

This is with reference to the subject cited above, the point-wise reply to the observations made vide letter reference is as under:-

1. It is submitted that the area of proposal no. FP/PB/Road/166/2003 has already been diverted under diversion of 281.8229 ha of proposal no.FP/PB/ROAD/949/2011. Therefore, the case of proposal no. FP/PB/Road/166/2003 was forwarded to the Government of India vide this office letter dated 04.08.2022 with a request to revoke the same. However, no reply in this regard has been received so far. A copy of letter dated 04.08.2022 is attached as **Annexure-I** for your kind reference. In view of this, observations made at serial no. 2 & 3 of your letter mentioned above may please be treated as there is no case is pending against the User Agency.
2. It is also submitted that as per revised CA scheme, the NPV rate has been applied as Rs. 8,03,000 instead of Rs. 8,87,000 and accordingly the User Agency had deposited a sum of Rs.3,48,101.00, therefore, a difference has been accrued as Rs.36,414.00 (3,84,515.00 – 3,48,101.00). A copy of revised CA scheme has been attached as **Annexure-II.**

It is also brought to your kind notice that the User Agency has made violation under IFA Act, 1927 in this case and accordingly DR was issued. However, due to non compliance of penalty imposed vide DR, a suit against the User Agency has been filed in the Hon'ble Court at Sangrur on 11.10.2023. A copy of the suit is attached at **Annexure-III** for your kind record and further action.

The above is submitted for your kind information and necessary action under Forest Conservation Act, 1980.

BASANTA RAJ KUMAR
NODAL OFFICER (FCA)
26-09-2024

C.C:-

1. Financial Commissioner, Government of Punjab, Department of Forests & Wildlife Preservation, Chandigarh.
2. Conservator of Forests, South Circle, Patiala.
3. Divisional Forest Officer, Sangrur.
4. The Executive Engineer, Construction Division, PWD B&R Branch, Sangrur at Patiala, Punjab.

BASANTA RAJ KUMAR
NODAL OFFICER (FCA)
26-09-2024