

# GOVERNMENT OF SIKKIM FORESTS AND ENVIRONMENT DEPARTMENT FOREST SECRETARIAT, DEORALI, GANGTOK-737 102

Email:fca.sikkim@gmail.com

Ref. No. 1776/FCA/F&ED/2018. 506A

#### COMPLIANCE REPORT

Τo,

The Deputy Director General of Forest,
Regional Office, Bhubaneswar,
Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980,
Ministry of Env. Forests & Climate Change,
Government of India,
IB-198, Sector-III, Salt Lake City,
Sub-Office Kolkata –700106.

Sub: Diversion of 0.2987 Ha of forest land for construction of Rural Connectivity Road from Kabirthang to Ratomatey School in West District of Sikkim by Rural Development Department, Government of Sikkim- Compliance report reg.

Ref. IPA Letter No. 1776/FCA/F&ED/104 dated 27/01/2021

User Agency: Rural Development Department, Government of Sikkim.

Proposal No. FP/SK/ROAD/32936/2018

Sir,

Pursuant to the Stage I (In Principle) approval accorded by the State Government for the aforesaid project proposal vide letter No. 1776/FCA/F&ED/104 dated 27/01/2021, the User Agency has complied to all conditions by transferring fund of Compensatory levies and furnished the requisite documents, which are as follows: -

SI. No.	Conditions	Compliance
Α.	Condition which needs to be compiled prior to hand Forest Department	ing over of forest land by the State
1	The cost of compensatory afforestation on the CA land (1ha) at the prevailing wage rates as per compensatory afforestation scheme shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.	The total amount of Rs. 1,31,314.00/- deposited towards payment of Compensatory Afforestation as under: The user agency has complied and deposited: (i) Original CA of Rs.89,372.00/- deposited vide NEFT000553423595 dated 10/05/2022. (ii) Revised CA of Rs.41,942.00/- deposited through NEFT/RTGS Challan. Deposited vide UTR No.IBKL240406243715, dated.06.04.2024.
2 OARTHE	The User Agency shall transfer online for charge the normal Net Present Value (NPV) for payable for the 0.2987 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.	The total amount of Rs. 3,00,256.00/- deposited towards payment of Compensatory Afforestation as under: The user agency has complied and deposited: (i) Original NPV of Rs. Rs. 1,96,246.00/- deposited vide NEFT000553423595 dated 10/05/2022. (ii) Revised NPV of Rs. Rs.1,04,010.00/- deposited through NEFT/RTGS Challan. Deposited vide UTR No.IBKL240406243715, dated.06.04.2024.



		Agreed.
1 1 3	As far as possible, a mixture of local indigeneds of shall be planted and monoculture of any species may be avoided.	
1	Project shall be transferred/ deposited to CAMPA fund	Total of Rs.4,31,570.00 has been deposited through NEFT/RTGS Challan for Sikkim CAMPA on 27.03.2024
5	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in).	Agreed.
6	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.	Complied.
7	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with it serial number, distance from pillar to pillar and GPS co-ordinates	Complied.
8	The expenditure like boundary walls, stone pillars, and demarcation charges cost of damage of trees the fund on these accounts should be deposited with DFO concerned.	Complied.
9	The expenditure like felling, logging and transportation of project affected trees for Rs. 76,540.00 (Rupees Seventy-six thousand five hundred and forty) only should be deposited in the cutting & felling account of the Government for utilization immediately following the diversion of the forest land. User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the Forest Department and the cost of felling of trees shall be deposited by the User Agency with the Forest Department.	The user agency has complied and deposited Rs. 76,540.00 vide cheque No.031690 dated 31/03/2022 in SISCO Bank.
10	The User Agency shall identify muck disposal site within private and prepare Muck Disposal Management plan to be approved/agreed by the State Govt. for the aforesaid project proposal if required.	Complied.
11	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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.	undertaking. Enclosed at (Annexure-I).
Use	conditions which need to be strictly complied on field at a Agency by the State Forest Department but the composited prior to Stage-II approval:  Legal status of forest land proposed for diversion shall	oliance in form of undertaking shall be
1	remain unchanged.	undertaking. Enclosed at (Annexure-II)
2	Compensatory Afforestation (Avenue Plantation) shall be raised 1 km in degraded forest land at SPWD Roa (Pelling-Darap) under Gyalshing Range, West (Turking Division at the cost of the User Agency.	d G) Agreed
	Additional amount of the NPV of the diverted forest land if any, becoming due after finalization of the same by the	ne undertaking.
3	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.	ne er
3	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.  The User Agency shall restrict the felling of trees minimum number in the diverted forest land the trees thall be felled under the strict supposition.	to Agreed.

	applicable.	
6	The lay out plan of the proposal shall not be changed without prior approval.	The user agency has submitted undertaking. Enclosed at(Annexure-IV).
7	No labour camp shall be established on the forest land.	The user agency has submitted undertaking. Enclosed at(Annexure-V).
8	Sufficient Firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourers after purchasing the same from the Forest Department of the Forest development corporation or any other legal source of alternate fuel.	Agreed.
9	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	Agreed.
10	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.	The user agency has submitted undertaking. Enclosed at (Annexure—VI).
11	The forest land shall not be used for any purpose other than that specified in the Project proposal.	The user agency has submitted undertaking. Enclosed at (Annexure—VII).
12	Government of person without prior approval of central	The user agency has submitted undertaking. Enclosed at (Annexure—VIII).
13	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.	The user agency has submitted undertaking. Enclosed at (Annexure-IX).

Therefore, in view of fulfillment of above conditions by the User Agency, the Compliance Report is hereby submitted for kind consideration for according Final Approval under Section 2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

Yours sincerely,

APCCF-cum Nodal Omed (HSSA) men

Copy to for information: -

1. PCCF-cum-Secretary, F&ED, Government of Sikkim,

2. Pr. Secretary, Rural Development Department, Government of Sikkim,

3. CF(T), F&ED, Government of Sikkim,

4. DFO (Territorial) Gyalshing,

5. File

#### Annexure-II

## Information to be furnished about transmission of funds to CAMPA

1	Project 33309 and the	Ha of forest land for construction of Rural Connectivity Road from Development Department School in West District of Sikkim by Rural		
2	Location of forest area diverted (State/Distt/Taluk/Village) Pl. also give log/lat details. If available.	GyalshingDistrict of Sikk		NOT CHANTIL.
3	Extent of forest area applied for, for diversion	0.2987 ha		
4	Extent of forest area approved for diversion	0.2987 ha		
5	State Govt. reference No. & date under which the proposal was forwarded (pl. attach a copy of the forwarding letter, copy of enclosures not required)	No.1776/FCA/F&ED/105 dated 27/01/2021		
6	No. and date of Stage-I clearance (pl. attach copy)	No.1776/FCA/F&ED/105 d	ated 27/01/2021	
7	No. and date of Stage-II clearance (pl. attach copy)			
8	Details of compensatory afforestation funds viz:			
	(i) Details of Compensatory Afforestation Fund.	Rs. 1,31,314.00		
	(ii) Additional Compensatory Afforestation Fund.	0		
	(iii) Penal Compensatory Afforestation Fund.	0		
	(iv) Catchment Area Treatment Plan Fund.	0		
	(v) Fund for Protected Area.	0		
	(vi) Net Present Value.	Rs. 3,00,256.00		
	(vii) Any other charges levied	0		
	(viii) TOTAL OF (i) to (viii)	Rs.4,31,570.00		
9	Date of collection of fund as in Sl. No. above, with:	06.04.2024		
	(i) Authority by whom collected:	Sikkim CAMPA		
	(ii) Details of Bank Draft/Cheque (DD/Cheque No. & date or RTGS/NEFT No.) Bank in which drawn, and in whose favour the instrument was drawn.	RTGS to Union Bank of India, FCS Central Bangalore, 21 Mission 3 <sup>rd</sup> Floor Jellitta Tower, Bangalore-560027.(Sikkim CAMPA Account no. 150866132936670)		
	(iii) Date of remittance to Govt. account, indicating Account No., Bank and Branch details.	06.04.2024		
10	Details of remittance of funds as in Col. 8 above to CAMPA, indicating:	CA- Rs. 1,31,314.00(UTR No.IBKL240406243715, dated.06.04.2024) <u>NPV- Rs. 3,00,256.00(</u> UTR No.IBKL240406243715, dated.06.04.2024) Total- Rs. 4,31,570.00		
	(i) Authority by whom remitted; (ii) Bank, Branch to which remitted;	RTGS to Union Bank of I	ndia, FCS Centra	ent, Government of Sikkim. al Bangalore, 21 Mission 3 <sup>rd</sup> Floor Jellit Account no. 150866132936670)
	(iii) Mode of remittance (Draft/Pay Order/RTGS) with full particulars, including amount and date of remittance.			243715 dated 06 04 2024)
11	Out of the remittance as indicated in Col. 10 above pl. give head-wise	Levies	Interest	Remarks
	(CA/ACA/PCA/CAT etc.) funds	CA- 1,31,314.00	Nil	Directly remitted to Sikkim
	L towards principal funds as Us stad	NPV- 3,00,256.00		
	towards principal funds collected, and interest thereon remitted to the	Total- 4,31,570.00	Nil	CAMPA, Union Bank of India,



Dr. P. Septial Auman IFS

Dr. P. Septial Auman IFS

Addl PCCF-cum-Nodal Officer (VSSA

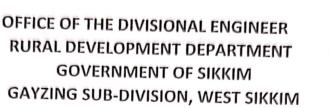
Addl PCCF-cum-Nodal Officer (VSSA

Forest and Environment of e-kkim

Government of e-kkim









Memo N.o:03/DE/GYZ/RDD

Dated: 25/06/2024

To,

The APCCF-cum-Nodal Officer (FCA), Forest & Environment Department, Forest Secretariat, Deorali Govt. of Sikkim

Sub: Diversion of 0.2987 Ha of forest land for Construction of RCR from L063-Kabirthang to Ratomatey School.Request for approval under Stage-II Forest Clearance-Reg.

Reference letter No. :1993/FCA/F&ED/2021/894. Dated:07/02/2023

- 1. Please refer the letter under reference vide which In-Principle approval under Stage -l of Forest Clearance was obtained along with Demand Note No. I &II for making necessary payment and compliance of stipulated conditions.
- 2. Accordingly, compliances are made and submitted as follows:

SI.	Conditions to be fulfilled	Compliances
No.	Conditions which need to be complied prior to handing of	•
ψ 1.	The User Agency shall transfer [Rs. 1,31,314.00] (Rupees Thirteen lakh one thousand three hundred and fourteen only]the cost of raising and maintaincompensatory Afforestation (100 trees plantation and maintenance for 10 years) at the current wage rate in consultation with the Forest Department in the account of CAMPA of the concern State through online portal. (Demand note-I enclosed).	

	2. The User Agency shall transfer online, the Net Present Valu (NPV) [Rs. 3,00,256.00(Rupees Three Lakh two hundred and fifty six] for the 0.2987 forest area to be diverted under this proposal, as per the order of the Hon'ble Supreme Cour of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in I/No. 566 in WP (C) No. 202/1995 and the guidelines issue by the Ministry vide letters No.5-2/2006-FC date 03/10/2006, 5-3/2007-FCdated 05/02/2009& Letter No. 5 3/2011-FC(Vol-1) dated19/01/2022 in this regard(Demandote-1 enclosed).	deposited towards payment of Net Present Value as under:  (i) Rs. 1,96,246.00 deposited vide cheque no. 262535 on 31/3/21.  (ii) Rs. 1,04,010.00 deposited vide
	3. All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only throug e-portal ( <a href="https://parivesh.nic.in">https://parivesh.nic.in</a> ).	Fund already transferred/deposited
	4. The complete compliance of the FRA,2006 shall be ensure by way of prescribed certificate from the concerned District Collector.	Agreed (Undertaking enclosed)
	5. Violation of any of these conditions will amount to violatio of Forest (conservation) Act, 1980 and action shall be take as prescribed in Para 1.21 of Chapter 1 of the Handbook of Comprehensive guidelines of Forest (Conservation) Act 1980 issued by this Ministry's letter No. 5-2/2017-FC date 28.03.2019	Agreed (Undertaking enclosed)
	6. The compliance report shall be uploaded on e-porta (https://parivesh.nic.in).	
		e-portal
u S	Conditions which need to be strictly complied on field after user agency by the Forest Department but the complianc submitted prior to Stage-II approval.	handing over of forest land to the
u	user agency by the Forest Department but the complianc	handing over of forest land to the
u S	user agency by the Forest Department but the complianc submitted prior to Stage-II approval.	handing over of forest land to the in form of undertaking shall be
1.	Legal status of the forest land shall remain unchanged.  The 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 Forest Department preferably in the vicinity of the project site. Indigenous trees species	handing over of forest land to the in form of undertaking shall be  Agreed (Undertaking enclosed)

	deposited in the cutting & felling account of the State Government for utilization immediately following the diversion of the forest land. User Agency shall restrict the felling of trees to minimum number 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 with the Forest Department. (Demand note-II enclosed).	cum-PCCF, Forest &Environment Department, Govt. of Sikkim. Out of the total amount of Rs 76750.00 has been deposited vide cheque no. 262535 on 31/3/21 towards the cost of felling, logging and transportation of project affected trees.
5.	The boundary of the diverted forest land shall be suitably demOF of the concerned Divisional Forest Officer.	

6.	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 Forest Department at the project cost.	Agreed (Undertaking enclosed)
7	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	Agreed (Undertaking enclosed)
8. (a)	All the natural streams and water bodies in surrounding area shall be protected.	Agreed (Undertaking enclosed)
(b)	The User Agency shall ensure that the laborers and staff engaged in construction activity do not damage the nearby forest flora and fauna.	Agreed (Undertaking enclosed)
(c)	Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed off in the adjoining forest area by the user agency.	Agreed (Undertaking enclosed)
(d)	No labour camp shall be established on the forest land	Agreed (Undertaking enclosed)
les.	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.	Agreed (Undertaking enclosed)
9.(a)	The forest land shall not be used for any purpose other than that specified in the project proposal	Agreed (Undertaking enclosed)
(b)	The period of diversion under this approval shall be co-	Agreed (Undertaking enclosed)

	terminus with the period of the project life.	
(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.	Agreed (Undertaking enclosed)
10	Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.	Agreed (Undertaking enclosed)

3. It is therefore requested to take necessary action for onward submission of compliance report at the earliest to Ministry of Environment, Forest & Climate Change, Govt. of India for seeking final approval under Stage-II, please.

Yours faithfully,

Government of Sikkim



Memo No. 879/R DD

Date: 4.7.2024.

## **CERTIFICATE OF UNDERTAKING**

Name of the proposal: -

Construction of Rural Connectivity Road from L063-

Kabirthang to Rotamatey School in Gyalshing
District(diversion of 0.2987 hectare of forest land).

The Rural Development Department, Government of Sikkim, hereby gives undertaking that the Department shall ensure that there shall be no violation of the conditions prescribed in the Stage-I approval accorded for the above mentioned diversion proposal. Further, it accepts the violation of any of the conditions prescribed in the Stage-I approval shall amount to violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 which shall be dealt with in the manner prescribed in Para 1.21 of Chapter 1 of the Handbook of Comprehensive guidelines of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

Secretary

Rural Development Department Government of Sikkim

> Rural Development Department Government of Sikkim



Memo No:550/EECs/W/RDD

Dated: 22/08/2024

## Annexure UNDERTAKING FOR LEGAL STATUS OF FOREST LAND

It is certified that legal status of the forest land will not be changed and will remain the same as it is for Diversion of 0.2987 ha of forest land for construction of RCR from Kabirthang to Ratomatey School in West Sikkim.

CHIEF ENGINEER (S/W)

RUBAL DEVELOPMENT DEPARTMENT



Memo No: 551/CECs/ws/RDD

Dated: 22/08/2024

## **UNDERTAKING**

Rural Development Department will pay additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Honble Supreme Court of India on receipt of the report from the Expert Committee.

CHIEK ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT





Memo No: 553/CE (S/W) RID

Dated: 22/8/2024

#### <u>UNDERTAKING</u>

This is to certify that layout plan of the proposal shall not be changed without the prior approval of central Government under forest Diversion of 0.2987 ha of forest land for construction of RCR from Kabirthang to Ratomatey School in West Sikkim.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT





Memo No:557/CE (S/10)/RDD

Dated: 22/08/2024

## **UNDERTAKING**

This is to certify that no labor camp shall be established on the forest land under Forest Diversion of 0.2987 ha of forest land for construction of RCR from Kabirthang to Ratomatey School in West

CHIEF NGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT





Memo No: 560/CFCS/ND/RDD

Dated: 22/08/2024

### <u>UNDERTAKING</u>

This is to certify that the period of diversion under this approval shall be Co-terminus with the period of Project Life under forest Diversion of 0.2987 ha of forest land for construction of RCR from Kabirthang to Ratomatey School in West Sikkim.

> CHIEF ENGINEER (S/W) RURAL DEVELOPMENT DEPARTMENT





Memo No: 559/CECS/WJ/RDD

Dated: 22/08/2024

### **UNDERTAKING**

This is to certify that the forest land shall not be used for any purpose other than that specified in project proposal, under forest Diversion of 0.2987 ha of forest land for construction of RCR from Kabirthang to Ratomatey School in West Sikkim.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT





Memo No: 56/ /CE (5/10) RDD

Dated: 22/08/2024

#### **UNDERTAKING**

This is to certify that the forest land proposed to be diverted shall under no circumstances be transferred to any other agencies department or person without prior approval of the central government under forest Diversion of 0.2987 ha of forest land for construction of RCR from Kabirthang to Ratomatey School in West Sikkim.

CHIEF ENGINEER (S/W)

RUBAL DEVELOPMENT DEPARTMENT





Memo No: 562/CES/W/RDD

Dated: 22/08/2024

### **UNDERTAKING**

Any other conditions that the ministry of the Environment, Forest and climate change may stipulate from time to time in the interest of conservation and development of Forest and Wildlife.

Rural Development Department is hereby undertaken to agree other conditions that the ministry of the Environment, Forest and Climate change may stipulate from time to time in the interest of Conservation and development of forest and wildlife.

CHIEF ENGINEER (S/W)

BURAL DEVELOPMENT DEPARTMENT