



OFFICE OF THE DIVISIONAL ENGINEER
RURAL DEVELOPMENT DEPARTMENT
GOVERNMENT OF SIKKIM
MANGAN DISTRICT

No. 59 /RDD/DE/N/16/2024-25

To,

Dated:25/06/2024

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

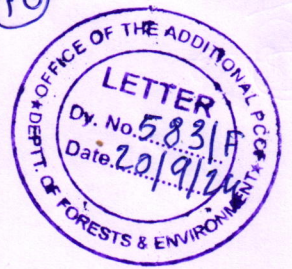
Sub: Diversion of 0.376 ha. For RCR from NSH via Tadong to Upper Phodong in North Sikkim.
Request for approval under Stage-II Forest Clearance-Reg.

Reference letter No. 1959/FCA/F&ED/28 Dated 13/2/2024

1. Please refer the letter under reference vide which In-Principle approval under Stage -I 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:

Sl. No.	Conditions to be fulfilled	Compliances
A.	Conditions which need to be complied prior to handing over of forest land by the Forest Department.	
1.	The User Agency shall transfer [Rs. <u>11,98,493/- (Rupees Eleven Lakhs Ninety Eight Thousand Four Hundred Ninety Three only)</u>] as the cost of raising and maintaining compensatory Afforestation (3140 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).	Total of Rs. <u>16,00,614/-</u> has been deposited vide cheque no. <u>347908</u> on 17/11/23. Out of the total amount of Rs <u>11,98,493.00</u> has been transferred towards the cost of raising and maintain the compensatory Afforestation, Rs. <u>4,02,121.00</u> towards NET Present Value.
2.	The User Agency shall transfer online, the Net Present Value (NPV) [Rs. <u>4,02,121/- (Rupees Four Lakhs Two Thousand One Hundred Twenty One only)</u>] for the 0.376ha forest area to be diverted under this proposal, as per the order of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and the guidelines issued by the Ministry vide	

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**OFFICE OF THE DIVISIONAL ENGINEER
RURAL DEVELOPMENT DEPARTMENT
GOVERNMENT OF SIKKIM
MANGAN DISTRICT**

No. 59/RDD/DE/N/16/2024-25

Dated: 25/06/2024

To,

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

[Handwritten signatures and dates: 20/9/24]

**Sub: Diversion of 0.376 ha. For RCR from NSH via Tadong to Upper Phodong in North Sikkim.
Request for approval under Stage-II Forest Clearance-Reg.**

Reference letter No. 1959/FCA/F&ED/28 Dated 13/2/2024

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- Accordingly, compliances are made and submitted as follows:

Sl. No.	Conditions to be fulfilled	Compliances
A. Conditions which need to be complied prior to handing over of forest land by the Forest Department.		
1.	The User Agency shall transfer [Rs. <u>11,98,493/- (Rupees Eleven Lakhs Ninety Eight Thousand Four Hundred Ninety Three only)</u>] as the cost of raising and maintaining compensatory 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).	Total of Rs. <u>16,00,614/-</u> has been deposited vide cheque no. <u>347908</u> on 17/11/23. Out of the total amount of Rs <u>11,98,493.00</u> has been transferred towards the cost of raising and maintain the compensatory Afforestation, Rs. <u>10,47,011.00</u> towards NET Present Value. <i>402/21/-</i>
2.	The User Agency shall transfer online, the Net Present Value (NPV) [Rs. <u>10,47,011/- (Rupees Ten Lakhs Forty Seven Thousand Eleven only)</u>] for the 0.376ha forest area to be diverted under this proposal, as per the order of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and the guidelines issued by the Ministry vide letters No.5-2/2006-FC	

*Lakhi
A. P. P. P.
23/9/24*

	dated 03/10/2006, 5-3/2007-FC dated 05/02/2009 & Letter No. 5-3/2011-FC (Vol-I) dated 19/01/2022 in this regard (Demand note-I enclosed).	
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).	Fund already transferred/deposited
4.	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.	Agreed (Undertaking enclosed)
5.	Violation of any of these conditions will amount to violation of Forest (conservation) Act, 1980 and action shall be taken 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 dated 28.03.2019	Agreed (Undertaking enclosed)
6.	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in).	Compliance report uploaded on e-portal
B. Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval.		
1.	Legal status of the forest land shall remain unchanged.	Agreed (Undertaking enclosed)
2.	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 should be preferred for such plantation.	Agreed
3.	Additional amount of 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.	Agreed (Undertaking enclosed)
4.	The expenditure like felling, logging and transportation of project affected trees [Rs. 32,185.00 (Rupees Thirty Two Thousand One Hundred Eighty Five) only] should be 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).	Total of Rs. 1,20,042/- has been deposited (as mentioned in Demand Note II & III) in favor of Chief Secretary cum-PCCF, Forest & Environment Department, Govt. of Sikkim. Out of the total amount of Rs 32,185.00 has been deposited towards the cost of felling, logging and transportation of project affected trees, Rs. 87,857.00 towards cost of boundary demarcation.
5.	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 or transfer the expenditure for boundary demarcation of diverted forest land [Rs. 87,857.00 (Rupees Eighty Seven Thousand Eight Hundred Fifty Seven) only] in the cutting & felling account of the State Government. (Demand note-III enclosed).	

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.	All the natural streams and water bodies in surrounding area shall be protected.	Agreed (Undertaking enclosed)
(a)	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)
(b)	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)
(c)	No labour camp shall be established on the forest land	Agreed (Undertaking enclosed)
(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.	Agreed (Undertaking enclosed)
(e)	The forest land shall not be used for any purpose other than that specified in the project proposal	Agreed (Undertaking enclosed)
9.(a)	The period of diversion under this approval shall be co-terminus with the period of the project life.	Agreed (Undertaking enclosed)
(b)	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)
(c)	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)
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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,

Chief Engineer
Rural Dev. Department
Govt. of Sikkim



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
GANGTOK

to 112
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Memo No. 895/RDD

Date: 04.07.2024

CERTIFICATE OF UNDERTAKING

Name of the proposal: - Construction of Rural Connectivity Road from NSH via Tadong to Upper Phodong in North District (diversion of 0.376 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
Gangtok

SECRETARY
Rural Development Department
Government of Sikkim



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 628/CE(S/W)/RDD

Dated: 23/08/24

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 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.

CHIEF ENGINEER (S/W)
RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim

101/95



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 629/CE(S/W)/RDD

Dated: 23/08/24

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.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 630/CE(S/W)/RDD

Dated: 23/08/24

UNDERTAKING

This is to certify that the Rural Development Department 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, under forest Diversion of 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim

103/97



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 631 / CE (S/W) / RDD

Dated: 23/08/24

UNDERTAKING

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 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 632/CE(S/W)/RDD

Dated: 23/08/24

UNDERTAKING

This is to certify that all the natural streams and water bodies in surrounding area shall be protected under forest Diversion of 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 633/CE(S/W)/RDD

Dated: 23/08/24

UNDERTAKING

This is to certify that the Rural Development Department shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna of forest land for Diversion of 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.


CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. : Sikkim



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 634/CE(S/W)/RDD

Dated: 23/08/24

UNDERTAKING

This is to certify that the 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 Rural Development Department for Diversion of 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev Department



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 635/CE (S/W)/RDD

Dated: 23/08/24

UNDERTAKING

This is to certify that no labor camp shall be established on the forest land under Forest Diversion of 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 636/CECs(w)/RPD

Dated: 23/08/24

UNDERTAKING

This is to certify that the Rural Development Department Shall provide alternate fuel Preferably LPG to the Laboure's and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas under forest Diversion of 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.


CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim



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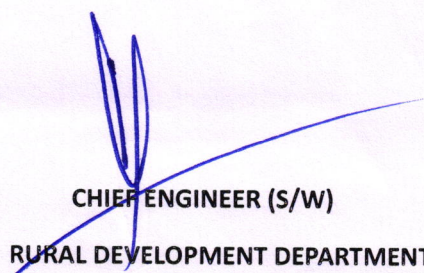
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 637/EE (S/W)/RDD

Dated: 23/08/24

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 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.


CHIEF ENGINEER (S/W)
RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim



110/104

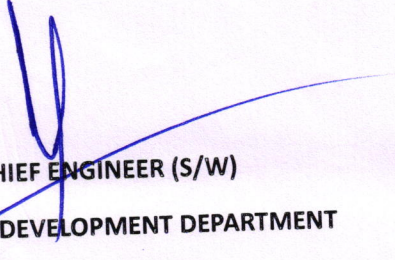
**GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK**

Memo No: 638/CE (S/W)/RDD

Dated: 23/08/24

UNDERTAKING

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 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.


CHIEF ENGINEER (S/W)
RURAL DEVELOPMENT DEPARTMENT

**Chief Engineer
Rural Dev. Department
Govt. of Sikkim**



GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 689/CECS(W)/RDD

Dated: 24/08/24

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 0.376 ha of forest land for construction of RCR from NSH via Tadong to Upper Phodong in North Sikkim.

CHIEF ENGINEER (S/W)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim

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GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GRAM VIKASH BHAWAN
TASHILING, GANGTOK

Memo No: 140/CE (S/W)/RPD

Dated: 23/08/24

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)

RURAL DEVELOPMENT DEPARTMENT

Chief Engineer
Rural Dev. Department
Govt. of Sikkim