

**PARIVESH 1.0****Minutes of the Meeting of the Advisory Committee (AC) meeting held on  
23.09.2024****Agenda No.1****File No. 3ASC/131/2022-GHY**

**Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 diversion of 5.11 ha of deemed forest land for operation of Bheleuguri Stone Mahal in favour of Md. Kamal Ahmed in Doboka Reserved Forest under Nagaon Division, in Hojai District of Assam (Online proposal No. FP/AS/QRY/148460/2021)- regarding.**

1. The above stated agenda item was considered by the AC in its meeting held on 23.09.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIGF (Central), RO, Shillong and Nodal Officer, Government of Assam were present in the meeting during the discussion of the above proposal. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The State Government of Assam vide their letter No.FRS.31/2022/69 dated 06.08.2022 submitted the proposal for diversion of 5.11 ha forest land for operation of Bheleuguri Stone Mahal in Doboka Reserved Forest under Nagaon Division in favour of Md. Kamal Ahmed to Regional Office, Guwahati, seeking forest clearance under Forest Van (Sarankshan Evam Sambardhan) Adhiniyam, 1980.
  - ii. Component wise break up is as under:-

<b>Sl. No.</b>	<b>Component</b>	<b>Area</b>
1.	Mining Area	4.14 ha
2.	safety zone area	0.86 ha
	<b>Total</b>	<b>5.11 ha</b>

- iii. Density of vegetation in the proposed area is nil and having Eco class I. The validity of lease is 5 years. Further, the State Govt. has submitted the approved Mining plan, which was approved by the Joint Director, Directorate of Geology & Mining, Assam on 23.08.2021 valid upto 20.02.2028.
- iv. The project is for extraction of stone and boulder to meet the demand of government infrastructure projects and employment generation.
- v. Distance from nearest Protected Area is 36.65 km from Laokhowa Burchapori WLS, 48.66 km from Kaziranga NP and 50.45 km from East Karbi Anglong WLS.
- vi. Compensatory Afforestation has been proposed over an area of 5.11 ha equivalent Non Forest Land (NFL) in Monglai Phunglo Village in

Dima Hasao District of Assam with financial outlay of ₹30,48,363.00. CA suitability certificate is submitted. Undertaking for mutation and notification of the identified NFL for CA site is also submitted.

- vii. It has been mentioned that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- viii. No violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 have been reported. Certificate to this effect has been submitted by DFO concerned.
- ix. The Committee was informed that instant proposal was considered in the REC meeting held on 30.01.2023. After thorough deliberations and discussions with Chief Conservator of Forests & Nodal Officer, Govt. of Assam, the REC recommended the proposal for diversion of 5.11 ha forest land for operation of Bheleuguri Stone Mahal in Doboka Reserved Forest under Nagaon Division in favour of Md. Kamal Ahmed for sending to Ministry for approval of competent authority with the following additional condition: -
  - a. Mining zone/cluster wise plan/cluster areas, Geo-coordinates, surface map etc.
- x. The Committee was further informed that the instant proposal was forwarded to the Ministry for approval of competent authority on 30.05.2023. The proposal was examined in the Ministry and following observations were made by the DGF&SS:
 

*"Why are we allowing such proposals in elephant corridors? How many more such mines are there? Please have an area based approach in such cases. ADGF can have a presentation before him where all mining activities in this area can be projected along with mitigation measures taken up or proposed to be taken up. CWLW can also be called."*
- xi. In view of the above observation of DGF&SS, a meeting was held on 21.08.2023 under the Chairmanship of ADGF (FC). CWLW, Assam, DIGF (Central), RO Shillong and Officers from MoEF&CC were present in the meeting. It was decided to return the file to the RO Shillong with an instruction to resubmit the same with following details: -
  - a. To examine the proposal looking into holistic landscape and distances of the nearby mines.
  - b. To ascertain whether the proposed area falls within No Development Zone or not?
  - c. To ascertain whether the proposed area is a part of any Eco-Sensitive Zone of nearby Protected Area or not?
  - d. A holistic and comprehensive Human Elephant Conflict Management Plan for the entire landscape is to be submitted by the State.
- xii. In reference to above, reply received from the State Government vide letter dated 22.12.2023 was examined by the Regional Office, Shillong and same is re-produced as under:

S. No.	Query raised by Ministry	Reply of State Govt.
(i)	To examine the proposal looking into holistic landscape and distances of the nearby mines.	Cumulative Impact Study Report of 3 MCA's i.e. Bheluguri Stone Mahal (instant proposed area, Lankaijuri stone Mahal and Beldenga Stone Mahal in Doboka Reserve Forest under Nagaon Division submitted
(ii)	To ascertain whether the proposed area falls within No Development Zone or not?	Proposed area does not fall within <i>no development zone</i> .
(iii)	To ascertain whether the proposed area is a part of any Eco-sensitive Zone of nearby Protected Area or not?	The proposed area is not a part of any Eco-Sensitive Zone of any nearby Protected Areas.
(iv)	A holistic and comprehensive Human Elephant Conflict Management Plan for the entire landscape is to be submitted by the State.	The Holistic & Conservation Human Elephant Conflict (HEC) management plan for entire landscape will be submitted before final approval. However, a HEC mitigation plan for areas under Nagaon Division submitted.

- xiii. The DDGF (C), RO, Shillong examined the proposal, and stated that the State Government has submitted the reply/ clarifications on the issues raised by Ministry and hence the proposal is submitted for kind approval of competent authority.
- xiv. After examination of the above facts in the Ministry, it was observed that the holistic and comprehensive Human Elephant Conflict Management Plan for the entire landscape is to be submitted by the State. In this regard the State Govt. informed that the Holistic & Conservation Human Elephant Conflict (HEC) management plan for entire landscape will be submitted before final approval. However, a HEC mitigation plan for areas under Nagaon Division is submitted. Further, examination of the above facts in the Ministry revealed certain shortcomings and the same was communicated to the State Govt. vide Ministry's letter dated 22.05.2024. RO, Shillong was also requested to carry out the Site Inspection of the diverted area and land proposed for CA and submit a Site Inspection Report with recommendations.
- xv. The Govt. of Assam vide their letter No. eCF No.198419/283 dated 02.08.2024 forwarding the additional information in response to this Ministry's letter dated 22.05.2024. The point wise reply is given as under:

S. No.	Observations raised by the MoEF&CC, GoI on 22.05.2024	Reply submitted by the Govt. of Assam on 02.08.2024
1.	As per DSS analysis, Satellite imagery shows that the mineral has been excavated from the proposed forest land in the past. Details of approval along with status of compliance report	In this regard the State Govt. has informed that the Government of India, MoEF&CC has approved 0.25 ha. forest land for Bheleuguri Stone Mahal for a period of 10

	needs to be submitted.	(Ten) years vide letter No.8-5 (58-68)/99/RONE-AS/575 dated 26.09.2000.
2.	As per DSS analysis, KML file of the safety zone has not been uploaded on Parivesh portal. Moreover, its area has not been mentioned in the in the online Part-I form. Necessary corrections may be made in component wise detail in the online Part-I form and KML of safety may also be uploaded/submitted.	<p>In this regard the State Govt. has informed that the KML file of the safety zone (area 0.86 ha.) is enclosed herewith via email. However, the user agency is unable to modify the details in PARIVESH portal as the proposal is currently under process at the RO, Shillong.</p> <p>The above KML files has been examined by DSS cell of this Ministry.</p>
3.	As per DSS report, the legal status of proposed Non-forest land (NFL) for CA could not be examined with the help of DSS because the forest compartment boundaries for the State of Assam are not available on the DSS portal. In this regard the State Govt. may submit the above boundaries.	<p>In this regard the State Govt. has informed that the KML file of the Krungming Reserved Forest nearest to the proposed CA land (non-forest land) is enclosed herewith via e-mail.</p> <p>The above KML files has been examined by DSS cell of this Ministry, as per the DSS report Forest compartment boundary of non-forest land is not submitted.</p>
4.	As per DSS analysis, Satellite imagery shows that apart from three mines i.e. Bheleuguri, Baldenga and Langkaijuri, there are areas which have already been mined out. Details of approval along with status of compliance report needs to be submitted.	<p>In this regard the State Govt. has informed that apart from three location i.e. Bheluguri, Beldenga &amp; Lankaikjuri, there are three more diversion areas (Modertli Stone Mahal 2, Modertoli Stone Mahal 3 &amp; Modertoli Stone Mahal 4) which are approved by the Govt. of India, MoEF&amp;CC, Regional Office, Shillong vide letter Nos. 3-AS B 028/2017-SHI/3235-36 dated 17.12.2018, 3-AS B 016/2012-SHI/3881-82 dated 25.03.2013 &amp; 3-AS B 027/2017-SHI/3237-38 dated 17.12.2018.</p> <p>Further compliance has also submitted by the State Govt.</p>
5.	As per DSS analysis, Satellite imagery shows that there mining activity is being carried out in many places, hence a holistic and comprehensive Human Elephant Conflict Management Plan for Part of the Human Elephant Conflict Management Doboka Reserved Forest under	In this regard the State Govt. informed that the comprehensive Human Elephant Conflict Management Plan for Part of the Doboka Reserved Forest under

	<p>Plan for the entire landscape is required before consider the proposal in the Ministry.</p>	<p>Nagaon Forest Division.</p> <p><b>The conclusion of the above plan is given below:</b></p> <p>The success of this HEC management plan hinges on collaborative efforts, continuous monitoring and adaptive management. By protecting biodiversity, reducing conflicts and involving the community, we can ensure a harmonious coexistence between humans and wildlife in this ecologically significant region. Pertinently, the frontline staff of the forest department have consistently been prompt in responding to Human-Elephant Conflicts Wildlife enthusiasts and some local people have also extended their support repeatedly. However, elephants have adapted to the anti-depredation measures. They have become less shy around humans, formed smaller groups during depredation, making it harder for humans to intervene, adjusted their depredation activities to occur between evening and early morning, started using temporary hideouts after depredation, begun mating and giving birth in less secluded areas, identified anti-depredation vehicles, and learned to overcome solar fencing. To address these challenges, it is crucial to upgrade the forest department's technical capabilities in anti-depredation efforts. Implementing technologies such as Automated Early Warning systems and advanced gear can significantly improve conflict mitigation. Enhancing the Forest Division with new vehicles, tracking facilities, high-vision cameras, night vision goggles, and drone cameras, alongside robust monitoring facilities, will empower the department to manage human-</p>
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		elephant conflicts more effectively and motivate the workforce. By integrating these advancements and fostering community involvement, we can achieve a sustainable and peaceful coexistence between humans and wildlife in the region.
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xvi. The DIGF (C) Regional Office, Shillong submitted Site Inspection Report which was carried out on 26.03.2024, the recommendations and major findings is given below:

**(a) Recommendation of Regional Officer, Regional Office, Shillong along with detailed reasons:** The project is site-specific and the presence of stone is found in the proposed hillock and found nowhere in the nearby non-forest land. Considering the many infrastructure project of the state like highways, railways etc. the supply of boulders for the projects is essential. Hence, the project is recommended.

**(b) Regional Officer, Regional Office, Shillong shall give detailed comments on whether there are any alternatives examined for locating the proposal in non-forest land:** The proposal is site specific and boulders present here in the hillock of the RF are not prevalent in the nearby areas. The area has already been mined earlier also. In view of the high demand for boulders for various infrastructure project of the State the project does not have alternative site in non-forest area.

**(c) Utility of the proposal:** This proposed diversion project is for extraction of stone and boulder to meet the demand of government infrastructure projects and employment generation. The project is of great utility for the purpose of supply materials for the various infrastructure project of state including the ambitious Bharat Mala project of the Centre.

**(d) Situation w.r.t. any Protected Area:** The proposed forest area falls within the notified Elephant Reserve and the Nodal Officer, Govt of Assam recommended the following measures:

- (i) To adopt a comprehensive conservation measure to mitigate HEC. These should be funded from the collected cess of District Mineral Foundation Trust (DMFT).
- (ii) A complete restoration plan should be worked out and executed from the cess of Mines & Mineral Developments Restoration & Rehabilitation (MMDRR) Fund.
- (iii) Plans may be drawn up by the DFO concerned accordingly within 6 months of operation of the Mahal to be duly approved by the Chief Wildlife Warden.

The State Govt. informed that the Comprehensive Conservation Plan for mitigation of Human Elephant Conflict and Wildlife Conservation Plan will be submitted before the final approval.

xvii. **Any other information relating to the proposal:** Bheleuguri form one of the three mines viz., Lankaijuri, Bheleuguri & Beldenga located

nearby. As calculated from the DSS section, the distance of these mines are more than 500 meters from each other. The area which is being proposed is already mined area as seen on the field and as per GE. In the case of all the other mines, it is seen that the major area proposed for mining are on the rocky hillock from which the boulders/rocks could be mined. This is not the case in this proposal as maximum area is on the already mined portion. As per records it is seen that an area of 0.9 ha has been approved vide Regional Office Letter dated 26/09/2000. The area however appears to have been worked for more than 0.9 ha. Details of this may be seen at the monitoring report attached. It is observed that this area proposed is mined already and that it is planned for a supply of stone of 70,000 cum per year and 3,50,000 cum for 5 years, as indicated in the mining Plan. The quantity appears to be huge given that the area is already mined and some of the forest area which is included in the proposed area does not appear to have stones. It is feared that after 7.5 meters Safety Zone is carved out along the boundary of the proposed mine, the area left for mining may not suffice to meet projected production (350000 cum in 5 years) which may lead to mining from un- diverted area to meet the required target. State government should take utmost caution on this matter. Inside the proposed area, there is a PHE structure which appears to be abandoned. The DFO informed that the same is an illegal structure which was not granted by the Dept. DFO has confirmed that the structure is abandoned and with assurance of non- encumbrance for the diversion of the area.

The area is already disturbed having been mined in the past. Yet, the surrounding areas some forests exist and presence of some wildlife, like common jungle fowl (call heard during site inspection), wild boar etc., are reported. On visit to the site it is observed that through it was given on the proposal that No. (NIL) trees would be affected, it was noted that the area does have some trees within its easternmost portion and on the northern hillside portion appear to bear trees. Though some of them may come under the Safety zone, the same is required to be reflected in the proposal. The DFO, was requested to carry out re-enumeration of the area and the same has been submitted through the State Government letter eCF No.198419/202 dated 01.06.2024 submitted that total enumerated trees is nineteen (19 nos.) numbers of Teak trees out of which 11 trees are inside the safety zone of 7.5 meters of the proposed mining area and only the remaining eight (8) nos. of Teak trees falling outside the safety zone are to be felled in this proposal.

In view of the above observations this proposal is recommended with general conditions and the following:

- (a) The number of trees to be affected which was earlier written as NIL, should be corrected to 19, and the number of trees to be actually felled to be 8 (after excluding those falling under the safety zone).
- (b) The boundary of the CA land, if not demarcated on ground, should be demarcated immediately to avoid confusion and possible encroachment.

- (c) The State Govt. has to ensure that the Safety zone is demarcated, afforestation and kept intact throughout the operation of the mine.
- (d) In view of the proposed area being mined earlier and only a portion of the area is intact, State must ensure strict vigilance to ensure User Agency does not expand into the safety zone and beyond the proposed area to meet its production target 350000 cum in 5 years.
- (e) Regular monitoring of the project by DFO, CCF/CF to ensure strict adherence to conditions and reclamation regime.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong and Nodal Officer, Government of Assam. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Assam, the Committee decided to **defer** the proposal and observed the following:
- i. Recommendations of CWLW shall be submitted as the proposed area is falling within notified Elephant Reserve, and comments from Project Elephant Division of the Ministry shall also be obtained specially regarding the proposed area if falling in any identified corridor.
  - ii. The Regional Office, Shillong shall examine the three mines in close proximity to each other namely Bheluguri, Beldenga & Lankajuri from the perspective of cluster mining and submit a report with clear recommendations particularly on the compliance of safety zone and use of forest land for transportation of mined mineral.
  - iii. State Government shall submit a revised enumeration list of trees to be felled in the proposed area along with their species and diameters.
  - iv. The State Government shall submit a CA suitability certificate for the proposed CA site duly certified by officer not below the DCF/DFO.

## Agenda No. 2

**File No. 3-AS B-116-2022-GHY**

**Sub: Proposal for change in Compensatory Afforestation land- regarding.**

1. The above stated agenda item was considered by the AC in its meeting held on 23.09.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIGF (Central), Regional Office, Shillong and Nodal Officer, Government of Assam attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. State Government of Assam had submitted 7 proposals for drilling of exploratory location in Golaghat Division, Assam.

- ii. The said proposals were forwarded to the Ministry for approval, accordingly, the said proposals were placed before AC meeting held on 17.01.2024. After detailed discussion and deliberation with the DIGF (C), RO, Shillong and after going through the facts of the proposal, the Committee recommended all 7 proposals for approval and granting 'in-principle' approval of the Central Government under Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 in favour of Oil & Natural Gas Corporation Ltd., Jorhat for exploratory location Golaghat Division, Assam subject to the general, standard and certain specific conditions therein.
- iii. As per decision of AC in its meeting dated 17.01.2024, in-principle/Stage- I approval was accorded to all 7 proposals by the Ministry in favour of ONGC Ltd Jorhat. **It is pertinent to mention that the CA site for the said proposals were approved on DFL which is permissible under Rule 13 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.**
- iv. Later the State Government vide their letters dated 09.04.2024 and 10.04.2024 mentioned that a land bank of non-forest land has already been identified under Sonitpur District and the said land bank is being allotted for raising Compensatory Afforestation under the provisions of Van (SanrakshanEvamSamvardhan) Rules, 2023 for the instant proposals.
- v. The Details of the **new CA land on NFL** as provided by the State Government are as under:

Sl. No.	F. No.	Name of the proposal	Old CA details on DFL					New CA on NFL		
			CA area (ha)	Legal status	Range	Division	District	CA area (ha)	Legal status	District
	3-ASB/124 /2022/GHY	Proposal for diversion of 1.731 ha of forest land for exploratory location SPAA in Doyang Reserved Forest under Golaghat Division in favour of Oil & Natural Gas Corporation Ltd., Jorhat.	3.462	DFL	Sadiya	Doomdoma	Tinsukia	1.730	NFL	Sonitpur
	3-ASB/ 122/2022/ GHY	Proposal for diversion of 1.781 ha of forest land for exploratory location TLAB in Doyang Reserved	3.562	DFL	Sadiya	Doomdoma	Tinsukia	1.781	NFL	Sonitpur

		Forest under Golaghat Division in favour of Oil & Natural Gas Corporation Ltd., Jorhat.								
	3-ASB/117/2022/GHY	Proposal for diversion of 1.889 ha of forest land for drilling of exploratory location DPAB in DOYANG Reserved Forest under Golaghat Division in favour of Oil & Natural Gas Corporation Ltd., Jorhat.	3.778	DFL	Sadiya	Doomdoma	Tinsukia	1.881	NFL	Sonitpur
	3-ASB/121/2022/GHY	Proposal for diversion of 1.76783 ha of forest land for exploratory location TLAA in Doyang Reserved Forest under Golaghat Division in favour of Oil & Natural Gas Corporation Ltd., Jorhat.	3.53566	DFL	Sadiya	Doomdoma	Tinsukia	1.764	NFL	Sonitpur
	3-ASB/116/2022/GHY	Proposal for diversion of 1.8212483 ha of forest land for drilling of exploratory location SUAD in Doyang Reserved Forest under	3.6425	DFL	Sadiya	Doomdoma	Tinsukia	1.821	NFL	Sonitpur

		Golaghat Division in favour of Oil & Natural Gas Corporation Ltd., Jorhat.								
	3-AS B/125/2022/GHY	Proposal for diversion of 2.1 ha of forest land for exploratory location KSAI in Doyang Reserved Forest under Golaghat Division in favour of Oil & Natural Gas Corporation Ltd., Jorhat.	4.2	DFL	Lakhipathar	Digboi	Tinsukia	2.108	NFL	Sonitpur
	3-AS B/126/2022/GHY	Proposal for diversion of 2.2091 ha forest land for exploratory drilling location ELAJ in Doyang Reserved Forest under Golaghat Division in favour of Oil & Natural Gas Corporation Ltd., Jorhat.	4.4182	DFL	Sadiya	Doomdoma	Tinsukia	2.209	NFL	Sonitpur

- vi. In view of the above, State Government requested to kindly amend condition 2 (vii) of 'in-principle' approval accorded by Ministry's vide letters dated 09.02.2024 and 12.02.2024 changing the CA land from DFL to NFL.
- vii. The common Condition no. 2 (vii) of 'in-principle' approvals issued in the seven diversion Stage-I approvals are reproduced as under:

*"The State Government shall submit a certificate of non-availability of Non-forest land (NFL) for raising Compensatory Afforestation over the extent of the diverted area along with compliance of the 'in-principle' approval".*

- viii. Accordingly, the above request of the State Government in the seven proposals was considered together in AC meeting held on 30.04.2024. During the meeting, the Nodal Officer informed the Committee that an area of 830 ha of non-forest land has been identified as land bank from State Government of Assam.
- ix. The Committee was informed that out of 7 patches, Settlement, Road and Agriculture land are visible through satellite imagery in 4 patches i.e. proposals in Sl. No. 2,4,5,7 and in remaining 3 patches, only agriculture land is visible which are proposed for CA. The Committee was further informed that difference between area proposed for diversion and NFL area proposed for CA was observed in three proposals.
- x. The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Shillong and Nodal Officer, Government of Assam and after going through the facts of the proposal, decided that the proposal shall again be placed before AC after receipt of the following:
  - 1. The Regional Office shall undertake a Site Inspection of the CA lands identified by the State Government and submit a report to the Ministry with her clear recommendations regarding suitability of the CA land identified specially keeping in view the size of the land parcels and their manageability.
  - 2. The State Government shall identify a single patch of NFL cumulatively for the said seven diversion proposal and ensure that the CA land area is not lesser than the total area proposed for diversion. The State Government shall submit the CA scheme, site suitability certificate, KML file and DGPS maps for the said CA site.
- xi. The Committee was informed that the above decision of the Committee was communicated to the State Government and the Regional Office vide Ministry's letter dated 18.05.2024.
- xii. The Committee was further informed that the State Government vide letter No. eCF No. 234262/200 dated 27.08.2024 submitted a copy of CCF & Nodal Officer (FC Act), Assam letter dated 16.08.2024. The CCF & Nodal Officer (FC Act), Assam has stated in his letter that revised CA land comprising of cumulative patch of NFL for said seven nos. of diversion proposals of ONGC of cumulative area of 13.3 hais attached along with revised KML file, toposheet, Geo-referenced map, CA scheme and site suitability certificate.
- xiii. The Committee was also informed that CA scheme for an area of 13.3 ha inside the compensatory afforestation land bank of 830 ha of evicted non forest land adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division, Nagaon has been submitted along with suitability certificate.
- xiv. The Committee was informed that DSS analysis of new CA land was carried out and details are as under:
  - a. Compensatory afforestation land has been proposed in a single patch and its software-calculated area is found to be 13.313 ha.

- b. Entire area proposed for compensatory afforestation is classified as Non-Forest land.
  - c. The legal status of the proposed CA site can't be verified due to unavailability of Recorded Forest Area (RF/PF) boundary for the State of Assam on DSS.
  - d. Observation based on Google Earth: Cultivation land and settlement is visible in the proposed CA site.
- xv. Nodal Officer, Government of Assam who was present in the meeting appraised Committee that cultivation land and settlement visible in the CA site has been evacuated and the land is free from all sorts of encroachment and encumbrances and suitable to carry out CA plantation. The Committee accepted the submission made by the Nodal Officer, Government of Assam.
- xvi. The Committee was informed that site inspection report of the Regional Office, Shillong regarding suitability of the CA land identified specially keeping in view the size of the land parcels and their manageability is not yet received from the Regional Office, Shillong. The DIGF (Central), Regional Office, Shillong present in the meeting informed Committee that site inspection of CA land will be conducted soon and report with clear recommendations will be submitted at the earliest.
- xvii. The Committee was informed that the User Agency– ONGC Ltd Jorhat (a Central Government Public Sector Undertaking) was eligible for undertaking CA land on DFL under Rule 13(1) of the Comprehensive Guidelines dated 29.12.2023 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 states that
- Provided also in exceptional circumstances when the suitable land required for compensatory afforestation under this clause is not available and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the compensatory afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of the Central Government agencies or Central Public Sector Undertakings on case to case basis:*
- xviii. Furthermore, the Committee noted that the Assam State was eligible for raising compensatory afforestation over DFL since it has forest area more than 33% of their total geographical area. Extract of the Rule 13(4)(a) of the Comprehensive Guidelines dated 29.12.2023 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 reads as under:-
- Special dispensation for raising compensatory afforestation over degraded forest land, minimum double in extent, may be considered in respect of following proposals, namely- (a) in the States or Union territory Administrations, having forest area more than 33% of their total geographical area and a certificate on non-availability of suitable non-forest land for raising compensatory afforestation has been furnished by the State Government/Union territory Administration in the format specified under Schedule-III, appended to these rules;*

- xix. The Committee appreciated the request of the State Government in the instant seven proposals for change of **CA land from DFL to NFL** even though the proposal was granted CA land over DFL. The Committee recommended to accept the request of change of CA land from DFL to NFL in the already issued seven 'in-principle' approvals.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong and Nodal Officer, Government of Assam, **recommended** to accept the modification in CA land from DFL to NFL in the 'in-principle' approval already granted under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the Central Government for diversion of seven exploratory proposals in Doyang Reserved Forest under Golaghat Division in favour of Oil & Natural Gas Corporation Ltd., Jorhat.

Furthermore, the Committee stated that proposals for Stage-II shall only be considered provided that:

- i. A report of Regional Office regarding site suitability and land is free from encumbrances shall be submitted along with the compliance.
- ii. The NFL identified for CA is mutated in favour of forest department and declared as Protected Forest under the IFA or local Act.
- iii. The area identified for NFL is kept free from encumbrances and properly fenced and protected.

### **Agenda No. 3**

**Proposal no. FP/BR/Approach/149796/2021**

**Sub: Proposal for seeking ex-post facto approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.0195 ha forest land for construction of approach road for opening retail outlet of Reliance Jio bp Mobility Ltd. on the side of SH-15 Dehari-Nasriganj Road, Khata No.115, Plot No.208, Mauza – Sabdala, Thana – Nasriganj, Post - Nasriganj by Shri Vikalp in Rohtas district of Bihar State (Online No. FP/BR/Approach/149796/2021) – reg.**

1. The above stated agenda item was considered by the AC in its meeting held on 23.09.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Ranchi were present in the meeting. Nodal Officer, Government of Bihar was not present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Bihar vide their letter No. Van Bhumi-38/2022-606(E)/Pa.Va.Ja.Pa. dated 10.08.2022 submitted the above mentioned proposal seeking prior approval of the Central Government under

- Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to Regional Office, Ranchi.
- ii. Since the proposal involved violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Therefore, in view of the Ministry guideline dated 08.09.2022 the proposal was earlier forwarded to the Ministry (RoHQ Division) for further processing.
  - iii. The proposal is for construction of approach road for opening retail outlet of Reliance Jio.
  - iv. Two divisions i.e. Rohtas and Sasaram Forest Division involved in the proposed area.
  - v. Legal status of the proposed area is notified Forest and Density of the proposed area reported as 0.1.
  - vi. As reported, there are four trees in the front of the project area. Out of which, one tree (Eucalyptus-240 cm girth) falls in the entry route of the retail outlet. That is proposed for felling.
  - vii. As reported, details of violation and action taken are as under:
    - a. Details of violation: In this case the applicant has violated the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. An approach path has been constructed by the user agency i.e. Shri Vikalp to set up a retail outlet of Reliance Jio bp Mobility Ltd. This work has been done by the user agency without the approval of the Government of India, which is a violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
    - b. Action Taken: The State Government has informed that a crime report number 3251 and on the charge of violation, Forest Case Number – 20FC/2020 has been registered.
  - viii. With regard to raising compensatory afforestation, as the proposal is below 1 ha. Therefore the Plantation of 100 trees will be carried out in degraded forest land with total financial outlay of Rs. 7,55,315/-.
  - ix. The instant proposal was discussed in REC meeting of RO, Ranchi on 21.02.2023, 21.04.2023 wherein the Committee took the violation seriously especially because the DFO's report had explicitly emphasized intentional violation by the UA. As such, and also because the proposal is sub-judice, the Committee disapproved the forest diversions proposal and the Committee decided to reject the proposal.
  - x. The APCCF-cum-Nodal Officer, Bihar vide his letter No. FC/148/2021-492 dated 11.07.2023, has forwarded the project proponent request letter in which the User Agency has requested reconsideration on the rejection letter sympathetically. Thereafter the instant proposal was discussed in REC meeting of RO, Ranchi held on 31.07.2023 wherein the Committee acceded to the request the of State Forest Department and agreed to re-open the proposal and after protracted discussion decided to forward the proposal to Ministry (HQ, New Delhi) along with its recommendation for incorporating penal provisions towards the violation done in this approach road proposal.
  - xi. The RO, Ranchi has forwarded the instant proposal to the Ministry in view of the decision of REC and same was dealt and processed in RoHQ Division of the Ministry.
  - xii. Further, as per direction of Hon'ble Minister, MoEF&CC, the RO, Ranchi was requested to furnish clarification with regard to sub-judice

matter. In this reference, the Nodal Officer, Govt. of Bihar has informed that the case no. 20/2022 was instituted in the court of SDJM, Dehri at Sasaram and user agency has deposited a fine to the tune of 1500/- and case has been disposed of on 06.01.2024. Further, as the case has been decided by the Court and penalty imposed by court has already been realised, therefore there is no case pending related to the proposal.

- xiii. The committee observed that as per DSS analysis, there is no wildlife sanctuary, national park, tiger reserve and tiger corridor is located within 10 km distance from the proposed forest land for diversion. The instant proposal falls under Not-Inviolate zone or Not In-High conservation zone value as per the DSS Rule-I & II.
  - xiv. The committee also noted that RO, Ranchi has recommended the proposal with penal provisions.
  - xv. **The Committee also observed that the matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA will have to be as per the said guideline, if issued.**
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Ranchi the Committee recommended the proposal for grant of ***"in-principle"*** approval for diversion of 0.0195 ha forest land for construction of approach road for opening retail outlet of Reliance Jio bp Mobility Ltd. on the side of SH-15 Dehari-Nasriganj Road, Khata No.115, Plot No.208, Mauza – Sabdala, Thana – Nasriganj, Post - Nasriganj by Shri Vikalp in Rohtas district of Bihar State subject to the General, Standard and following Specific conditions:
- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
  - ii. **The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.**

#### Agenda No. 4

File No. FC/HPB/06/01/2024-N

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 1.9 ha. of Undermarked Protected Forest land in favour of Himachal Pradesh Public Work Department for Construction of road Bholi to Lower Bholi Gassour road km. 0/0 to 2/500 within jurisdiction of**

**Bilaspur Forest Division, District Bilaspur in the State of Himachal Pradesh (Online Proposal No. FP/HP/ROAD/37475/2018)- regarding.**

1. The above stated agenda item was considered by the AC in its meeting held on 23.09.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The APCCF-cum-Nodal Officer (Sanrakshan Evam Samvardhan) Government of Himachal Pradesh submitted the above mentioned proposal to RO, Chandigarh vide its No.FP/HP/MIN/37475/2018 dated 11.01.2024 through online to obtain prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. The proposed diversion area is 1.90 ha and the density of vegetation is 0.05 having Eco-class 5. Trees proposed to be felled in the proposal is 76.
  - iii. The component-wise break up of forest land is given as below:

S. No.	Component wise	Forest land (ha.)	Non-forest land (ha.)
1.	Road	1.534	0.11
2.	Dumping – I	0.15	0
3.	Dumping – II	0.1	0
4.	Dumping – III	0.072	0
5.	Dumping – IV	0.04385	0
6.	55 Meter Span R.C.C. pre-stressed Bridge	0	0.007
	<b>Total</b>	<b>1.89985</b>	<b>0.018</b>

- iv. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- v. The DFO, Bilsarpur has mentioned that violation over an area of 0.59 ha was done in the year 2003. It has been reported by the DFO, Bilaspur that the local people and panchayat has responsible of the violation. Further it is reported that road having length approximately 2360 mtrs and 2.50 mtrs. width had already been constructed without the approval of Competent Authority, which is clear cut violation of provisions of FCA, 1980. Keeping in view, the extent of violation,

damage on Account of breaking of land /digging of soil 5900 Sqm @ Rs. 250/- P/m<sup>2</sup> = 14,75,000/- & compensation charges @ Rs. 50/- P/m<sup>2</sup> = 2,95,000/- total amounting to Rs.17,70,000/- has been occurred. From the perusal of record pertaining to case, it reveals that this road, has been constructed a long time ago; as such it is not possible to fix the responsibility of officer/officials for commission/omission of any action leading to the violation of FCA, 1980.

- vi. The Committee was informed that the State Govt. has mentioned the current proposal constitutes a violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and it has been listed for approval in cases of road construction in compliance with the directions passed by the Hon'ble High Court of H.P. on 08.08.2013 and 05.09.2013 in CWP No. 5600 of 2012 a/w CWP No. 9797/2012 and COPC No. 56/2009. The proposals falling in the category where work has been executed earlier and is being sent for prior approval actually fall under the category of ex-post facto approval.
- vii. The KML files of area proposed for diversion and CA was analysed by the DSS cell and it was observed that calculated area of shape file/ KML file of Forest land proposed for diversion is 1.16 ha. whereas area proposed for diversion is 1.90 ha. There is a discrepancy of 0.74 ha. As per DSS decision rule no. 1 there is hydrological layer named Ali Khad. Wild Life Sanctuary named Gobindsagar is approx. 4.20 KM away from the proposed site. Need to revise DGPS map pdf because in the uploaded pdf the latitude -longitude of proposed dumping site is missing. Need to upload for the future reference and office record. Need to revise SOI Toposheet of CA land, as the uploaded pdf is without SOI Toposheet number.
- viii. Since violation was reported in the proposal, the proposal was forwarded by the Regional Office, Chandigarh to the Ministry as per provisions mentioned in Rule 10 (2) (v) of Van (Sanrakshan Evam Samvardhan) Rules, 2023. Accordingly, Regional Office, Chandigarh was requested to carry out site inspection and submit report to the Ministry as Rule 10 (4) of Van (Sanrakshan Evam Samvardhan) Rules, 2023 on 01.06.2024.
- ix. Further, the site inspection of the instant proposal was conducted by Technical Officer of Regional Office, Chandigarh on 30.07.2024 along with the officials of the State Forest Department and representatives of User Agency. Deputy Director General of Forests (Central) has recommended the proposal with following:
  - a. 0.59 ha area found constructed (kachha path) out of total 1.9 ha area. The proposal involves 1.9 ha forest land and 0.018 ha non forest land.
  - b. Kachha path having a length of approximately 2500 mtrs (2360 mtrs. in forest area and 140 mtr. in non-forest area) and width approximately 2.50 mtrs. found constructed. It is informed that by the officials that the same has been constructed a long time ago by villagers.
  - c. As per records, for the extent of violation, damage on a/c of breaking of land /digging of soil 5900 Sqm @ ₹250/- P/m<sup>2</sup> =

14,75,000/- & compensation charges @ ₹50/- P/m<sup>2</sup> = 2,95,000/- total amounting to ₹17,70,000/- has been occurred by the forest department.

- d. Since, the violation was committed before submission of proposal in year 2024, this appears to be a case of violation of the IFA 1927.
- e. The proposal is in the list of 2183 cases enlisted in Hon'ble High Court.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee decided to **defer** the proposal and observed the following:

- i. The State Government shall provide details of action taken against the violation as per provisions mentioned in consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023.
- ii. The State Government shall submit a detailed status report to the Regional Office in case of 2183 road projects for which directions have been passed by Hon'ble High Court of Himachal Pradesh including the detail of proposals already approved under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and the balance cases that are yet to be processed. The Regional Office shall examine the matter holistically and forward the same to the Ministry along with its comments/recommendations.
- iii. The State Government shall submit the revised KML file for proposed area for diversion along with details of the dumping site.

### Agenda No. 5

File No. FC/HPC/06/114/2022

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 3.9705 ha of forest land in favour of Himachal Pradesh Public Work Department for the construction of link road from Padyalag, Dohru, Maryani, Chandoh, Dadhol Kalan, Patta, Dikhut (Km 0/0 to 6/450), within the jurisdiction of Bilaspur Forest Division, District Bilaspur in the State of Himachal Pradesh. (Online Proposal No. Online Proposal No. FP/HP/ROAD/116532/2020)- regarding.**

1. The above stated agenda item was considered by the AC in its meeting held on 23.09.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis.

Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:

- i. The APCCF-cum-Nodal Officer (Sanrakshan Evam Samvardhan) Government of Himachal Pradesh submitted the above mentioned proposal to RO, Chandigarh vide its No.FP/HP/ROAD/116532/2020 dated 25.08.2022 through online to obtain prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- ii. The proposed diversion area is 3.9705 ha and the density of vegetation is 0.02 having Eco-class 5. Trees proposed to be felled in the proposal is 48.
- iii. The component-wise break up of forest land is given as below:

Name of Component		Forest Land(Ha)	Non-Forest Land (Ha)
1	RD 5/767 to 5/842	0.0451	0
2	RD 0/926 to 1/020	0.0564	0
3	RD 5/842 to 6/318	0.2858	0
4	Dumping Site 1	0.0526	0
5	Dumping Site 2	0.1316	0
6	Dumping Site 3	0.0337	0
7	Dumping Site 4	0.0188	0
8	Dumping Site 5	0.0489	0
9	RD 3/196 to 3/540	0.2068	0
10	RD 5/726 to 5/767	0	0.0245
11	RD 6/318 to 6/450	0	0.0793
12	RD 0/00 to 0/030	0	0.018
13	0/030 to 0/926	0.5377	0
14	RD 1/020 to 1/040	0	0.012
15	RD 1/040 to 1/149	0.0658	0
16	RD 1/149 to 1/219	0	0.042
17	RD 1/219 to 1/328	0.0658	0
18	RD 1/328 to 1/348	0	0.012
19	RD 1/348 to 1/931	0.3498	0
20	RD 1/931 to 2/733	0.4813	0
21	RD 2/733 to 3/002	0.1617	0
22	RD 3/002 to 3/196	0.1166	0
23	RD 3/540 to 5/714	1.3046	0
24	RD 5/714 to 5/726	0.0075	0

	<b>TOTAL</b>	<b>3.9705</b>	<b>0.1878</b>
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- iv. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- v. The DFO, Bilsarpur has mentioned that violation over an area of 1.5343 ha was done in the year 2005. It has been reported by the DFO, Bilaspur that the local people and panchayat has responsible of the violation. Further it is reported that a road having length approximately 6137 mtrs and 250 mtrs width had already been constructed without the approval of Competent Authority' which is clear cut violation of provisions of FCA,1980. Keeping in view, the extent of violation, damage on account of breaking of land /digging of soil 15343 Sqm @ Rs. 250/- P/m<sup>2</sup> = 38,35,6251- & compensation charges @ Rs. 50/- P/m<sup>2</sup> = 7,67,150/- total mounting to Rs. 46,02,775/- has been occurred. From the perusal of record pertaining to case, it reveals that this road has been constructed a long time ago; as such it is not possible to fix the responsibility of officer/officials for commission/ omission of any action leading to the violation of FCA,1980.
- vi. The Committee was informed that the State Govt. has mentioned the current proposal constitutes a violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and it has been listed for approval in cases of road construction in compliance with the directions passed by the Hon'ble High Court of H.P. on 08.08.2013 and 05.09.2013 in CWP No. 5600 of 2012 a/w CWP No. 9797/2012 and COPC No. 56/2009. The proposals falling in the category where work has been executed earlier and is being sent for prior approval actually fall under the category of ex-post facto approval.
- vii. The KML files of area proposed for diversion and CA was analysed by the DSS cell and it was observed the aerial distance of diversion area is 13.18 km from Gobindsagar, 18.77 km from Shri Nainadevi, 20.37 km from Bandli and 27.02 km from Majathal PAs/WLSs. The aerial distance of proposed DA area is 19.74 km far from nearest Eco Sensitive Zone of Bandli PAs/WLS as per the updated WLS/ESZ data provided by HPFD. DSS analysis of proposed area for diversion has Very Dense Forest of 1 ha. **It has been noted that the proposed dumping sites overlap with the proposed roads which may cause slight change in area and may be verified. The proposed area for CA is found to have Moderately dense Forest of 6 ha which may be verifiable.**
- viii. The Committee was informed that Regional Office in their site inspection report has mentioned that CCF reported that a total of 564 trees of different species are standing over the proposed area and the density of vegetation is 0.11 which is fit for raising CA. The area inspected and appears dense in some patches. Plantation of 7950 saplings in proposed CA area seems not possible.

- ix. Since violation was reported in the proposal, the proposal was forwarded by the Regional Office, Chandigarh to the Ministry as per provisions mentioned in Rule 10 (2) (v) of Van (Sanrakshan Evam Samvardhan) Rules, 2023. Accordingly, Regional Office, Chandigarh was requested to carry out site inspection and submit report to the Ministry as Rule 10 (4) of Van (Sanrakshan Evam Samvardhan) Rules, 2023 on 01.06.2024.
  - x. Further, the site inspection of the instant proposal was conducted by Technical Officer of Regional Office, Chandigarh on 31.07.2024 along with the officials of the State Forest Department and representatives of User Agency. Deputy Director General of Forests (Central) has recommended the proposal with following:
    - a. 1.5343 ha area found constructed (kachha path) out of total 3.9705 ha area.
    - b. The proposal involves 3.9705 ha forest land and 0.1878 ha non forest land.
    - c. Kachha path having length approximately 6450 mtrs (6137 mtrs. in forest area and 313 mtr. in non-forest area) and width approximately 2.50 mtrs. found constructed. It is informed by the officials that the same has been constructed a long time ago by villagers.
    - d. The extent of violation, damage on a/c of breaking of land /digging of soil 15343 Sqm @ Rs.250/- P/m<sup>2</sup> = 38,35,625/- & compensation charges @ Rs. 50/- P/m<sup>2</sup> = 7,67,150/- total amounting to Rs. 46,02,775/- has been occurred. by the forest department.
    - e. Since, the violation was committed before submission of proposal in year 2022, this appears to be a case of violation of the IFA 1927.
    - f. The proposal is in the list of 2183 cases enlisted in Hon'ble High Court which is placed at Sr. No. 209.
    - g. The CA area proposed in 7.95 ha. As per DSS analysis 6 ha area found in MDF. CCF reported that a total of 564 trees of different species are standing over the proposed area and the density of vegetation is 0.11 which is fit for raising CA. The area inspected and appears dense in some patches. Plantation of 7950 saplings in proposed CA area seems not possible.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee decided to **defer** the proposal and observed the following:
- i. The State Government shall provide details of action taken against the violation as per provisions mentioned in consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023.

- ii. The State Government shall submit a detailed status report to the Regional Office in case of 2183 road projects for which directions have been passed by Hon'ble High Court of Himachal Pradesh including the detail of proposals already approved under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and the balance cases that are yet to be processed. The Regional Office shall examine the matter holistically and forward the same to the Ministry along with its comments/recommendations.
- iii. The State Government shall submit a Revised KML file correcting the proposed dumping sites that overlap with the proposed roads.
- iv. The State Government shall submit revised CA land along with site specific CA scheme, suitability certificate and KML file since the proposed area for CA is found to have Moderately dense Forest of 6 ha and plantation of 7950 saplings in proposed CA area is not feasible as per site inspection report of the Regional Office.

### Agenda No. 6

File No. FC/HPB/06/141/2022

**Sub: Proposal for seeking ex-post facto approval of the Central Government undet Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.3122 ha of forest land in favour of HPPWD for the construction of link road from Chanjyar to Kaloh (kms 0/0 to 2/690) within the jurisdiction of Bilaspur Forest Division, Distt. Bilaspur, HP. (Online Proposal no. FP/HP/ROAD/145508/2021)- regarding.**

1. The above stated agenda item was considered by the AC in its meeting held on 23.09.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Himachal Pradesh vide letter No. Ft.48-5441/2021 (FCA) dated 23.09.2022 has submitted a proposal on the above-mentioned subject to obtain prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. The proposed diversion area is 3.9705 ha and the density of vegetation is 0.04 having Eco-class 5. Trees proposed to be felled in the proposal is 8.
  - iii. The component-wise break up of forest land is given as below:

Sl.No.	Component	Forest Land (ha.)	Non-Forest Land (ha.)
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1.	Dumping site	0.0226	0
2.	Road	0.2896	1.05
	<b>Total</b>	<b>0.3122</b>	<b>1.05</b>

- iv. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- v. The DFO, Bilsarpur has mentioned that violation over an area of 590 ha. It has been reported by the DFO, Bilaspur a road having a length of approximately 590 meters width was constructed a long time ago by local Gram Panchayat and residents. As such there is no record available in office about the action taken against violators.
- vi. The Committee was informed The Forest Land is required for the Construction of link road Chanjyar to Kaloh Km 0/00 to 2/690 in the state of Himachal Pradesh. Being constructed by Bharari, Sub-Division (H.P.). The length of proposed Road is 2/690 km, out of which 0.590 Km passes through forest land, 2.100 Km passes through the non-forest land. The land involve in this alignment is 1.3622 hectare (including Dumping Site) out of which 0.3122 hectare passes through forest land and 1.05 hectare passes through Non Forest Land. With the construction of this road there will be direct road to village Chanjyar, Kaloh and Babaili. Presently people of this area have to travel on foot. The road will provide facility to the people to cart their crops and other material. With the construction of this road a population of 910 souls will be benefited. But at present in the absence of the motor able road the people of these villages are facing great difficulties in carrying their cash crops timely to the market and also in carrying the essential commodities/ daily needs etc. They have to pay huge amount on account of manual carriage of cash crops and essential commodities, the local product cannot be sent to the well in time and the growers cannot get the proper values of their cash crops with the result it the people of the area are becoming poor to poorer day by day. Therefore, it is proposed that road is constructed which will not only provide transportation and travelling facilities but also help in providing other benefits viz. better health services, better education, business opportunities etc. Thus the population residing in the above said villages will be benefited in various ways by the construction of the said road.
- vii. The KML files of area proposed for diversion and CA was analysed by the DSS cell and it was observed the diversion area is 13.09 km away from Gobindsagar, 18.57 km away from Bandli and 18.73 km away from Shri Naina Devi PAs/WLSs. The proposed DA area is 17.92 km away from the nearest Eco sensitive zone of Bandli PAs/WLSs as per the updated WLS/ESZ data provided by HPFD. DSS analysis of proposed area for diversion has Very Dense Forest of 1 ha. **It has been noted that area**

**proposed for diversion is 0.3122 ha while the calculated area is 2.69 ha.**

- viii. Since violation was reported in the proposal, the proposal was forwarded by the Regional Office, Chandigarh to the Ministry as per provisions mentioned in Rule 10 (2) (v) of Van (Sanrakshan Evam Samvardhan) Rules, 2023. Accordingly, Regional Office, Chandigarh was requested to carry out site inspection and submit report to the Ministry as Rule 10 (4) of Van (Sanrakshan Evam Samvardhan) Rules, 2023 on 01.06.2024.
  - ix. Further, the site inspection of the instant proposal was conducted by Technical Officer of Regional Office, Chandigarh on 31.07.2024 along with the officials of the State Forest Department and representatives of User Agency. Deputy Director General of Forests (Central) has recommended the proposal with following:
    - a. 0.177 ha area found constructed (kachha path) out of total 0.3122 ha area (photo 1, 2 & 3).
    - b. The proposal involves 0.3122 ha forest land and 1.05 ha non forest land.
    - c. Kachha path having a length of approximately 590 mtr. and width of approximately 3 mtr. found constructed. It is informed that by the officials that the same has been constructed a long time ago by villagers.
    - d. As per records, for the extent of violation, damage on a/c of breaking of land /digging of soil 1770 Sqm@ ₹ 250/- P/m2 & compensation charges @ ₹50/- P/m2= 88,500/- total) amounting to ₹ 5,31,000/- has been occurred by the forest department.
    - e. Since, the violation was committed before submission of proposal in year 2021, this appears to be a case of violation of the IFA 1927.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee decided to **defer** the proposal and observed the following:
- i. The State Government shall provide details of action taken against the violation as per provisions mentioned in consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023.
  - ii. The State Government shall submit a revised KML file.

## Agenda No. 7

File No. 8C/HP/05/27/2021/FC

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980**

**in favour of Sh. Tepender Singh Saini, for non-forestry use of 6.2255 ha. of forest land for extraction of Sand, Stone and Bajri from Yamuna River, within the jurisdiction of Paonta Sahib Forest Division, District Sirmour in the State of Himachal Pradesh (Online Proposal No. FP/HP/Min/30477/2017).**

1. The above stated agenda item was considered by the AC in its meeting held on 23.08.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The DDGF (Central), RO, Chandigarh and Nodal Office, Government of Himachal Pradesh attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The State Government of Himachal Pradesh vide their letter No.Ft.48-3694/2017 (FCA) dated 06.03.2021 submitted the instant proposal to RO, Chandigarh of MoEFCC for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for **non-forestry use of 6.2255 ha. of forest land for extraction of Sand, Stone and Bajri from Yamuna River.**
  - ii. The Committee was informed that above proposal was considered by the AC in its meeting held on 04.07.2024. The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee decided to defer the proposal and observed the following:
    - a. The Regional Office, Chandigarh shall examine the extant proposal according to the Consolidated Guidelines 7.6 issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the Sustainable Sand Mining Management Guidelines (SSMMG 2016) and the Guidelines for Enforcement and Monitoring of Sand Mining (EMSMG 2020) issued by MoEF&CC. Furthermore, it shall examine the proposal as per the District Survey Report of Sirmour District and submit a consolidated report with recommendations to the Ministry.
    - b. The State Government shall submit the revised KML files for proposed area, revised KML for the safety zone and geo-referenced maps in the Parivesh portal.
  - iii. The Committee was further informed that the above observations were communicated to the State Govt. as well as Regional Office, Chandigarh vide this Ministry's letter dated 29.07.2024.
  - iv. The Committee was also informed that the Government of Himachal Pradesh vide their letter No.Ft.48-3694/2017 (FCA) dated 08.08.2024 forwarded additional information in response to this Ministry's letter dated 29.07.2024. The user agency has submitted the Revised KML files of the

proposed forest area, and safety zone along with geo referenced maps, it has been also uploaded in Para-C of Part-I in the Parivesh portal. Further, the user agency has also uploaded a copy of the DSR on the PARIVESH portal.

- v. The Committee was informed that in reference to point. no. 1 above, the Regional Office, Chandigarh vide letter dated 13.09.2024 has forwarded the report as directed by the Advisory Committee. The report of the same is given as under:

The proposal on the subject mentioned above was discussed in the Advisory Committee (AC) in its meeting held on 04.07.2024 wherein Advisory Committee directed that "The Regional Office, Chandigarh shall examine the extant proposal according to the Consolidated Guidelines 7.6 issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the Sustainable Sand Mining Management Guidelines (SSMMG 2016) and the Guidelines for Enforcement and Monitoring of Sand Mining (EMSMG 2020) issued by MoEF&CC. Furthermore, it shall examine the proposal as per the District Survey Report of Sirmour District and submit a consolidated report with recommendations to the Ministry".

In this regard it is submitted that "Enforcement & Monitoring Guidelines for Sand Mining 2020" as well as "Sustainable Sand Mining Guidelines, 2016" issued by Ministry requires preparation of District Survey Report (DSR), which is an important initial step before grant of mining lease. The guidelines emphasize detailed procedure to be followed for the purpose of identification of areas of aggradation/deposition, where mining can be allowed and identification of areas of erosion and proximity to infrastructural structures and installation where mining should be prohibited and calculation of annual rate of replenishment, allowing time for replenishment after mining.

As per District survey report of the Sirmour District, the details of the Area recommended for mineral concession and Mineable Minor Mineral Potential are given in the table below table:

Portion of the Yamuna River/Stream Recommended for Mineral Concession	Length of Area Recommended for Mineral Concession (Km)	Average Width of Recommended Area for Mineral Concession (In Metre)	Area Recommended for Mineral Concession (In Sq. metre)	Mineable Minor Mineral Potential (in Metric Ton) (60% of total mineral Potential)
From Downstream of Confluence with Tons River to Behral near Haryana and Uttar Pradesh Border	31	478	14818000	16803612

The project site and water level during the rainy season was cross checked based on the photographs taken on 11.09.2024. It was observed that barring the strip of the proposed diversion site falling between forest and river, most of the area is still not submerged during peak rainy days.

So far, as ensuring the compliance of procedure formulated in “Enforcement & Monitoring Guidelines for Sand Mining 2020” as well as “Sustainable Sand Mining Guidelines, 2016”, this has to be ensured by Government of Himachal Pradesh. The role of MoEF&CC comes in post environment clearance monitoring, according to which for category of “A” mines, Regional Office of MoEF&CC is entrusted to carry the environment clearance monitoring and for the category of “B” mines granted by SEIAA.

Further it is also informed that the mining may be allowed subject to the compliance of the procedures formulated in the Enforcement & Monitoring Guidelines for Sand Mining 2020” as well as “Sustainable Sand Mining Guidelines, 2016 including the condition laid down in the Environmental Compliance, by the project proponent and State Government.

- vi. The Revised KML files of the proposed forest area, and safety zone has been examined by the DSS cell of this Ministry, it was observed that the KML file of the safety zone is in the form of line feature. Therefore, its area cannot be verified.
  - vii. It was informed that the area proposed for diversion falls in the notified ESZ of the Col. Sher Jung National Park, and as per its notification, commercial mining, stone quarrying and crushing units are listed as prohibited activities. In this regard, it was noted that due clearance from SC NBWL is required.
  - viii. The Committee was informed regarding a court case pending before Hon’ble High Court of Himachal Pradesh in the matter of Gajendera Rawat vs UOI & Others in CWP No. 2516 of 2021 & CMP No. 4903 of 2021 dated 31.07.2024, wherein, Hon’ble High Court of Himachal Pradesh has referred to Hon’ble Supreme Court order in Civil Writ Petition No. 202/1995 directing that no mining activities should be carried out within ten kilometres radius of the Asan Wetland Conservation Reserve without the project proponent obtaining permission from the Standing Committee of National Board of Wildlife and/or Ministry of Environment, Forest and Climate Change. Further, the State of Himachal Pradesh has been directed to file a status report as to what action has been initiated against those persons who are carrying mining activities without the requisite permission on the next date of hearing.
  - ix. The Member Secretary informed the Committee that the said order of Hon’ble High Court is mentioned for reference and knowledge of the Committee. The order pertains to illegal mining in the area while the extant proposal seeks permission for mining. The Committee noted the same and agreed for submission made by Member Secretary.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh, recommended the proposal for grant of **‘in-principle’** approval for non-forestry use of 6.2255 ha. of forest land for extraction of Sand, Stone and Bajri from Yamuna River, within the jurisdiction of Paonta Sahib Forest Division, District Sirmour in the State of Himachal Pradesh subject to following conditions:

- i. The State Government shall submit comments of PCCF (Wildlife)/CWLW of Haryana since the proposed area is 2.10 Km away from Kalesar Wildlife Sanctuary, Haryana at the time of submission of compliance of the Stage-I.
- ii. The State Government shall seek approval of Standing Committee of National Board for Wildlife and submit the same along with Stage- I compliance report as the proposed area is in the notified ESZ of Sher Jung National Park, Himachal Pradesh.
- iii. Extraction of minor minerals shall be from the middle of the riverbed after leaving one fourth of the river bed on each bank untouched and it shall be responsibility of the DCF & CF of the area to ensure that mining is done leaving aside the banks of the river bed as specified..
- iv. The State Government shall obtain an expert opinion from an institute of repute, with regard to mining in Yamuna river, which will include the validation of DSR recommended for the mining of extant proposal.
- v. The State Government shall ensure that the revenue generated by the State Government from mining from the proposed area shall be utilised for forestry and conservation activities in the State. An undertaking to this effect shall be submitted.

Furthermore, the Committee stated that In-principle approval for the instant proposal shall be considered provided that the State Government submit a Valid Letter of Intent as the existing LOI has expired on 20.8.2024.

### **Agenda No. 8**

**File No. 8-84/2002-FC**

**Subject: Renewal of FC approval over 221.80 ha. of forest land in Jogimatti and Marikanive RF [Lakkihalli, Myakenahalli and nine (9) other villages] in Hosadurga, Hiriyyuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project in favour of Karnataka Renewal Energy Development Limited (KREDL) for sub-lease to M/s. Enercon (India) Limited [presently M/s. Wind World (India Limited)] on BOT basis (Online proposal no. FP/KA/WIND/43786/2020).-regarding Request for modification/change of condition Stage-II forest Clearance granted to Wind Power Project from existing lease grant of 15 years to 30 years.**

1. The above stated agenda was considered by Advisory Committee (AC) in its meeting on 23.09.2024. The corresponding details of the agenda may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with the examination of the proposal in the DSS were presented and explained by Member Secretary before the Advisory Committee (AC). Committee was also apprised of the relevant provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam (VSESA), 1980 Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer, Government of Karnataka was not present in the meeting, however, AIGF (Central) Regional Office Bengaluru was present in the meeting during the discussion of the above proposal.

4. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
- i. In past, the Government of Karnataka vide their letter No. FEE 99 FGL dated 17<sup>th</sup> June, 2002 forwarded the proposal to obtain prior approval of the Central Government under Section 2 1 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 221.80 ha. forest land for establishment of Wind Power project in favour of M/s. KREDL for sub-Lease to M/s. Enercon (India) Limited on BOT basis in District Chitradurga, Karnataka.
  - ii. The Principal Chief Conservator of Forests in his letter dated 21.05.2002 had recommended that the lease period for this project as 15 years and further extendable for another 15 years if the agency continues with the same technology in the area. The Managing Director, Karnataka Renewable Energy Development Limited, has requested the State to recommend the lease of forest land for establishing Wind Power Project for 30 years for all non-conventional Project developer which would be co-terminus with the license period without which the project promoter would be put to difficulty. Since the user agency M/s Karnataka Renewable Energy Development Limited (Government of Karnataka undertaking) being the Nodal agency for the Non-Conventional Energy projects in the state, and M/s Enercon (India) Limited is to establish the wind farms on Build Operate Transfer (BUT) Basis. It is now requested that the necessary permission may kindly be granted for lease the lands in question in favour of the User agency M/s Karnataka Renewable Energy Development Limited (Government of Karnataka undertaking) and further M/s Karnataka Renewable Energy Development Limited (Government of Karnataka undertaking) may intern sub - lease the area to M/s Enercon (India) Limited and its BOT end parties. As was approval given by the GoI MOEF in the letter No. 8-89/2000-FC dated 27.03.2001.
  - iii. It was requested by the State Govt. to approve the above proposal under Section 2 (1) (ii) of Van (Sarankshan Evam Sambardhan) Adhiniyam, 1980 for a period of 15 years.
  - iv. The Ministry accorded 'in-principle' approval on 09.08.2002 with the certain conditions.
  - v. Based on the satisfactory compliance report of the 'in-principle' approval letter dated 09.08.2002. The Ministry had accorded final approval on 02.04.2003.
  - vi. After issue of final approval letter a separate letter dated 27.05.2003 was issued by the Ministry and imposed an additional condition that "the period of permission for lease under the Forest (Conservation) Act, 1980 will be for a period of 15 years."
  - vii. After that a representation was received on 28.12.2022 from the Wind World India Limited, Karnataka requesting modification/change of condition Stage-II forest Clearance granted to Wind Power Project (PF/KA/WIND/43786/2020) from existing lease grant of 15 years to 30 years.
  - viii. The above representation was forwarded to the Govt. of Karnataka vide letter dated 27.01.2023 for examine and furnish their comments on the presentation.

- ix. In reference above the PCCF (HoFF) Government of Karnataka vide their letter E-office file No.KFD/HoFF/A5-2 (GFL)/143/2019-FC dated 01.04.2023 forwarded additional information in response to this Ministry's letter dated 27.01.2023 to the State Government.
- x. On the basis of the above request submitted by the Govt. of Karnataka, the proposal was considered/discussed in the Advisory Committee (AC) meeting in its meeting held on dated 18.05.2023. The Committee had detailed discussion and deliberation with Nodal officer, Karnataka and Regional Officer, IRO, Bangalore. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee made following observations:
- The proposal in the present proposition cannot be acceded to. However, the State Govt. may submit the detailed proposal for regularization and prior approval of the Central of the Central Govt. for renewal of the lease.
  - The State Government shall submit the details regarding the extension of the permission granted to operate the wind mill beyond 15 years and provide justification why this should not be considered as violation of FCA, 1980 and action taken in this regard as per the Act.
  - The CA land identified with respect to the instant proposal shall be declared as RF/PF within three months.
- xi. The above AC observations were communicated to the State Govt. vide this Ministry's letter dated 30.05.2023 and the Government of Karnataka vide their letter No. FEE 79 FLL 2023 dated 16.08.2024 forwarding the additional information in response to this Ministry's letter dated 30.05.2023. Further, the PCCF (HoFF) GoK vide letter No.KFD/HoFF/A5-2 (GFL)/143/2019-FC dated 11.01.2024 forwarding the point wise reply, the same is given as under:

<b>S. No.</b>	<b>Observations raised by the MoEF&amp;CC on 30.05.2023</b>	<b>Reply submitted by the Govt. of Karnataka on 16.08.2024</b>
1	The Proposal in Present Proposition cannot be acceded to. However, the State Govt. may submit detailed proposal for regularization and prior approval of the Central Govt. for renewal of the lease.	In this regard it is informed that the Renewal of FC lease proposal (FP/KA/WIND/ 43786/2020) has been verified by this Office and recommended to the Government of Karnataka vide this office letter dated 16.02.2023 based on the recommendation of the field officers.  The details of the proposal obtained from the field officers and the present status (Timeline) of the proposal obtained from the web portal are enclosed.
2	The State Govt. shall submit the details regarding the extension of the permission granted to operate the windmills beyond 15 years, and	In this regard it is informed that the KREDL had applied to Government of Karnataka for Forest clearance for establishing wind mills for 30 years in Chitradurga district. However, Government of Karnataka had recommended for a period of 15 years. Accordingly,

	<p>provide justification why this should not be considered as violation of FCA, 1980 and action taken in this regard as per the Act.</p>	<p>Government of India has accorded stage-II approval for a period of 15 years on 02-04-2003. The lease expired on 19-06-2018.</p> <p>The subsequent amendment to the Forest (Conservation) Guidelines were made in 2004, whereby the period of lease in case of windmills was changed from 15 years to 30 years. However, this amendment did not apply to the above lease, as no representation was received in this office from the user agency.</p> <p>In this regard, the orders for closure of the wind mills by the then Deputy Conservator of Forests, Chitradurga, is not available.</p> <p>After the expiry of the Forest Clearance in 19-06-2018, a letter was written by the Deputy Conservator of Forests, Chitradurga, to BESCOM on 04-01-2019 to hold back the amount payable to the company.</p> <p>Based on the Company's representation dated 05-01-2019, the Government of Karnataka (Energy Department), vide letter dated 25-01-2019, has directed this office to take action as per rules for permitting maintenance of machines.</p> <p>Further, M/s. Wind World (India) Ltd, vide letter dated 05-06-2020, once again requested this office to issue directions to DCF Chitradurga, to permit them to start the wind mills stating that if the wind mills are not worked for long time, the machines will get damaged. Further, they have submitted that revenue generated from existing wind mills are required for proper maintenance of these machines and hence they have requested to inform the BESCOM to release the revenue.</p> <p><b>Thereafter, permission was granted by the then Principal Chief Conservator of Forests (Head of Forest Force) as follows:</b>  <i>It is felt that the government interest under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 can be safeguarded if the Bangalore Electricity Supply Company (BESCOM) withholds the revenue likely to be shared with the User Agency for the</i></p>
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		<p><b><i>power generation to the tune of approximately ₹370.00 lakh as per a tentative estimation. If so, the windmills can be permitted to be run so that there is no disruption of power generation and minimum required maintenance of the machines can be permitted.</i></b></p> <p><b><i>Under the above circumstances, the following orders are issued on 24-07-2020 and 11-08-2020:-</i></b></p> <ul style="list-style-type: none"> <li><i>To Permit the User Agency to undertake the minimum maintenance of the windmills to keep them running, and,</i></li> <li><i>To inform the BESCOM to withhold an amount of ₹370.00 lakh from the power revenue due to User Agency till proper clearance under the Forest (Conservation) Act, 1980 is in place.</i></li> </ul> <p>PCCF (HOFF) wrote another letter to BESCOM on 07-11-2020 to withhold the amount of ₹370 lakhs, and remaining balance amount, if any, may be released. Further, to retain 10% of the amount payable towards power purchase from future bills and remaining 90% to be released to the User Agency till FC lease is extended.</p> <p>The User Agency has submitted the online renewal applications on 06-07-2018 and 15-11-2019 respectively, but they were found to be incomplete. Hence, they were returned by the Nodal Officer. The renewal online proposal was again submitted on 09-01-2020. The same was verified and accepted by the Nodal officer on 07-03-2020 and online link was transferred to DCF Chitradurga on 22-05-2020 for further processing of the proposal.</p> <p>APCCF (WL) and Nodal Officer who was in charge for Ballari Circle brought it to the notice of the PCCF (FC) &amp; Nodal Officer regarding the running of the above windmills in Chitradurga District under the orders of PCCF (HOFF) dated 24-07-2020.</p> <p>PCCF (FC) &amp; Nodal Officer called for a meeting immediately under the Chairmanship of PCCF (HoFF) on 07-05-2022, wherein PCCF (FC), APCCF (WP), APCCF (CAMPA), APCCF (Legal Cell), APCCF (NEP &amp; BM), APCCF (Wildlife and Nodal Officer Ballari)</p>
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		<p>APCCF (Administration and Coordination) and CCF Bengaluru (Ex CCF Ballari) were present. In the meeting it was decided to direct the CCF Ballari Circle to immediately suspend the operations of the windmills till further orders, as even after considerable lapse of time, the complete FC proposal has not reached this office for onward submission to the Government of India and to contact the BESCOM for withholding all further payments (copy of the proceedings is given).</p> <p>Accordingly, orders were issued by PCCF (HoFF) on 07-05-2022. The operation of the windmills was suspended on 07-05-2022 by the DCF Chitradurga Division (Copy is giev).</p> <p>In this regard User Agency approached the National Company Law tribunal, Ahmedabad, Division Bench and filed LA/473(AHM) 2022 in CP(IB) 14 of 2018 regarding suspension of the operations of the windmills. The National Company Law Tribunal directed this office to permit the operations of the wind turbines in Karnataka which were operated and maintained by Wind World (India) Limited. The Government of Karnataka approached the Hon'ble High Court of Karnataka against the order passed on 06-07-2022 by the National Company Law Tribunal, Ahmedabad, Division Bench.</p> <p>The Hon'ble High Court of Karnataka, vide order dated 13-04-2023, quashed the order of the National Company Law Tribunal, Ahmedabad Division and stated that <i>"the tribunal could not have acted as constitutional court to suspend the order or the proceedings of the State Government and permit functioning of the of the Windmill. All these are powers vested in the constitutional Courts and not the tribunal. The law in this regard is very clear that if there are statutory clearances to be given, those clearances cannot be given a go bye by an order of the tribunal. He would contend that the order of the Tribunal is one without jurisdiction and, therefore, the state need not approach the appellate tribunal against the impugned order, as on order which is without jurisdiction is a nullity in law"</i></p> <p>Further, Impugned order dated 06-07-2022</p>
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		<p><i>passed by the National Company Law Tribunal, Ahmedabad Division stands quashed. Consequently, I.A No.1 of 2023 also stands disposed.</i></p> <p>Conclusion: -</p> <ul style="list-style-type: none"> <li>• The windmills are already established and the area is already broken up.</li> <li>• It is also observed that there was a subsequent amendment to the Van (Sanrakshan Evam Samvardhan) Adhiniyam, Guidelines in 2004, whereby the period of lease instead was increased from the existing 15 years to 30 years. However, this amendment was not applied to the above lease as no representation was received in this office from the user agency for further processing.</li> <li>• The order of the PCCF (HoFF) dated 24-07-2020 and 11-08-2020 permitted the User Agency to undertake the minimum maintenance of the windmills to keep them running, to avoid disruption of power generation and at the same time for safeguarding the interest of the Government. It was informed to the BESCOM to withhold an amount of ₹370.00 lakhs from the power revenue due to the User Agency till proper clearance under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is in place.</li> <li>• <i>In view of the above, the permission granted to operate the windmills by the PCCF (HoFF) vide order dated 24-07-2020 and 11-08-2020 beyond 15 years may not be considered as violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.</i></li> </ul> <p><u>However, the user agency has violated the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by utilizing additional forest land i.e 45.272 ha outside the leased area [The total area allocated to the user agency was 221.80 ha, out of which 176.528 ha was utilized within the lease area and 45.272 ha was outside the lease area].</u></p> <p><u>In addition, the user agency has utilized an area of 35.082 ha within the approved lease</u></p>
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		<p>area but has deviated from the original land use. The total area utilization by the user agency remains 221.80 ha.</p> <p>Hence, appropriate penalty may be imposed for the above-mentioned encroachment and deviations as has been done in other cases in the past vide orders Nos. 4-KRC185/2006-BAN/1701 dated 09-03-2019, 4-KRC184/2006-BAN/1699 dated 09-03-2019, 4-KRC182/2006-BAN/1700 dated 09-03-2019 and 4-KRC188/2006-BAN/1697 dated 09-03-2019 in Hassan District.</p> <p>At present, BESCOM is holding ₹6.91 crore on behalf of Karnataka Forest Department which can be adjusted towards the penal charges as and when levied.</p>															
3.	The CA Land identified with respect to the instant proposal shall be declared as RF/PF within three months	<p>In this regard it is informed that the details of equivalent non-Forest land identified in Chitradurga district by User Agency for Compensatory afforestation details are as follows.</p> <table border="1"> <thead> <tr> <th>Village &amp; Taluk</th><th>Sy No.</th><th>Area in ha.</th></tr> </thead> <tbody> <tr> <td>Thodarnal, Holalkere</td><td>16,19</td><td>140.22</td></tr> <tr> <td>T.Nulenur, Holalkere taluk</td><td>46,50 &amp; 51</td><td>34.22</td></tr> <tr> <td>Yelukurnahalli Chitradurga taluk</td><td>21</td><td>47.57</td></tr> <tr> <td><b>Total</b></td><td></td><td><b>222.01 ha</b></td></tr> </tbody> </table> <ul style="list-style-type: none"> <li>Total 222.01 Ha of non-Forest land is mutated in favour of the Forest Department. The Details of CA land information, maps and KML file is CD are enclosed.</li> <li>The Plantation has been raised over an extent of 222.01 ha.</li> </ul> <p>Further, the Government of Karnataka vide Notification No. FEE 151 FAF 2013 dated 17-12-2013 ha notified an extent of 173.7 ha of CA land under Section 4 of the Karnataka Forest Act.</p> <p>The Government of Karnataka vide order No FEE FAF 2023 dated 20-12-2023 has declared an extent of 47.57 Ha in Sy No.21 of Yelukurnahalli Village, Aimangala Hobli, Hiriur</p>	Village & Taluk	Sy No.	Area in ha.	Thodarnal, Holalkere	16,19	140.22	T.Nulenur, Holalkere taluk	46,50 & 51	34.22	Yelukurnahalli Chitradurga taluk	21	47.57	<b>Total</b>		<b>222.01 ha</b>
Village & Taluk	Sy No.	Area in ha.															
Thodarnal, Holalkere	16,19	140.22															
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Yelukurnahalli Chitradurga taluk	21	47.57															
<b>Total</b>		<b>222.01 ha</b>															

		Taluk, Chitradurga District as protected Forest under Section 33 of Karnataka Forest Act 1963.
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xii. In addition to the above, the PCCF (HoFF) Govt. of Karnataka vide letter dated 11.01.2024 has also submitted the following information related to the instant proposal:

- i. The MoEF&CC, Government of India, had accorded the final (Stage-II) approval for diversion of 221.80 ha of forest land for establishment of Wind power project in favour of M/s. KREDL for sub lease to M/s. Enercon (India) Ltd. On BOT basis in Chitradurga District, Karnataka subject to certain conditions. Accordingly, the Government of Karnataka vide letter dated 20.06.2003, had accorded sanction for the forest lease for the above project for a period of 15 years. The FC lease period ended on 19.06.2018.
- ii. The KREDL had applied to Government of Karnataka for Forest clearance for establishing wind mills for 30 years in Chitradurga district. However, Government of Karnataka had recommended it for a period of 15 years. Accordingly, Government of India has accorded stage-II approval for a period of 15 years on 02.04.2003.
- iii. The subsequent amendment to the Van (Sanrakshan Evam Samvardhan) Adhiniyam Guidelines were made in 2004, whereby the period of lease in case of windmills was changed from 15 years to 30 years. However, this amendment did not apply to the above lease, as no representation was received in this office from the user agency.
- iv. In this regard, the orders for closure of the wind mills by the then Deputy Conservator of Forests, Chitradurga, is not available.
- v. After the expiry of the Forest Clearance in 19-06-2018, a letter was written by the Deputy Conservator of Forests, Chitradurga to BESCOM on 04-01-2019 to hold back the amount payable to the company.
- vi. Based on the Company's representation dated 05-01-2019, the Government of Karnataka (Energy Department), vide letter dated 25-01-2019, has directed this office to take action as per rules for permitting maintenance of machines.
- vii. Further, M/s Wind World (India) Ltd, vide letter dated 05-06-2020, once again requested this office to issue directions to DCF Chitradurga, to permit them to start the wind mills stating that if the wind mills are not worked for long time, the machines will get damaged. Further, they have submitted that revenue generated from existing wind mills are required for proper maintenance of these machines and hence they have requested to inform BESCOM to release the revenue.
- viii. **Thereafter, permission was granted by the then Principal Chief Conservator of Forests (Head of Forest Force) as follows:** *It is felt that the government interest under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 can be safe guarded if the Bangalore Electricity Supply Company (BESCOM) withholds the revenue likely to be shared with the User Agency for the power generation to the tune of approximately ₹370.00 lakh as per a tentative estimation. If so, the windmills can be permitted to be run so that there is no disruption of power generation and minimum required maintenance of the machines*

*can be permitted. Under the above circumstances, the following orders are issued on 24-07-2020 and 11-08-2020: -*

- *To Permit the User Agency to undertake the minimum maintenance of the windmills to keep them running, and*
  - *To inform the BESCOM to withhold an amount of ₹370.00 lakh from the power revenue due to User Agency till proper clearance under the Forest (Conservation) Act, 1980 is in place.*
- ix. The PCCF (HOFF) wrote another letter to BESCOM on 07.11.2020 to withhold the amount of ₹370 lakhs, and remaining balance amount, if any, may be released. Further, to retain 10% of the amount payable towards power purchase from future bills and remaining 90% to be released to the User Agency till FC lease is extended.
  - x. The User Agency has submitted the online renewal applications on 06.07.2018 and 15.11.2019 respectively, but they were found to be incomplete. Hence, they were returned by the Nodal Officer. The renewal online proposal was again submitted on 09-01-2020. The same was verified and accepted by the Nodal officer on 07-03-2020 and online link was transferred to DCF Chitradurga on 22-05-2020 for further processing of the proposal.
  - xi. APCCF (WL) and Nodal Officer who was in charge for Ballari Circle brought it to the notice of the PCCF (FC) & Nodal Officer regarding the running of the above windmills in Chitradurga District under the orders of PCCF (HOFF) dated 24-07-2020.
  - xii. PCCF (FC) & Nodal Officer called for a meeting immediately under the Chairmanship of PCCF (HOFF) on 07-05-2022, wherein PCCF (FC), APCCF (WP), APCCF (CAMP), APCCF (Legal Cell), APCCF (NEP & BM), APCCF (Wildlife and Nodal Officer Ballari) APCCF (Administration and Coordination), and CCF Bengaluru (Ex CCF Ballari) were present in the meeting it was decided to direct the CCF Ballari Circle to immediately suspend the operations of the windmills till further orders, as even after considerable lapse of time, the complete FC proposal has not reached this office for onward submission to the Government of India and to contact BESCOM for withholding all further payments (copy of the proceedings is given).
  - xiii. Accordingly, orders were issued by PCCF (HOFF) on 07-05-2022. The operation of the windmills was suspended on 07.05.2022 by the DCF Chitradurga Division.
  - xiv. In this regard User Agency approached the National Company Law Tribunal, Ahmedabad, Division Bench and filed IA/473(AHM) 2022 in CP(IB) 14 of 2018 regarding suspension of the operations of the windmills. The National Company Law Tribunal has directed this office to permit the operations of the wind turbines in Karnataka which were operated and maintained by Wind World (India) Limited.
  - xv. The Government of Karnataka approached the Hon'ble High Court of Karnataka against the order passed on 06.07.2022 by the National Company Law Tribunal Ahmedabad, Division Bench.
  - xvi. The Hon'ble High Court of Karnataka, vide order dated 13.04.2023, quashed the order of the National Company Law Tribunal, Ahmedabad Division and Stated that *"the tribunal could not have acted as constitutional court to suspend the order or the proceedings of the*

*State Government and permit functioning of the Windmill. All these are powers vested in the constitutional courts and not the tribunal. The law in this regard is very clear that if there are statutory clearances to be given, those clearances cannot be given a go by by an order of the tribunal. He would contend that the order of the Tribunal is one without jurisdiction and, therefore, the state need not approach the appellate tribunal against the impugned order, as an order which is without jurisdiction is a nullity in law”.*

- xvii. *Further, Impugned order dated 06-07-2022 passed by the National Company Law Tribunal, Ahmedabad Division stands quashed. Consequently, I.A No.1 of 2023 also stands disposed.*
- xviii. **Additional Information on change of Name of the User Agency:**  
The Government of India, Ministry of Corporate Affairs has certified that Enercon (India) Ltd, which was originally incorporated on Twenty second day of May two thousand three (22.05.2003) under the Companies Act, 1956 (No 1 of 1956) as Enercon (India) Ltd having duly passed the necessary resolution in terms of section 21 of the companies Act, 1956 read with Government of India, Department of Company affairs, New Delhi, Notification No GSR 507 € dated 24-06-1985 vide SRN B64732787 dated 01-01-2013 the name of the said company changed to Wind World (India) Limited. However, the User Agency has not obtained the transfer of name change from M/s Enercon (India) Ltd to M/s Wind World (India) Ltd as per Guidelines of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Hence, **User Agency is being instructed to change the name from M/s Enercon (India) Ltd to M/s Wind World (India) Ltd.**
- xix. Further, Hon'ble National Company Law Tribunal (NCLT), Ahmedabad, has ordered the commencement of a corporate insolvency resolution process against Wind World (India) Ltd. Under the insolvency and Bankruptcy Code 2016 on 20-02.2018.
- xx. In the meantime, M/s Wind World (India) Ltd, Wind World Towers, Veera Industrial Estate, Veera Desai Road, Andheri (West) Mumbai user agency in the present proposal) vide letter dated 11.07.2003 has (re) submitted a proposal (FORM-B PART-1) through FC web portal on 09-01-2020 seeking renewal of FC lease involving diversion of 221.80 hectare of forest land in Jogimatti and Marikanive RF [Lakkihalli, Mykenahalli and nine (9) other villages] in Hosadurga, Hiriyyuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project for approval under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The same was accepted by the Nodal Officer on 07-03-2020 for further processing under the Adhiniyam. After receiving the online Acknowledgement from the User Agency on 16-05-2020 for having delivered the hard copies of proposal to the Deputy Conservator of Forests, Chitradurga Division, the online link was forwarded to the Deputy Conservator of Forests, Chitradurga Division on 22-05-2020 for field verification and further processing under the Forest (Conservation) Act, 1980.
- xxi. **Location and Component –wise break up:** Location details of the Forest land Proposed for renewal of FC lease is given below:

District, Taluk Hobli	Village	Sy No.	Forest land proposed for diversion (ha)	Legal status of land
Chitradurga District Holalakere, chitradurga, Hosadurga & Hiriyuru Taluk, Talya, Kasaba, Chitradurga, Madadhakere Matthode, Javangondanahalli Hobli	Lakkihalli	16,17	10.927	Recorded Forests
	Mykenahalli	1	1.322	Reserved Forests
	kattehole	1,2	6.868	Deemed Forests
	Ittagehalli	47,53,100,101,103	62.685	Reserved Forests
	Haldyamanahalli	6,5,7	6.105	Deemed Forests
	Yelladakere	52,53,54,67	33.624	Reserved Forests
	Doddpur	10	12.86	Deemed Forests
	Kallehadlu	40	21.122	Jogimatti wild life sanctuary
	Thekalavatti	59,80,60	32.307	Reserved and Protected Forests
	Kolalu	112	0.846	Deemed Forests
	Yarehalli	15	9.014	Jogimatti wild life sanctuary
	Neralkere	100,102	7.894	
	Catchment area (Mallagondanahalli)& Thirumalapura	8,10	16.256	Reserved Forests
<b>Total</b>			<b>221.8</b>	

xxii. Component-wise breakup of the Forest land Proposed for renewal of FC lease is given below

Project Components		Forest land proposed for diversion (ha)
1	Platform area	46.818
2	Road	92.061
3	Road Curvature	7.756
4	Electric line	74.532
5	Vacuum Circuit Breaker (VCB) yard	0.542
6	Control room	0.091
<b>Total</b>		<b>221.80</b>

xxiii. **DCF, Chitradurga Division Report:** The Deputy Conservator of Forests, Chitradurga Division has inspected the spot on 24-11-2020 and 25-11-2022 and has submitted the Site Inspection Report, the details of the area along with the recommendation in PART-II of the

proposal vide letter dated 29.12.2022 to Chief Conservator of Forests, Ballari Circle. Main features of the proposal based on the DCF, Chitradurga Report r/w the report of the CCF, Ballari Circle and that of the ICT Centre of Forest Department are as follows:

- The forest land proposed for FC renewal is prone to soil erosion and fire.
- The forest land proposed for FC renewal is in general landscape of Eco- class-III (Moist Deciduous Forests) with a Canopy Density of 0.1 (Open Forest) in the area.
- As per item 4 (ii) of PART-II, there are no trees to be felled on the forest land proposed for diversion.
- Major wild animals found in and around the area include the Sloth bear, Leopard, Wild Boar, Spotted deer, Hare, etc.
- There are no rare/endangered/unique species of flora and fauna reported around the forest land proposed for FC renewal.
- The forest land proposed for FC renewal the Global Investor Meet (GIM) 1 project site area -76.149 ha (Coming under Chitradurga and Holalkere Ranges) forests is completely within the Jogimatti Wildlife Sanctuary (Core and ESZ) while Vani Vilas Sagar (VVS) project site area is far away from Jogimatti Wildlife Sanctuary (Core and ESZ).
- There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
- The forest area proposed for diversion is the bare minimum and unavoidable.
- There is a violation reported under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the user agency has utilized excess area and has deviated from the original area in the year 2005.

xxiv. **The CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has inspected the proposed area personally on 20-11-2022 and vide letter dated 30.12.2022 has submitted the Site Inspection Report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Chitradurga Division, the Chief Conservator of Forests, Ballari Circle has also recommended the proposal.

xxv. **Net Present Value (NPV):** The original lessee has paid an amount of ₹6,94,51,570/- (DD No. 338748 dated 13-04-2011 for ₹6,94,51,510/- and DD No. 061651 dated 13-04-2021 for ₹60/-) towards Net Present Value for 221.8 ha of forest land diverted earlier. The User Agency has submitted an Undertaking dated 02-08-2022 to pay the Net Present Value (NPV) of the forest land proposed for diversion.

xxvi. **Compensatory Afforestation (CA):** As per Condition No. 2 (b) of the previous FC approval (Stage-II approval dated 02-04-2003) of the Government of India, Compensatory Afforestation shall be raised equivalent non-forest land (221.8 ha) at the cost of User Agency. Accordingly, the original lessee has paid an amount of ₹1,20,32,400/- (DD No. 020421 dated 08-11-2002) towards CA charges for 221.8 ha of non-forest land. The Details of Compensatory Afforestation land are identified by User Agency are given below:

Sl No.	District Taluk and Hobli	Village	Survey number	In Ha	Mutation Status and date	Whether notified as RF/PF/Section 4 (Notification No and Date)
1	Chitradurga Holalkere Talya	Todarnal	16	28.33	21/2002-03, 24-02-2003	As per Govt Order No FEF 151 FAF 2013 dated 17-12-2013 declared as section 4 notified area
2		Todarnal	17	100.78		
3		Todarnal	18	7.85		
4		Todarnal	19	2.91		
		<b>Sub Total</b>		<b>139.86 ha</b>		
5		T. Nulenalur	46	11.76	21/2002-03, 24-02-2003	As per Govt Order No FEE 151 FAF 2013
6		T. Nulenalur	50	9.01		
7		T. Nulenalur	51	13.07		Dated 17-12-2013 declared as Section 4 notified area
		<b>Sub Total</b>		<b>33.84 ha</b>		
8		Yalkurnahalli	21	48.16	CA land Mutated vide order No. 01/2002-03 dated 03-09-2002	The Government of Karnataka vide Order No FEE FAF 2023 dated 20-12-2023 has declared an extent of 47.57 Ha is Sy No.21 of Yelukurahalli Village, Aimangala Hobli, Hiriur Taluk Chitradurga District as Protected Forest under section 33 of Karnataka Forest Act 1963
		<b>Sub Total</b>		<b>48.16 ha</b>		
		<b>Grand Total</b>		<b>221.8ha</b>		

xxvii. **SMC Charges:** The original lessee has paid an amount of ₹1,02,31,000/- (RTGS UBINH13168060096567585731/0090 DT 17-06-2013 for ₹10,00,000/- Out of ₹25,00,000/- paid vide Receipt No.66 dated 17.06.2013 of CAMPA ledger A/c) towards SMC charges for 60 to 70 percent of diverted ha of forest land diverted earlier.

xxviii. **Medicinal Plantation Charges:** As per Government of Karnataka order No FEE 139 FLL 2004 dated 24-09-2004 has additionally added 6 conditions out of that the Dwarf tree species and Medicinal Plant gardens is to be planted in available gaps in the wind farms at the cost

of User Agency. *However, the User Agency has not paid for the dwarf tree species and Medicinal Plant gardens charges till date.*

The User Agency has not paid the charges for Medicinal plants or Dwarf plants. As the intervening area has wind mill components such as platform, transmission lines, Vacuum Circuit breaker yard, Control room, internal roads for repairs and maintenance and the area is very rocky & not suitable for plantations. Hence, Medicinal and Dwarf plantation are not raised on the Project site.

However, the User Agency has submitted an undertaking to take up the plantation in future. The proceedings of the Meeting dated 04.04.2014 held under the Chairmanship of ACS (Forest Ecology & Environment Department), Government of Karnataka held to discuss issues relating to the plantation wherein it is stated that development of medicinal Plant Garden/ Planting of dwarf species of trees should be taken up wherever feasible.

- xxix. **RoFR Compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the user agency has not furnished the requisite certificate in FORM-II (for Non-Linear/Hybrid projects) issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. The User Agency is informed to obtain the said certificate in prescribed format and submit a copy.

- xxx. Forest land utilized vis –a-vis approved:

Forest land leased under FCA	Forest land Utilized by user Agency		
	Within approved lease	Outside approved lease	Total
	176.528	45.272	221.80

- xxxi. *\*As per DCF Chitradurga Division Report User agency has additionally utilized 35.082 ha of forest land within the approved area as deviation from the original land use.* The User Agency has utilized only 176.528 ha of forest land inside the approved lease area out of 221.8 ha. 45.272 ha of forest land has utilized outside the leased area.

- xxxii. **Compliance of previous FC approval:** The User Agency has uploaded the condition wise compliance report in PART-1 of the proposal uploaded through online.

- xxxiii. **Wildlife Clearance:** The area was first constituted as Jogimatti State Forest by the Government, his Highness the Maharaja of Mysore vide Notification A.F 144-Ft- 142-38-8 dated 8th July 1940 u/s 17 of Mysore Forest Act (XI of 1900) to an extent of 38.8 square mile or 10048.97 hectares or 100.48 square kilometres.

The forest has now been declared as Jogimatti Wildlife Sanctuary (WLS) vide notification no. FEE 77FWH 2015 Bangalore, dated 23rd December 2015 by the Forest Ecology and Environment Department,

Government of Karnataka and its Eco-Sensitive Zone (ESZ) was declared vide MoEF&CC notification dated 17.12.2021. At the time of grant of the Stage II Forest Clearance (F.no.8-84/2002 FC dated. 02.04.2003), the above mentioned Protected area status and ESZ declaration wasn't there. Also, the lease deed was signed between the Deputy Conservator of the Forests, Chitradurga Division and the lessee KREDL (Agreement no. 2/2003-04 dated dated 03.09.2003), for a period of 15 years and this was prior to declaration of reserve forest as a Jogimatti Wildlife Sanctuary.

The GIM 1 project site area-76.149 ha (Coming under Chitradurga and Holalkere Ranges) forests is completely within the Jogimatti Wildlife Sanctuary (Core and ESZ) while VVS project site area is far away from Jogimatti Wildlife Sanctuary (Core and ESZ). The User Agency will have to obtain the wildlife clearance for the proposal from the National Board for Wildlife. The User Agency is being informed once again to obtain such wildlife clearance for the project.

xxxiv. **Additional Information:** As per formal approval of Government of Karnataka order No FEE 99 FGL 2001 dated 20-06-2003 has put the condition No 11 i.e. out of 11 WEGs proposed to be erected in Sy No. 16 and 17 of Lakkihalli Village 02 WEGs (No E 67 and E 68) which are facing the VVSD at chitradurga shall not be erected in order to prevent soil erosion affecting the VVSD. Further, a specific direction was issued to realign the road proposed for the access to remaining 09 WEG, s ie E77 to E 69 form the aspect facing Vani Vilasa Sagara Dam (VVSD) to the other aspect of the ridge in above mentioned Survey No.s of Lakkihalli to prevent run off the soil to the reservoir. However, the User Agency has ignored this direction and executed the road in the originally proposed area in violation of the said conditions. In this regard Forest Offence case (FOC) is booked against User Agency on 11-12-2009.

Further, the issue of restarting the WEC,s the working of which was stopped by the Forest department, was discussed in the meeting dated 04-04-2014 held under the Chairmanship of the Additional Chief Secretary to Government, further, the Government of Karnataka vide letter dated 24-04-2014 permitted to start the stopped two windmills (WEC,s No E67 & 68) in the above project area that the User Agency shall pay penalty/fine if any that may be imposed by Government of India.

In view of the above circumstances and agreeing with the recommendation of the field officers, the State Govt. has requested for according 'in-principle' approval under the Van (Sanrakshan Evam Samvardhan). Adhiniyam, 1980 for renewal of FC lease of 221.80 hectare of forest land in Jogimatti and Marikanive RF [Lakkihalli, Mykenahalli and nine (9) other villages] in Hosadurga, Hiruyuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project in favour of Karnataka Renewable Energy Development Limited (KREDL) for sub-lease to M/s Enercon (India) Limited [presently M/s Wind World (India) Limited] on BOT basis

subject to change of name of the lessee from Karnataka Renewable Energy Development Limited (KREDL) for sub-lease to M/s Enercon (India) Limited [presently M/s Wind World (India) Limited] in the present proposal for a period of 30 years subject to submission of RoFR Compliance Certificate in FORM-II (for Non-Linear projects) and the conditions listed in Annexure 'A'. Appropriate penalty may be imposed for the encroachment and deviations carried out by the User Agency for violating Forest (Conservation) Act, 1980.

- xxxv. The Committee further noted that the UA has also submitted the representation vide letter dated 28.08.2024 with request to the modification in the condition in the Stage-II from 15 to 30 years.
- xxxvi. The Committee noted that the proposed forest land for renewal falls under Chitardurga district of Karnataka State and its software calculated area is found to be 218.851 ha whereas area proposed for renewal is 221.80 ha. Therefore, there is a discrepancy of 2.949 ha in the KML file. The surface of the proposed forest land is undulated in nature which led to the difference in the area given in the proposal and area coming from the KML file. The difference coming out to be 1.3% of the total area. Therefore, same may be considered.
- xxxvii. The Committee further noted that the proposed GIM1 site for renewal is falling in Jogimatti wildlife sanctuary.
- xxxviii. The Committee further noted that the out of total forest area proposed for diversion, 20 ha of land is classified as moderately dense forest, 75 ha as open forest, 43 ha as Scrub and 7 ha of land as Non-Forest (land without tree cover) in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019-2020.
- xxxix. The Committee further noted that the Compensatory afforestation has been identified over equivalent Non-forest/ Revenue land and its software calculated area is found to be 221.226 ha. The details of identified non-forest area for CA is given below:

CA details	Given Area (ha.)	Software calculated area (ha)
T Nulnur CA land	222	34.109
Thodarnal CA land		139.720
Yelakuranahalli CA land		47.397
<b>Total</b>	<b>222</b>	<b>221.226</b>

- xl. The Committee further noted that the out of total area proposed for CA, 45 ha. of land is classified as open forest, 79 ha as Scrub and 97 ha of land as Non-Forest (land without tree cover) in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019-2020.
- xli. The Committee further noted that the old Plantation, cultivation land and un-metalead road is visible in the CA site viz. T Nulnur and Thodarnal CA site. Further, no plantation is visible in Yelakuranahalli CA site.
- xlii. The Committee further noted that the as the KML file/layer for Uttare Gudda WLS is available on the DSS, the area falling in this WLS is not mapped.
- xliii. The committee further noted that the proposal was considered earlier in the AC meeting held on 18.05.2023 and as per the observations of the AC, the State Govt. has submitted the proposal. The State Govt.

has requested for according 'in-principle' approval under the Van (Sanrakshan Evam Samvardhan). Adhiniyam, 1980 for renewal of FC lease of 221.80 hectare of forest land in Jogimatti and Marikanive RF [Lakkihalli, Mykenahalli and nine (9) other villages] in Hosadurga, Hiruyuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project in favour of Karnataka Renewable Energy Development Limited (KREDL) for sub-lease to M/s Enercon (India) Limited [presently M/s Wind World (India) Limited] on BOT basis subject to change of name of the lessee from Karnataka Renewable Energy Development Limited (KREDL) for sub-lease to M/s Enercon (India) Limited [presently M/s Wind World (India) Limited] in the present proposal for a period of 30 years subject to submission of RoFR Compliance Certificate in FORM-II (for Non-Linear projects) and the conditions listed in Annexure 'A'. Appropriate penalty may be imposed for the encroachment and deviations carried out by the User Agency for violating Forest (Conservation) Act, 1980. The proposal along with information is received in accordance with the observations of the AC and the same may be considered in the AC.

- xliv. The committee further noted that the instant proposal basically involves the following aspects as per examination of the proposal and information received from the State Govt.:
  - Extension of FC approval period from 15 years to 30 years.
  - Ex-post facto approval for utilization of 45.272 ha shifted from the boundary of originally diverted area (in the year 2005; referred as encroachment by the State Govt., however the net area utilized by the UA remained the same i.e. 221.80 ha) and land use change of 35.082 ha area (deviation from originally proposed land use).
  - Change in the name of the sub lessee of the User Agency (sub-lessee) i.e. Karnataka Renewable Energy Development Limited (KREDL). Change in name of sub-lessee from M/s Enercon (India) Limited to M/s Wind World (India) Limited.
- xliv. The committee further noted that the proposal under consideration is for extension of FC approval from 15 years to 30 years in respect of the already granted FC approval on 02.04.2003.
- xlvi. In this regard it may be noted that the as per the Hand Book of CONSOLIDATED GUIDELINES AND CLARIFICATIONS issued under VAN (SANRAKSHAN EVAM SAMVARDHAN) ADHINIYAM, 1980 and VAN (SANRAKSHAN EVAM SAMVARDHAN) RULES, 2023 under Chapter 8 clause 8.3 (vii) that: "The forest land will be leased in favour of the developers for a period as per para 2 (hh) of the Central Electricity Regulatory Commission Renewable Energy Tariff Regulations 2020 without payment of any lease rent. Within a period of 5 years of Stage-II approval, the developer shall apply for transfer the approval/lease in the name of investors/power producers, for prior permission of the Central Government following the procedure for transfer of User Agency. Transfer fee will be regulated as per provisions given in Chapter 5 of the Handbook".

- xlvi. The committee further noted that the as per the CERC notification the minimum useful life of the wind power project is 25 years.
- xlvi. The committee further noted that the UA has submitted a copy of agreement between Govt. of Karnataka & Enercon (India) Ltd, and as per point 2 of the said agreement 'the lease period is long enough to enable him to operate the wind mill farm over its entire life time'.
- xlix. The committee further noted that this Ministry guideline dt 14.05.2004 at para (v) states that: - .... the lease period initially shall be for a period of 30 years.
- I. The committee further noted that the PCCF has informed that in many wind mill cases, Government of India has granted lease period for 30 years;
  - ii. The committee further noted that the CA has already been raised by the SFD. The State Govt. has notified the CA area as RF/PF and submitted the copy of the notification in the vernacular language and true translated copy in English. The NPV payment has already been paid by the UA in the year of 2011.
  - iii. The committee further noted that the Govt. of Karnataka has recommended for appropriate penalty for the deviations carried out by the user agency. The user agency has given an undertaking to comply all the conditions imposed in this regard. Further, it is to be noted that BESCOM Karnataka has withhold apporx. ₹6.9 crore to safeguard the interest the forest department against any potential levies and penalties.
  - liii. The committee further noted that the user agency has complied with all the conditions stipulated in the approval letter dated 02.04.2003 by the Central govt. However, the Govt. of Karnataka has imposed additional conditions and it has been reported that the UA has not complied with one of the condition for 8-84-2002-FC I/82561/2024 which the State Forest Department has already booked an offence.
  - liv. The committee further noted that at the time of the grant of the approval during 2003, the area is under consideration for renewal was not the part of the any wildlife sanctuary. However, now the complete area is coming the the WLS "Jogimatti Wildlife Sanctuary" (notified on 23.12.2015) and Uttaregudda Wildlife Sanctuary (notified on 31.12.2022). The ESZ notification of the "Jogimatti Wildlife Sanctuary" has also been issued by the Ministry vide notification dated 17.12.2021. In this ESZ notification it has been mentioned at Para 4 (B) (26) permitted activities and (c) (41) Promoted activities that:

<i>S. no. of the ESZ notification</i>		
26	<i>Use of renewable energy sources for subsistence use</i>	<i>permitted under applicable laws for use of locals</i>
41	<i>Use of renewable energy and fuels.</i>	<i>Bio-gas, solar light, etc. shall be actively promoted.</i>

- iv. The committee further noted that further, it may be noted that the UA has submitted the proposal for approval of the SCNBWL (WL/KA/WINDPOWER/428759/2023). As per the WL clearance proposal  $97.762 + 47.889 = 145.61$  ha area of the proposed forest land is falling under Uttare Gudda WLS and ESZ of Uttare Guda WLS. An area of 72.254 ha area is falling under the Jogimatti WLS and ESZ of

Uttare Gudda Wildlife Sanctuary" and 3.895 ha of area is comes ESZ of Jogimatti WLS.

- lvi. The proposal was considered in the 77th meeting of SCNBWL held on 30.01.2024 under the chairmanship of the Hon'ble Minister of EF&CC. In this meeting it has been decided that the Ministry shall issue policy guidelines for consideration of project proposals by the Standing Committee only after receipt of FC. Therefore, the proposals referred in para 3 above should be accompanied with reference regarding receipt of forest clearance under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The Guidelines were issued on 18.03.2024 by the WL Division of this Ministry.

**12.4 Proposals located within the Protected Areas:** *The proposals, involving entire forest land located in one or more Protected Areas, would be considered for grant of 'in-principle' approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, only after obtaining the recommendation of the SC-NBWL, permitting use of forest land for non-forestry purpose, has been obtained.*

**12.5 Proposals located both within and outside the Protected Areas:** *The proposal involving forest land located both within and outside the Protected Areas, the 'in-principle' approval can be granted in the portion of land outside the Protected Area provided that the Stage-II in such proposals will be given only after recommendation of SC-NBWL. Further no working permission after Stage-I will be admissible in such cases to avoid fait accompli situation.*

**12.6 Proposals located in the Eco-Sensitive Zone (ESZ) of a Protected Areas:** *The proposals located in ESZ, requiring approvals under the Adhiniyam as FC-11/118/2021-FC I/76381/2024 well as Wild Life (Protection) Act, 1972, would be processed simultaneously.*

- lvii. In view of the recommendation by SCNBWL and above guidelines issued by the Ministry, following is submitted for consideration:
- It may be noted that the instant proposal is for renewal/extension of FC approval beyond 15 years as initially stipulated in the year 2003. Now the user agency is requesting to extend the said validity for total 30 years at par with other similar proposals of wind mills granted in the same State.
  - It may be noted that the proposal is basically for change/modification in the condition stipulated in the final approval which specifies the validity for 15 years to 30 years. The representation in this regard was earlier deliberated in the AC meeting dated 18.05.2023.
  - Further, it is mentioned that the UA is not seeking any expansion or modification in the existing unit. No additional land has been sought by the user agency and the user agency after the renewal

will be utilized the exiting unit only. The unit is in existence prior to notification of the said land parcel as WLS (in 2015 Jogimatti WLS and in 2022 Uttare Gudda WLS).

- The user agency has applied for the renewal/extension in the year 2020 (09.01.2020) and the application was accepted by the State Nodal Officer on 07.03.2020.
- Further, the user agency has submitted wildlife conservation plan for area falling in the both WLS. It is also to note that the period of 15 years was stipulated as an additional condition vide a specific letter dated 27.05.2003.
- It may also be noted that the above guidelines were generic in nature and the instant proposal is specifically for extension of period of existing FC approval for an existing unit. Further, the SCNBL has also asked the UA to get FC approval before considering the approval for Wildlife Clearance. However, as the UA has already applied in past for SCNBWL approval and the SCNBWL approval may be sought by the UA as per their submitted application once the period of FC approval is extended.
- In view of the above, the extension of FC approval beyond 15 years may be considered for a period of 25 years as per CERC notification and extant guidelines of the Ministry with regard to wind mill projects, subject to the approval of the SCNBWL.

lviii. The Committee further, noted that the matters related to violation of Adhiniyam and guidelines: There are two issues so far as violations are concerned.

(1) With regards to reported deviations/encroachment (shift) by the user

agency with respect to shift the in land and carrying out land use change. In this matter, as proposed by the State Govt. imposition of penal NPV twice the normal NPV for the area utilized in deviation of the original area/land use may be considered as per para 1.16 (iii) of the Hand Book of consolidated guidelines and clarifications issued under van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and van (Sanrakshan Evam Samvardhan) Rules, 2023 under Chapter 1.

(2) The permission granted by the then PCCF & HoFF as elaborated above and replied by the State Govt. prima facie, amounts to violation of Adhiniyam 1980. In this regard, action under section 3B read with 3A of the Adhiniyam, 1980 may be considered.

lix. As the proposal also involves change in the name of the sub-lessee of the User Agency, which may be dealt as per the Para 5.2 of the Handbook of Van (Sanrakshan Evam Samvardhan), Adhiniym, 1980 and Van (Sanrakshan Evam Samvardhan), Rules, 2023.

**14. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with regard to the above proposal. After going through the facts of the proposal and submissions made, the committee decided to **defer** the proposal for want of following:

- i. *The RO Bengaluru shall provide the site inspection report.*
- ii. *The Regional Office shall examine the reported violation and also initiate the action for reported violation under Section 3B read with 3A of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.*

### **Agenda No. 9**

**File no. FC-I/MH-353/2023-NGP**

**Subject: Proposal for seeking ex-post facto approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 3.36 ha Forest land in favour of National Highway Authority of India Solapur, for four laning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra (Online No. FP/MH/ROAD/42876/2019) - regarding.**

1. The above stated agenda item was considered by the AC in its meeting held on 23.09.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The AIGF, RO, Nagpur as representative of RO, Nagpur were present in the meeting. Nodal Officer, Government of Maharashtra was not present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Maharashtra vide their letter no. FLD-2223/CR-238/F-10 dated 24.08.2023 has forwarded the proposal on the above cited subject to obtain prior approval of the Central Government, in terms of the Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to the Regional Office, Nagpur.
  - ii. The proposal is for ex-post facto approval due to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and the proposal has been forwarded by the Regional Office, Nagpur to the Ministry in view of Ministry Guideline No FC-11/118/2021-FC dated 27.12.2023.
  - iii. Legal status of the proposed area is Reserved and Unclassed Forest and Density of the proposed area reported as 0.1 with total 190 no. of project affected trees.
  - iv. As reported, details of violation and action taken are as under:
    - a. Details of violation: In this case, the applicant has violated the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as the Project Authority has carried out Construction of the carriage-way of the road without the approval of the Government of India.

- b. Action Taken: The construction work of four lanning of Pune-Solapur section NH-9 from Km. 144.00 to Km. 249.00 completed on forest land between 17 August 2012 to 15 December 2012 by PIU, NHAI- Solapur. The DCF, Solapur issued show cause notice to Mr. M. S. Bokfode, then Range Forest officer- Mohol, responsible for this violation. However no proceedings under section 3A and 3B have been initiated.
- v. Compensatory afforestation has been proposed over 6.72 ha degraded forest land.
- vi. The RO, Nagpur has submitted the Site Inspection Report wherein it has been reported that work/construction over an area of 1.23 ha out of proposed 3.36 ha has been already carried out in the year 2012. Further, RO, Nagpur recommended as under:
  - a. The State Government shall provide equal non-forest land for undertaking CA. Currently degraded forest land has been proposed for CA.
  - b. The State Government shall initiate proceedings under section 3A and 3B against the violative diversion order passed by the District Collector, Solapur.
- vii. The committee observed that as per Van (Sanrakshan Evam Samvardhan) Amendment Rules, 2024 published in gazette on 20.09.2024 it has been mentioned that *"Provided also in exceptional circumstances when the suitable land required for compensatory afforestation under this sub-rule is not available, the compensatory afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of the Central Government agencies or Central Public Sector Undertakings or captive coal blocks of State Public Sector Undertakings on a case to case basis"*. Therefore, in view of Van (Sanrakshan Evam Samvardhan) Amendment Rules, 2024 the CA proposed over 6.72 ha degraded forest land is accepted against the proposed diversion of forest area as the user agency (NHAI) is Central Public Sector Undertaking.
- viii. The committee also found that as per as per DSS analysis the proposed forest land for diversion is located within Great Indian Bustard Wildlife sanctuary and the instant proposal falls under Inviolate or In high conservation zone (HCV) category as per the DSS Rule-1 because instant project is located within the Great Indian Bustard Wildlife sanctuary.
- ix. The committee noted that DCF, Solapur has mentioned that proposed area for diversion is passing through Great Indian Bustard Wildlife Sanctuary and NBWL in their 18th Meeting dated 12.04.2010 granted the clearance for the said proposal. However, copy of approval of SC-NBWL specific to the instant proposal has not been submitted. The Committee also observed that as per the guidelines dated 08.07.2024 issued by the Ministry, the approval of SCNBWL is required before issuing the Stage-1/In-principle approval in case of proposals completely falling within the protected areas.

4. **Decision of Advisory Committee:** The Committee had detailed discussion and deliberation. After going through the facts of the proposal, the Committee

**deferred** the proposal for diversion of 3.36 ha Forest land in favour of National Highway Authority of India Solapur, for four laning of Pune-Solapur section of NH-9 in Km 144/400 to Km 249/000 at Village Pakhani, Chikhali, Hivare, Dist. Solapur in the State of Maharashtra for want of following information:

- i. The recommendation of the SCNBWL for the use of forest land for the construction of the proposed road within the Wildlife Sanctuary shall be submitted.

### **Agenda No. 10**

**File No. 8B/RAJ012/2023-JPR**

**Sub: Diversion of 0.175 ha of forest land in favour of ABC Solar (INDIA) Private Ltd. for Construction of 220 KV S/C Transmission Line on D/C towers laying between proposal ABCSIPL 300 MW Solar Power Plant to PGCIL 765/400/220kV GSS at Near Village - Badi Sird, Tehsil- BAP, District - Jodhpur in the State of Rajasthan ((Total Length 11.540 km) (Proposal No. FP/RJ/TRANS/153699/2022).**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 23.09.2024. The corresponding details of the agenda may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). DIGF (Central) Regional Office, Gandhinagar and Nodal Officer, Government of Rajasthan was present in the meeting during the discussion of the above proposal.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by Member Secretary before the Advisory Committee (AC). Committee was also apprised of the provisions under Adhiniyam, other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Rajasthan has uploaded the proposal for diversion of 0.175 ha of forest land in favour of ABC Solar (INDIA) Private Ltd., Hyderabad for Construction of 220 KV S/C Transmission Line on D/C towers laying between proposal ABCSIPL 300 MW Solar Power Plant to PGCIL 765/400/220kV GSS at Near Village - Badi Sird, Tehsil- BAP, District - Jodhpur in the State of Rajasthan on PARIVESH portal vide proposal No. FP/RJ/TRANS/153699/2022 on 27.04.2023 for seeking ex-post facto approval of Central Government under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The proposal has been forwarded by Sub-Regional Office Head, Jaipur.
  - ii. The Advisory committee observed that as per Van (Sanrakshan Evam Samvardhan) Adhiniyam Rules 2023 (Rule 10 (2) ((v), stated that ex-post facto approval involving violation of the provisions of the Adhiniyam; shall be examined and disposed of by the Central Government in the manner specified under these rules. Further, it is stated that the "Site inspection report shall be prepared for proposals specified in sub-rule (2) by the Regional Office and the same shall be submitted to the Central Government for consideration by the Advisory Committee". In the instant proposal,

the Site Inspection Report has not submitted by Regional Office, Gandhinagar. However, the proposal has been recommended by REC.

- iii. Total forest area involved in the proposal is 0.175 Ha and Non-Forest area involved in the proposal is 40.2150 Ha.
- iv. Legal status of the forest land is Protected Forest having density 0.1 and Eco--class 4. Five (5) number of tree felling are involved in the proposal.
- v. The State Govt. informed that the proposal involves the violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as the Transmission line has been charged in lieu that the proposal has been submitted to State Government.
- vi. The State Forest Department has registered case against the User Agency as per the provisions of Rajasthan Forest Act,1953 and a fine of Rs 75000/- has been realized from the user agency.
- vii. Compensatory afforestation has been proposed to be carried out over 0.50 ha area of Degraded Forest Land (DFL) in Mandore Range in Jodhpur Forest Division. The total CA scheme is of amount ₹1.78 lakhs. CA scheme has been uploaded online.
- viii. The proposal was examined by Sub-Office, Jaipur which sought information from State Govt of Rajasthan about the Violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The State Govt of Rajasthan vide letter No.P.1 (133) Van/2022 dated 18.08.2023 has submitted the reply as follows:-

S.N	Query raised	Reply submitted by State Government
1	As, the proposal involves violation of FCA, the proposal has to be processed in accordance with the guidelines issued by the Ministry vide its letter dated 22.03.2022 and 08.09.2022. Thus, the State Government is requested to provide complete details of violation if any, name and other details of the persons involved including the officials from the Forest department and the action taken so far against violation and also the erring officials if any	राजस्थान सरकार ने सूचित किया हैं की उपर्युक्त विषयान्तर्गत संदर्भित पत्र के क्रम में मुख्य वन संरक्षक, जोधपुर के पत्रांक 4659 दिनांक 26.07.2023 से प्राप्त रिपोर्ट अनुसार प्रयोक्ता अभिकरण द्वारा वन भूमि प्रत्यावर्तन के प्रस्ताव गैर वानिकी कार्य करने से पहले प्रस्तुत किये गये थे। किन्तु सक्षम स्तर से स्वीकृति प्राप्त नहीं होने के कारण किया गया कार्य वन (संरक्षण) अधिनियम 1980- के उल्लघन की श्रेणी में आता है। राजस्थान वन अधिनियम, 1953 के तहत एफआईआर जारी कर प्रयोक्ता अभिकरण से 75000/- रुपये की जुर्माना राशि वसूल की गई। भारत सरकार

		पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय के दिशा निर्देश 29.01.2018 के क्रम में उल्लघन स्वरूप अधिरोपित होने वाली शास्ती का विवरण संलग्न है। अतः मुख्य वन संरक्षक, जोधपुर से प्राप्त रिपोर्ट दो प्रतियों में अग्रिम कार्यवाही हेतु प्रेषित है।
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ix The Regional Office, Gandhinagar vide EDS dated 28.08.2023 also sought further information regarding details of the responsible person from User Agency and from Forest Department for violation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The State Government of Rajasthan vide letter dated 15.2.2024 has submitted the following information:-

Sr. No.	EDS Sought	Reply of State Govt.
1.	Details of the responsible person from User Agency side and from Forest Department for violation of the provisions of the FCA, 1980.	<p>The details of responsible person from User Agency side is:  Name: Prathap Chanadra Sahu.  Employee ID: 66695  Designation: Deputy Manager.  Posting Place: Baap, Phalodi.</p> <p>The details of responsible person from Forest Department:  Proposal was submitted by UA on 26.03.2022 and forwarded to DCF Jodhpur on 27.04.2022. There is no tower construction inside the Forest Area, Tower has been established before submission of proposal. T/L has been charged in lieu that the proposal has been forwarded to DCF Jodhpur. Concerned site In-charge/ Forests lodged FIR under RFA 1953 on 30.05.2022 after commencement of violation and submit the report to DCF before his site inspection. DCF compound the FIR and compensation of Rs. 75000.00 has been deposited in State Government in the condition of any penalty impose by higher office which is to be complied. Undertaking for this purpose from User Agency has already been submitted. Forest Officials are not responsible because of:</p> <ol style="list-style-type: none"> <li>1. The notified Protected Forest along the road has not been ownership of the Forest Department. However, the forest department officials are vigilant to inform /action against illegal activity.</li> <li>2. Forest Officials has been informed timely, the violation has been commencement between (27.04.2022 to 30.05.2022) and action has been done after lodging FIR.</li> <li>3. Forest Officials have been directed for not commencement of such type incidence in future.</li> <li>4. Name of the site in-charge at that time is Shri Raju Ram, Assistance Forester, Range Bap, Division Jodhpur.</li> </ol>

x. The proposal discussed in the 17th Regional Empowered Committee (REC) meeting held on 27.06.2024. REC observed the following:-

(a) The proposal should have been regularization of encroachment and not for diversion proposal.

(b) The forest officials are compounding offences for the proposals under Rajasthan Forest Act without restoring it back to its original conditions. The action shall be taken against the officers also for allowing the use of forest land for non-forest purpose.

After thorough deliberation, REC recommended the proposal with general, standard and following specific conditions:

(a) The user agency shall make payment for penalty for violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 equal to NPV of the forest land per hectare for each year of violation from the date of actual violation with maximum up to five (5) times of the NPV plus 12 percent simple interest till the deposit is made.

(b) The User Agency shall carry out penal CA on 1 ha DFL at its cost for carrying out the work in violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

(c) The action has to be taken under the provisions of the Section 3A & 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 against Shri Prathap Chandra Sahu, Deputy Manger (ID:66695).

(d) The State Govt. will initiate disciplinary action against the official/s concerned for not being able to prevent the use of forest land for non-forestry purpose without prior approval of Govt. of India.

xi. The Advisory committee observed that as per para 10.5 of the comprehensive guidelines it has been that taking up plantation of dwarf species (preferably medicinal plants) over small areas (below 0.1 ha.) within the RoW under transmission line is nether cost effective nor suitable from forest management point of view. Therefore, in such cases the user agency in consultation with State Forest Department shall identify degraded forest areas of not less than one ha for carrying out plantation of dwarf species (preferably medicinal plants). However, in the instant case the area of forest land involved is 0.175 ha.

xii. The Committee observed that the user agency in the instant case is a private entity, therefore the State may inquire into the matter and in case any permission has been accorded by an authority in the State for the use of forest land, then action u/s 3A/3B may be initiated by the State as applicable. The Committee, however observed that the violation has taken place after the submission of the proposal, therefore action required as per the provisions of Para 1.16(ii) of the comprehensive guidelines has to be initiated.

xiii The Committee also observed that the Regional Office has recommended the penal CA in the instant case, however the matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA will have to be as per the said guidelines.

**4. Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Gandhinagar and Nodal Officer, Government of Rajasthan and after going through the facts of

the proposal, recommended the ***‘in-principle’*** approval for diversion of 0.175 ha of forest land in favour of ABC Solar (INDIA) Private Ltd., Hyderabad for Construction of 220 KV S/C Transmission Line on D/C towers laying between proposal ABCSIPL 300 MW Solar Power Plant to PGCIL 765/400/220kV GSS at Near Village - Badi Sird, Tehsil- BAP, District – Jodhpur, Rajasthan subject to general, standard and following specific conditions:

- (a) The State Government shall take appropriate action as per Para 1.16(ii) of the comprehensive guidelines dated 29.12.2023.
- (b) The State shall inquire into the matter and in case any permission has been accorded by an authority in the State for the use of forest land for non-forestry purpose in the instant case, then action u/s 3A/3B shall be initiated by the State as applicable.
- (c) The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guidelines, if issued.

### **Agenda No. 11**

**File No. 8/B/RAJ/05/ 148/1997/ FC/1174**

**Sub: Proposal for inclusion of minor mineral in already diverted 9.080 hectare of forest land for mining of limestone in favour of Om Prakash Gupta in forest Block Bahali, Rajgarh Forest Division, Alwar District, Rajasthan (Proposal No. 8/B/RAJ/05/148/1997/FC/1 – regarding.**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 23.09.2024. The corresponding details of the agenda may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). DIGF (Central) Regional Office, Gandhinagar and Nodal Officer, Government of Rajasthan were present in the meeting during the discussion of the above proposal.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal was presented and explained by Member Secretary before the Advisory Committee (AC). Committee was also apprised of the provisions under Adhiniyam, other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Rajasthan has forwarded the proposal for inclusion of minor mineral in already diverted 9.080 hectare of forest land for mining of limestone in favour of Om Prakash Gupta in forest Block Bahali, Rajgarh Forest Division, Alwar District, Rajasthan.
  - ii. The User Agency has informed that Department of Mines, Government of Rajasthan approved mining lease No. 613/1990 and 301/1990 for extraction of limestone in village Bahali, Tehsil Rajgarh , District Alwar. The above mining lease are in operation since 01.04.1961 and 01.04.1991 respectively.

- iii. As per order of Hon'ble Supreme Court dated 12.12.1996, Forest Department has closed the operation of both the mines as these mines were in forest land.
- iv. As per the application of User Agency forwarded by State Government of Rajasthan, Ministry of Environment, Forest and Climate Change, Regional Office, Lucknow has issued the approval for the diversion of 9.080 hectare of forest land for both the mining leases vide letter No. 8B/Raj/05/148/1997/FC/1174 dated 27.02.2004 and letter No.706 dated 02.06.2004.
- v. It has been mentioned by the State that in compliance to Hon'ble Supreme Court order dated 18.08.2017 and as per demand raised by Rajasthan Forest Department, the User Agency has deposited an amount of Rs. 40.00 Lakhs along with interest of Rs. 1.80 Lakhs in CAMPA funds.
- vi. Further, it has been informed that, as per order of Hon'ble Supreme Court dated 13.08.2018, the PCCF & HoFF, Rajasthan, Jaipur vide letter No. F18/98/FCA/PCCF/3324 dated 10.08.2018 allowed to increase the period of diversion for both mining leases upto 31.03.2041 and 31.03.2025 as co-terminus with lease period.
- vii. The earlier approval for diversion was granted for extraction of limestone, however, during the extraction of limestone from mines, minor mineral [Masonry stone, quarry rubbish](#) and quartz mineral also found as a mineral waste along with lime stone. The User Agency stated that for proper development of mines and in the light of environment protection, it is essential to utilise mineral waste.
- viii. The User Agency informed that as per Rajasthan Minor Mineral Concession Rules, 2017, Director, Mines Department, Rajasthan Government vide letter No. Nide/P-2(H-1)/AI/2020/1072 dated 8.6.2022 (Mining lease No. 613/1990) and letter No. Nide/P-2 (H-1)/AI/2020/1077 dated 8.06.2022 (Mining lease No.301/1990) has approved the inclusion of minor mineral ([Masonry stone, quarry rubbish](#) and quartz ) along with lime stone for extraction.
- ix. The User Agency informed that State Environment Impact Assessment Authority (SEIAA) Rajasthan, Jaipur vide letter No. F1 (4)/SEIAA/SEAC-Raj/Sectt/Project/Cat.B2 (22131)/2022-23 dated 22.08.2023 has issued revised environmental clearance for mining lease No. 301/1990. The revised environmental clearance for mining lease No.613/1990 is under examination in State Environment Impact Assessment Authority (SEIAA) Rajasthan, Jaipur.
- x. In compliance to order No. F(C) A.16.1/AP/45/MIN dated 29.11.2022 issued by the Ministry of Environment, Forest and Climate Change, the User Agency has applied for inclusion of [Masonry stone, quarry rubbish](#) and quartz along with lime stone in the final diversion order dated 27.02.2004 issued by the Ministry.
- xi. The proposal was submitted in Sub-Office, Jaipur. The Sub-Office examined the proposal and sought the recommendation of State Government on the proposal and some other documents. The recommendation was submitted by State Government vide letter No. P.1(41) Van/2024 dated 27.06.2024. Sub-Office, Jaipur forwarded the proposal to the Ministry (HO) with comments that **all the mining**

**related proposals are to be dealt by the Central Govt. at HQ level and accordingly, the proposal for inclusion of the minerals was forwarded for necessary action.**

- xii. The proposal was examined in the Ministry and the Ministry has sought certain information from State Government vide letter dated 10.08.2024. The information is awaited from State Government.
- xiii. The Site inspection for the proposal was carried out by the DIGF, RO Gandhinagar on 19.9.2024. The Regional Office has submitted the Site Inspection Report (SIR) and recommended the proposal for inclusion of the minor minerals with the following conditions:
  - (a) The State Govt. has to explain why they have extended the period of Mining Lease without permission of the Central Government as mentioned in condition 10 of the Final/Stage-II approval dated 30.11.2008.
  - (b) The State Govt. has to remove all the encroachments on forest land adjacent to this mining lease area.
- xiv. The Advisory committee observed that as per the conditions of approval the permission for the diversion of forest land was valid till 30.11.2008. Therefore, the State needs to give the justification for the extension of mining lease beyond 30.11.2008 without the approval from the central government. The Committee also observed that in the application a reference has been made to the Hon'ble Supreme Court orders dated 18.08.2017 and 13.08.2018. The details and context of the above mentioned orders of the court is required for thorough analysis of the matter.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Gandhinagar and Nodal Officer, Government of Rajasthan and after going through the facts of the proposal, decided to **defer** the proposal and sought the following details:

- i. The State Government shall submit the report/information sought by the Ministry vide letter No.8/B/RAJ/05/148/1997/FC/1174 dated 10.08.2024 at the earliest preferably within a period of 15 days. The State shall also submit the details and the context of the Hon'ble Supreme Court orders dated 18.08.2017 and 13.08.2018 referred to in the application. Once the complete information is received from State Government, the same will be shared with Regional Office, Gandhinagar/ Sub-Office, Jaipur for examination and comments. After receipt of comments from Regional Office, further deliberation will be done on the proposal in Advisory Committee meeting.

**Agenda No. 12**

**File No. 8-260/1985-FC (Vol. I)**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980**

**in favour of M/s. Singareni Collieries Company Limited (SCCL) Telangana, for non-forestry use of 151.8519 ha of forest land falling in Yellandu division for proposed JK OC project (UG rights to Surface rights) at Yellandu division Telangana State. –regarding (Online proposal No. FP/TG/MIN/49581/2020).**

1. The above stated agenda was considered by Advisory Committee (AC) in its meeting on 23.09.2024. The corresponding details of the agenda may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with the examination of the proposal in the DSS were presented and explained by Member Secretary before the Advisory Committee (AC). Committee was also apprised of the relevant provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam (VSESA), 1980 Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer, Government of Telangana, IGF (Central) Sub-Office Hyderabad under Regional Office Chennai was present in the meeting during the discussion of the above proposal.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Committee noted that the proposal was accepted by the Nodal Officer after 28.06.2022 when new FC Rules, 2022 came into force. Therefore, the State govt. vide letter No. FC4/FC29/1/2022 dated 04.12.2022 has resubmitted the instant proposal along through Project Screening Committee along-with the recommendation of PSC.
  - i. The Committee noted that the proposal is for converting underground mining to open cast and the proposed area is falling in two mining leases namely Yellandu Mining Lease and Yellandu Additional Mining lease. The area of 106.304 ha is the part of 124.96 ha which was already approved for diversion for underground mining in the year 2018. The remaining area i.e. 18.656 of 124.96 ha has been kept for underground mining as per PCCF letter dt 26.04.2022. Further, a new area 45.5477 ha is added to 106.304 ha which accounts to 151.8517 ha. (106.304 +45.5477) in total.
  - ii. The Committee noted that the Ministry vide F. No. 8-260/85-FRY vide letter dated 07.10.1986 has granted renewal for 963.63 ha of forest land for underground mining for 30 years from 01.01.1985 in favour of M/s SCCL. However, the State Government has renewed the mining lease vide order dated 16.05.1989 for 10 years and subsequently vide corrigendum dated 17.08.1989 has stated that the period of the lease may be read as 20 years.
  - iii. The Committee noted that the Govt. of Telangana approved 2nd Renewal of Mining Lease for Coal mining over an extent of 1363.00 Hectares (963.00 Ha. Forest land and 400.00 Ha. Non-forest land) of Yellandu village (V) & (M), Khammam District, for a period of 10 years from 01.01.2005 in favour of M/s. Singareni Collieries Company Limited.
  - iv. The Committee noted that further, in 2014 the State Govt. applied for 2nd renewal of the 124.96 ha. out of the original handed over area i.e. 963.63 ha. This proposal was dealt in 8-260/85-Fc (pt.) file and the

Stage-I was granted on 13.07.2015 and final approval was granted on 20.07.2018.

- v. The Committee noted that the Govt. of Telangana on 06.01.2015 approved the 3<sup>rd</sup> Renewal of Yellandu Mining Lease for extraction of Coal over a reduced extent of 524.96 Hectares involving 124.96 Hectares of Forest Land at Yellandu Area of Khammam District, for a further period of 20 years (i.e. from 01.01.2015 to 31.12.2034) in favour of Company Limited subject to furnishing clearance under F(C) Act for the forest land of 124.96 Ha. involved in the Lease and also subject to satisfaction of terms and conditions laid down in MM(D&R) Act. 1957 and M.C.Rules, 1960 and satisfying conditions in Form-K prescribed under the M.C.Rules, 1960.
- vi. The Committee noted that the user agency has proposed to convert the 03<sup>rd</sup> renewal of Yellandu Mining Lease which is already underground mine for an area of 106.34 ha out of 124.96 ha, which is approved diversion area from underground to open cast mine. In addition to this GTD depot are of 45.5477 ha is fresh diversion. The details are as follows:

S. no.	Name of the diversion	(UG/Surface)	MoEF Ref. No. dt. & period of Diversion	Total Forest land diverted (in ha)	FL proposed for diversion with surface rights (in ha)	Balance FL continued with UG rights (ha)
1.	03 <sup>rd</sup> Renewal of Yellandu Mining Lease.	UG	8-260/1985-FC dated 20.07.2018 & 20 years from 01.01.2015	124.96	106.304	18.656
2.	01 <sup>st</sup> Renewal of Yallandu Mining Lease	UG	8-54/1991-FC dated 25.07.2008 & 20 years from 15.04.2004	42.50	.....	42.50
3.	FL required other than already diverted				45.5477	0
<b>Total</b>				<b>167.46</b>	<b>151.8519</b>	<b>61.156</b>

- vii. The Committee noted that the State Govt. informed that the user agency has submitted the KML files of Yellandu mining lease (524.96 ha), Yellandu additional mining lease (1741 ha), JK OC mine (1114.507 ha) and earlier diverted 167. 46 ha (124.96 ha. + 42.50 ha.) as per the details given below:
  - a. Yellandu mining lease (524.96 ha) (FL-124.96 Ha + NFL-400 Ha)
  - b. Yellandu Additional mining lease (1741 Ha) (FL- 71.5 Ha+ NFL-1669.5Ha)

- c. JK OC mine (1114.507 ha) includes 167.46 Ha (124.96 Ha + 42.50 Ha) diverted for UG rites are enclosed.
- viii. The Committee noted that the Mining Plan (Including Mine Closure plan) of Jawaharkhani Opencast was approved by the Ministry of Coal, GOI, vide Lr.No.34011/1/2020-CPAM, dated 29.10.2020.
- ix. The Committee noted that the area of the proposed diversion is falling in Yellandu ML which is valid till 31.12.2034.
- x. The Committee noted that the area of 151.8519 ha. proposed for diversion of forest land is falling in Compartment No. 49 and 51 of Ramavaram RF of Yellandu Forest Block notified Under Section 18 vide Gazette No.834, dated 18.09.1354 F and State Gazette No.39, date 10-10.1354 Fasli,
- xi. The Committee noted that the legal status of the User Agency is State PSU.
- xii. The Committee noted that the density of the vegetation of the proposed forest land for diversion is 0.6 of Eco Class-III. The total number of trees in proposed diverted area are 87451, out of these 17701 is the Number of Teak trees. Hence, the exact number of total trees to be felled are 87451.
- xiii. The Committee noted that the Compensatory Afforestation (CA) has been proposed over both degraded forest land and reclaimed OB Dump (NFL). Total seven CA sites has been proposed for afforestation which falls under Warangal and Bhadrachalam districts of Telangana State. State govt. has identified an area of 151 ha of NFL and an area of 156.51 ha of DFL. Patch wise CA details is given below:

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S. No.	Compt. no.	Legal Status of land	Area (ha)
1	CA OB Dump	NFL	151
2	925	DFL	18.8
3	925 & 912	DFL	10.3
4	911	DFL	36.8
5	928	DFL	25.22
6	913	DFL	53.9
7	898	DFL	11.49
Subtotal (DFL)			156.51
<b>Grand total (NFL + DFL)</b>			<b>307.51</b>

- xiv. The Committee noted that the Divisional Forest Officer, Mahabubabad has prepared the CA scheme which is enclosed along with this proposal. The total cost of the scheme works out to ₹1031.5025 lakhs, for Ten Years.
- xv. The Committee noted that the UA has yet to application submitted the EC application. However, EC was granted for JK 5 by the MOEF & CC vide reference No. J-11015/31/2013-A-II (M) Dt. 03.3.2016, it was revised by MoEF vide F. No. 23-257/2018-1A(III) dtd: 10.06.2022.
- xvi. The Committee noted that the as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 the compliance of the FRA is to be ensured by the State Govt.
- xvii. The Committee noted that the authorities in the State has recommended the proposal.
- xviii. The purpose-wise breakup of the total land required:

S. No.	Description	Extent (in ha.)
1.	Total excavation	115.6001
2.	Embankment	1.409
3.	Toe Wall	0.482
4.	Setting pond	3.5318
5.	Diversion/below river/Nala/Canal	0.3510
6.	Garland Drains	2.2338
7.	Plantation	24.43
8.	7.5 m safety zone along the periphery	3.8142
<b>Total</b>		<b>151.8519</b>

- xix. The Committee noted that the as per the above land use 0.3510 ha area below river/Nala/canal has been proposed to be diverted. The Chief Conservator of Forests, Bhadradi Circle has informed that the UA has reported that the proposed extent of 0.3510 Ha, is for straightening the existing course of NALA within the boundary of proposed 151.8517 ha. for better utilisation of proposed 151.8517 ha. Further, the NALA is very small, seasonal and the straightening work will be taken up after grant of Stage-II only.
- xx. The Committee noted that the old Dargah & Burial Ground is existing near Timber Depot under the control of the Forest department. This land is falling in proposed area for diversion Area. The State Govt. informed that the SCCL has informed that they have identified equivalent alternate site of 0.208 Ha (burial ground 0.203 Ha, Dargah 0.005 Ha.) at survey No.588 of Rompedu village, which is under possession of SCCL.
- xxi. The Committee noted that the CCF, Bhadradi has reported that the site is suitable to raise Bamboo brakes in 100 Meter periphery. This forest area is having good natural growth of bamboo in the vicinity. The site suitability certificate has been furnished by the Forest Divisional Officer, Yellandu and the planting will be done by the SCCL at its cost after getting the Stage-I within 3 years and as and when area is shown by the Forest Department.
- xxii. The Committee further noted that an area of 61.156 ha will be kept undisturbed and continued with UG rights. In this regard the State Govt. informed that the area of 61.156 Ha. is FL diverted with UG rights and no mining activity is proposed in this area, hence kept as undisturbed. This area is covered in the Approved Mining Plan. There is no mining plan separately to this extent.
- xxiii. The Committee noted that the IGF (Central), Sub-Office Hyderabad has inspected the proposed forest area for diversion and proposed CA area (NFL and DFL). During the inspection the IGF (Central), Sub-Office Hyderabad has categorically mentioned that:
- About 68.00 ha out of 106.3042 ha forest land (part of the total area proposed for diversion is 151.8517 ha) proposed for diversion is under Encroachment and there are some claims under process under FRA. In addition, in this forest land, encroachments by way of cultivation of agricultural crops and

commercial establishments like poultry shed, shops, dwelling house etc. were also noticed as per site inspection report. In this regard the State Govt. informed that the CF Bhadadri has informed that the encroachment has taken place in long back and the RoFR title deed are not issued to the encroaches under FRA and removal of encroachment is under process and will follow the procedure and take necessary action for removal of encroachments in the proposed diversion land. However, M/s. SCCL has informed that they will provide compensation as per RFCTLARR Act-2023 to the Eligible people it confirmed as encroaches as per the decision taken by competent authorities. Similarly, the balance forest land. i.e. 18 ha which is the part of earlier diversion of 124.96 ha approved by the ministry vide F.No.8-260/1985-FC, dated 20.07.2018 is also under encroachment.

- b. In the additional 45.5477 ha proposed for diversion, graveyards/ cemeteries, BT road, electrical substation and some pathways were observed at a few locations. In this regard the State Govt. informed that the additional block of 45.5477 Ha was initially treated as Non-forest land while preparing the proposal and subsequently the Mandal Revenue Officer, Yellandu, vide his reference No. B/295/2020 dated 05.11.2020 had certified that this land is forest land and this land is shown as fresh area for diversion. **However, UG mining in this land was completed before 1980 treating this land as Non-forest land at that time, hence it was stated that the UA has not violated the provisions of the Adhiniyam with regard to the use of 45.5477 Ha.**

xxiv. Further, the committee noted that the above facts were considered in the AC meeting held on 30.04.2024 and the committee decided to seek the following information from the State Govt.:

- a. The State Government is required to submit the details that how much coal reserve has been excavated from the UG mines so far and how much coal reserve is available in the proposed forest land for diversion with justification for seeking surface rights for open cast mining.
- b. The detailed action plan to remove the noted encroachment from the 68.00 ha out of 106.3042 ha forest land proposed for diversion as well as in the 18 ha which is part of earlier diverted 124.96 ha shall be submitted. Further, the details of the eligible families to be considered as per the provisions of the RFCTLAR Act, 2013 shall be provided. Also the State Govt. shall clarify, whether any R&R plan is required for the same.
- c. In the additional 45.5477 ha proposed for diversion, graveyards/ cemeteries, BT road, electrical substation and some pathways were observed at a few locations. In this regard the State Govt. is required to submit the NOCs for the concerned departments (i.e. Road & building and Electricity) and action plan for removal/shifting of the noted structures in this part of the forest land.

- d. As per the proposed land use 0.3510 ha area below river/Nala/canal has been proposed to be diverted. In this regard, the State Government is required to submit the NOC from the concerned department of State Govt.
  - e. As per the site inspection report by the Regional Office the exact area proposed for the CA (NFL-rehabilitated OB dump area), is not demarcated completely (verified and measured) and there may be a possibility of encroachment in the fringe areas. In this regard the State Govt. shall demarcate the area and submit exact details along with plan to protect the said area for its protection and management.
  - f. Clear recommendation from the DDGF Regional Office, Chennai shall be submitted within 15 days.
- xxv. The committee further noted that the State Govt. has submitted the reply of the observation sought by the AC vide letter dated 29.06.2024.
- xxvi. The committee further noted that the proposal relates to the conversion of the mines from UG to OC and the State Govt. has informed that the percentage of extraction of coal in underground mining is very less and the percentage of extraction varies from 20% to 40% depending on the technology and other site-specific conditions. In the present case the geological reserves in the proposed area of 151.8519 ha are 23.334 Mt. The depleted reserve by underground method is only 8.5 Mt which is about 36.42%. In view of existing demand of Coal for thermal power plants, sustenance of coal to the linked power plants, and coal conservation with profitability, it is now proposed to convert this underground mine into an opencast mine to extract additional coal reserves of 6.0 MT, which otherwise would have been lost forever. Hence, the total extractable reserves are optimised to 14.5 MT in conservation point of view and thus the percentage of extraction would be about 62.14%.
- xxvii. The committee further noted that regarding removal of the encroachment from the 68.00 ha out of 106.3042 and from 18 ha which is part of earlier diverted 124.96 ha the State Govt. has informed that the encroachers were duly served notice & eviction process was taken up and some structures in 106.304 ha forest land area (part of 151.8517 ha proposed for diversion) were dismantled & forest area was retrieved in the presence of the Revenue officials & Police personnel and the cultivation of crops on field is also hereby stopped and further action is under process.
- xxviii. The committee further noted that regarding implementation of R&R plan the State Govt. has stated that the SCCL authorities have agreed to pay compensation for the eligible families if any, as per the provisions of the RFCTLARR Act. 2013. Undertaking to that effect has been provided.
- xxix. The committee further noted that regarding diversion of 45.5477 ha are proposed for graveyards/ cemeteries, BT road, electrical substation and some pathways the State Govt. has informed that UA is agreed for providing CA & NPV and the existing substation/ road/Path ways will be diverted in SCCL land. The NOCs are obtained for electrical substation belonging to SCCL from TSNPDCL on 30.05.2024, for BT

road belonging to SCCL from R&B department on 06.06.2024 and NOC for graveyard/ cemetery is obtained from Panchyath department on 13.06.2024.

- xxx. The committee further noted that regarding diversion of 0.3510 ha area below nala, the State Govt. has informed that the user agency has proposed extent of 0.3510 ha is to straighten the existing course of nala within the boundary of proposed 151.8517 ha. Further, the nala is seasonal, very small and the straitening work will be taken up after grant of Stage-II only. NOC was obtained from I & CAD, Telangana on 07.06.2024.
- xxxi. The committee further noted that regarding demarcation of the CA land the State Govt. has informed that the user agency has stated that the proposed CA land of 151.8517 ha was resurveyed and demarcated completely (verified & measured) Out of 151.8517 ha of given CA land, an extent of 8.889 ha was identified with encroachments at fringes. Further, as per DSS analysis of this additional area it is noted that an electric tower is present in this area.
- xxxii. The DDGF (Central), RO Chennai has recommended the proposal subject to the following conditions.
  - a. The CA NFL (rehabilitated OB dump area), is not demarcated clearly on the ground and there may be a possibility of encroachment in the fringe areas. In consonance with the same, it is reiterated that the complete demarcation of CA-NFL land shall be carried out before handing over to the State Forest Department.
  - b. A detailed wildlife/ biodiversity management plan for better protection and management of the rich floral and faunal diversity of the area shall be prepared and implemented. A wildlife/ Forestry/ Agriculture graduate may be engaged by the user agency to monitor the impact of implementation of the wildlife management plan throughout the life of mine in the region.
  - c. The proposed forest area admeasuring 151 .8519 ha falling in the mine (21 Incline) is in 2 different patches of 106.3042 ha and 45.5477 ha. Out of 151.8519 ha of forest land proposed to be diverted, 115.6001 Ha area is proposed to be used for excavation purposes and the remaining forest area is proposed to be used for other work like garland drains, Toe Walls, Safety Zone, Plantation, Settling Pond, Embankment etc. Underground mining is reported in the 45.5477 Ha patch, however the same has not been covered under the FC clearance given earlier.
  - d. Hence the same may be considered for regularization now. Accordingly, the proposed diversion of 151 .8519 falling in the mine (21 Incline) for the proposed JK OC Project is recommended for approval.
- xxxiii. The committee further noted that regarding CA site suitability of an extent of 8.889 ha. the State Government has submitted a letter dated 25.08.2024 received through e-mail on 27.08.2024 with new and revised details and the same need to be examined.
- xxxiv. The above facts were considered in the AC meeting held on 27.08.2024 and the committee after detailed discussion and

deliberation with the DDGF, RO Chennai, IGF (Central), Sub-Office Hyderabad, Nodal Officer, Government of Telangana and after going through the facts of the proposal, the Committee decided to defer the proposal for want of examination of the new and revised CA details submitted by the State Govt.

xxxv. The Ministry has examined the details provided by the State Govt. vide letter dated 25.08.2024 and the committee noted that:

- a. The Chief Conservator of Forests, Bhadradri Circle, Warangal has submitted detailed report, wherein it is stated that, the user agency i.e., M/s Singareni Collieries Company Limited (SCCL) has accepted that some area has been encroached in fringe areas and had identified CA NFL area duly deleting the encroached area to an extent of 151.902 Ha in Karepally Range of Khammam Division for compensatory afforestation in lieu of diversion of 151.8517 Ha of forest land falling in Yellandu Division of Bhadradri-Kothagudem district proposed for Jawahar Khani Open Cast Project at Yellandu Division in favour of M/s Singareni Collieries Company Limited (SCCL).
- b. The Non forest land (151.902 ha) identified in Karepally Range was inspected by the District Forest Officer, Khammam on 08.08.2024 along with the Forest Divisional Officer, Khammam, Forest Range Officer, Karepally, SCCL Personnel and Field staff of Karepally Range.
- c. The User Agency i.e., M/s Singareni Collieries Company Limited (SCCL) had identified CA - NFL areas in Singareni Mandal, where some encroachment were noticed to an extent of 8.889 Ha of in the earlier proposed for CA land of 151.8571 Ha for diversion for fresh mining in Forest land diversion proposals of JK OC Coal mine for 151.8571 Ha.
- d. Alternate land to an extent of 8.907 H (4.627Ha + 1.686Ha + 2.594 Ha) for encroached area 8.889 Ha has been identified from the remaining area of 35.9221 Ha of 205.664 Ha over burden (OB) of mines in Yellandu area kept for future forest diversion proposals of SCCL.
- e. Now the total CA NFL land to an extent of 151.902 Ha has been identified in (5) locations (4.627Ha, 1.686Ha, 2.594 Ha, 19.379 Ha and 123.616 Ha) falling in Sy. No.548/140/51/1/1 and Sy.No. 247 in Usirikayalapally Village of Singareni Mandal of Khammam District, which were proposed to hand over to the Forest Department for Compensatory Afforestation in lieu of diversion of 151.8517 Ha of forest land falling in Yellandu Division of Bhadradri-Kothagudem district proposed for Jawahar Khani Open Cast Project at Yellandu Division in favour of M/s Singareni Collieries Company Limited (SCCL) and now there is no encroachment in fringe area of proposed NFL area. (KML file is enclosed)
- f. As per Revenue records, the MRO, Karepally vide Ltr.No.B/640/2022, Dt. 18.10.2022 has certified that, the proposed NFL area is falling in Sy.No. 548/140/51/1/1, Sy.No. 247 in Usirikyalapaly village, Singareni Mandal and mutated in

the name of SCCL as per Dharani presently replaced as "Bhoomatha" and this area is under jurisdiction of the Karepally Range of Khammam Division and District.

- g. During the field inspection of the CA area, it is noticed that the entire area is having existing tree growth like Neem, Seemathangedu, Thangedu, Sandra, Bombadi, Barrededi, Thumma, Jamail, Feltoform, Chinta etc., hence not required to take up further plantation.
- h. Further, on verification of the periphery of the area, it is noticed that the location of the CA NFL area is falling in (5) bits. The details are as follows:

Sl. No	CA NFL Site details	Area in Ha.	Lat.	Long.	Remarks
1	1st site	4.627	17.54971531	80.33712874	These 3 are adjoining patches which are separated due to 132 HT KV line. Details shown in map are enclosed and this site is located separately with a distance of 549 Mtrs. from 4th site and difficult for protection due to distant place and below 10 Ha.
2	2 <sup>nd</sup> site	1.686			
3	3 <sup>rd</sup> site	2.594			
4	4 <sup>th</sup> site	19.379	17.55135261	80.33938762	4th & 5th sites are adjoining and separated with BT road.
5	5 <sup>th</sup> site	123.616	17.55035135	80.33938736	
<b>Total:</b>		<b>151.902</b>			

- i. Further, the District Forest Officer, Khammam has proposed the following works to be taken by the User Agency and the Forest Department.
  - i. Due to Heavy Biotic pressure by fringe villagers & presence of BT roads, areas need to be permanently demarcated and protected for which approximately 2000 boundary pillars (Small 1500 @ 3000 each and Big 500 @13000 each) is to be taken up by the User Agency.
  - ii. GI chain link mesh fencing with MS Angular poles 6-Feet height on the surface and Solar fencing on the top head also proposed for 9570 RMTs with Gates (Entrance and Exist) excluding HT lines in Bit-III area of 8.8567 Ha., is to be taken up by the User Agency as per Pri, Chief Conservator of Forests, TG, Hyderabad circular No. 04/2017 and in consultation with forest department, as the area is prone to encroachment by fringe villagers.
  - iii. Other Misc. works/Provisions.
- j. The following works to be taken up by the User Agency before handing over of the NFL area 151.902 Ha to the Forest Department:

Sl. No	Details of the work	Quantity
1	Providing of Boundary Pillars (Small Size)	1500
2	Providing of Boundary Pillars (Big Size)	500
3	Providing of Chain Link fencing with, Solar Fencing, Gates(Entry and Exit) in RMT	9570
4	providing vehicle for supervision and monitoring of the area (10 Years)	02
5	Providing suitable water conservation measures in the two sump areas like ramp construction etc., for safety & conservation of wildlife.	02
6	Providing drone camera for monitoring CA Land	01
7	CA Scheme as be prepared to be borne User Agency.	8. sets

k. **Works to be taken up by the Forest Department under CA**

**NFL :** As the CA NFL area is having tree growth and there is not much scope for block planting, the following works are proposed to taken up in CA NLF Area (151.902 ha) of Karepally Range for protection and development of area as per instructions issued by the Pri. Chief Conservator of Forests (HoFF), TG, Hyderabad vide Rc.No. FC5/FC44/1/2022-FCA Section, Dt. 11.03.2024 under Van (Samrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Samrakshan Evam Samvardhan) Rules, 2023 regarding preparation of CA scheme.

The following works to be taken up by the Forest Department under CA NFL					
Sl No	Details of the work	Quantity	Rate	Unit	Amount required (in Lakhs)
1	Raising of Medicinal & Bamboo Nursery in 6X8	50000	17.32342	Nos	8.66171
2	Maintenance of Medicinal & Bamboo	50000	10.2377	Nos	5.11887
3	Nursery in 6X8	50000	10.86574	Nos	5.43287
4	Raising of Planting inside SCTs	5	10000	Ha	0.500
5	Development of Grass plots	5	9.05297	Ha	4.07384
6	Maintenance of Grass Plots	120	13597	Ha	16.31634
7	ANR works.	5000	1158	Nos	57.88719
8	SMC Works including (SCTs)	1	20.00	No	20.00
9	Construction of watch tower with base camp structure.	10	1232109	Per year	123.21091
10	1 Base CAMP with 5No. of protection watcher for 10 years	10	1485813	Per year	148.58130
11	Providing strike force for 10 years including Raising year with hiring of private vehicle	1 No X10 Years	682694	Per year	68.26940
12	Engaging of DEO for project period	1 No X10 Years	444248	Per year	44.42481

13	Conducting Awareness programmes, Motivation Camps, Printing and Supplying of Publicity material to the fringe villagers	2 No X10 Years	2.00	Per year	20.00
14	Administrative Expenditure (10%) (POL charges to Field Officers, including Hiring of Vehicle and Stationary, Computer peripherals, Office support etc...)	1	38.97830		38.97830
			<b>Grand Total</b>		<b>561.45554</b>

I. Further, the District Forest Officer, Khammam has submitted that, the above said area is acceptable subject to the fulfilment of the above conditions by the SCCL and CA-NFL scheme mentioned above, else the area is highly prone for encroachment and disputes and will be very difficult to protect the land by the Forest Department and the District Forest Officer, Khammam has submitted the connected records of the CA NFL area, Maps, KML file & copy of inspection report.

5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with IGF (C), Sub-office, Hyderabad and Nodal Officer, Govt. of Telangana. After going through the facts of the proposal and submissions made, the committee recommended the proposal for grant of '**in-principle**' approval, subject to the general, standard, and following specific conditions:

- i. *The State Govt. shall ensure that regarding diversion of 0.3510 ha area below nala, wherein the user agency proposed to straighten the existing course of nala within the boundary of proposed 151.8517 ha, the straightening work shall be taken up only after the due approval from I & CAD, Telangana.*
- ii. *In the 45.5477 ha of proposed forest land for diversion wherein existing graveyards/cemeteries, BT road, electrical substation and some pathways at a few locations for which the user agency has obtained the NOCs from concerned departments (i.e. Road & building, Electricity & Panchayat), the State Govt. shall ensure that removal/shifting of the noted structures shall be taken as per the conditions of the NOCs and at the cost of the UA. The due process in the matter shall be followed by the State as per Acts and rules applicable. A report in this regard shall be submitted by the State at the time of submission of compliance of the conditions of the Stage-I.*
- iii. *The State Govt. shall ensure that the entire proposed land for CA shall be fenced/protected and no further encroachment in any circumstance on the CA land is allowed;*
- iv. *The State Govt. shall ensure the complete demarcation of CA-NFL land be carried out before handing over to the State Forest Department.*

- v. *The State Govt. shall ensure the implementation of R&R plan as undertaken by the SCCL authorities and have agreed to pay compensation for the eligible families if any, as per the provisions of the RFCTLARR Act. 2013 (only for the rightful stakeholders). The encroachment noted on the proposed land for diversion shall be removed by the State Govt.*
- vi. *The State Govt. shall ensure that the NPV will be deposited by the user agency as applicable.*
- vii. *A detailed wildlife/ biodiversity management plan for better protection and management of the rich floral and faunal diversity of the area shall be prepared and implemented by the State Forest Department at the cost of the UA. The copy of such plans shall be submitted with the compliance of the conditions of the in-principle approval;*
- viii. *As proposed by the State Government following activities shall be carried out at the cost of the user agency:*
  - a. *Areas need to be permanently demarcated and protected for which approximately 2000 boundary pillars (Small 1500 @ 3000 each and Big 500 @13000 each);*
  - b. *GI chain link mesh fencing with MS Angular poles 6-Feet height on the surface and Solar fencing on the top head also proposed for 9570 RMTs with Gates (Entrance and Exist) excluding HT lines in Bit-III area of 8.8567 Ha., is to be taken up by the User Agency as per Pri, Chief Conservator of Forests, TG, Hyderabad circular No. 04/2017 and in consultation with forest department;*
  - c. *Providing two suitable water conservation measures in the two sump areas like ramp construction etc., for safety & conservation of wildlife.*

## **Policy Issues**

### **Agenda No. 1**

#### **Sub: Clarification on the commencement of the period for starting the mining operations in respect of Category C mines in the State of Karnataka - reg. (F. No. 11/136/2021-FC)**

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 23.09.2024. The DDGF (Central), from various Regional Officers, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations noted the following:
  - (i) The State Government of Karnataka has referred the 4 cases pertaining to M/s MSPL (3 cases) and M/s Gavisiddeshwara (one case) seeking clarification on the commencement of the period of one year of working permission in such cases.
  - (ii) The Central Government, in accordance with the provisions of guidelines, given under para 7.4(vi)(d) of the Consolidated Guidelines

issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, inter-alia provided the provisions of granting working permission not exceeding one year to enable the agency to comply with the unfulfilled condition of approval granted to erstwhile agency in respect of Category C mines.

- (iii) The cases of M/s MSPL, pertaining to category C mines and of M/s Gavisiddeshwara were granted working permission by the Central Government under the provisions of above guidelines. On the basis of working permission granted by the Central Government, the State Government followed by the State Forest Department granted working permission. However, due to various reasons, the working permissions in these cases, was granted by the State Government or authorities of the Forest Department, after a gap ranging from 3 to 9 months, thereby delaying the mining operations and reducing the working permission time, which otherwise would have continued for one year.
- (iv) The State Government of Karnataka in its letter dated 20.09.2024, in r/o of lease of M/s Gavisiddeswara has simply forwarded the letter of PCCF & Nodal Officer without making any recommendation or comments in the matter. The PCCF & Nodal Officer in his letters pertaining to M/s Gavisiddeswara and other leases has opined to extend the working permission till compliance of conditions is completed by the user agency without making clear recommendation in the matter. There is no request or recommendation received from the State seeking clarification on the commencement of the period of working permission. As and when such request is received from the State, the same may be considered by the Central Government.
- (v) The guidelines provided under para 7.4(vi)(d) of the Consolidated Guidelines provides for working permission not exceeding one year, therefore, in any case, the duration of working permission cannot be extended beyond a period of one year by the Central Government.

4. **Decision of the Committee:** The Advisory Committee, after thorough deliberations with the DDGF (Central) of the various Regional Officers and officers of the Forest Conservation Division, observed that PCCF & Nodal Officer has opined for extension of working permission for a period till complete compliance is submitted by the user agency which cannot be considered in light of the provisions of the guidelines given under para 7.4(vi)(d) of the Consolidated Guidelines. Further, there is no request or recommendation received from the State seeking clarification on the commencement of the period of working permission. Accordingly, the Committee, deferred the proposal with following recommendations:

- (i) Given the provisions of para 7.4(vi)(d) of the Consolidated Guidelines, the period of working permission cannot be extended beyond a period of one year by the Central Government.
- (ii) As and when request seeking clarification on the commencement of working permission is received from the State, the same may be dealt with by the Central Government on its merit on case to case basis and keeping in view the reasons behind extension of working condition sought and role of UA and State government in them. ADG (FC) was of the opinion that, the matter needs to be re-examined by AC.

## Agenda No. 2

### **Sub: Extension of dispensation of one year Working Permission granted to Category C mines to Category A and B Mines in the State of Karnataka – reg. (F. No. 11-76-2023-FC)**

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 23.09.2024. The DDGF (Central), from various Regional Officers, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations noted the following:
  - i. The State Government of Karnataka vide their letter no. FEE 54 FFM 2024 (c ) dated 01.08.2024 has requested the MoEF&CC to consider extension of guidelines given under Para 7.4 (vi) (b) for the Category 'C' to Category A and B Mines also. The State Government in its said letter dated has referred to the PCCF& Nodal Officer, Karnataka letter dated 1.07.2024 wherein the following is submitted:
  - ii. Para 7.4(vi)(b) of the Consolidated Guidelines, inter-alia provides the provisions of granting working permission not exceeding one year to Category C mines to enable them to comply the shortfall of compliance of approval granted to erstwhile lessee under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Further, the provisions of para 7.4 (iii) of the consolidated allowed the State Government to transfer the approval granted to the mining leases whose validity expired and allocated to the successful bidder through auction process. Said provision has been extended to the Category A and B Mines also as per the provisions of para 7.4 (v) of the said Guidelines. However, keeping in view the high severity of violations involved in the Category C mines, the guidelines at para 7.4(vi)(a) provides that transfer of approval in respect of category 'C' mines will be granted at Central Government level.
  - iii. Keeping in view the relatively lesser extent of violations in respect of category 'A & B mines, the State Government has recommended that the provisions of one year working permission may also be extended to Category A and Category B mines.
  - iv. The said dispensation of working permission is requested in respect of those Cat A & B mines, where during transfer of approval certain non-compliance, especially with regards to CA, were observed by the State and accordingly, the user agency was directed to complete the compliance of approval granted to erstwhile agency.
  - v. Further, provisions of guidelines given under para 7.4(iv)(e), authorizing the State Government to transfer approval granted to erstwhile agency to new allocattee, provides that in in case the CA land has not been made available previously, the forest land shall be handed over to the new allocattee only after the corresponding CA land has been accepted by the competent authority as per the extant procedures for acceptance of CA lands for a new proposal.

- vi. The PCCF& Nodal Officer, Government of Karnataka has opined that provisions of guidelines given under para 7.4(vi)(b) may also be extended to the Category A&B mines subject to condition that if the user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of Central Government granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam shall be cancelled.
- vii. The Committee further observed that provisions of the guidelines given under para 7.4(iv)(e), authorizing the State Government to transfer approval granted to erstwhile agency to new allocattee were issued to align the provisions of the Adhiyam with the amended provisions of under Section 8B of the Mines and Minerals (Development and Regulation) Amendment Act, 2021. The section 8B (2) of the said amendment Act provides that "...Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land till expiry or termination of mining lease granted to it, in which mining operations were being carried out by the previous lessee.". Therefore, the matter also needs to be examined in light of the said provisions of the MMDR Act vis-a-vis provisions of guidelines given under para 7.4(iv)(e) of the Consolidated Guidelines.

**3. Decision of the Committee:** The Advisory Committee, after thorough deliberations with the DDGF (Central) of the various Regional Officers and officers of the Forest Conservation Division, observed that provisions of para 7.4(iv)(e) of the Consolidated Guidelines may be examined by the Forest Conservation Division in light of the provisions of section 8B(2) of the MMDR Act and detail outcome of the same may be placed before the Advisory Committee in its forthcoming meeting.

### **Agenda No. 3**

**Sub: Proposal to formulate policy/guidelines for Penal Compensatory Afforestation (PCA) to ensure transparency, rationality and uniformity while imposing condition of raising penal CA in proposals involving violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (F. No. 8B-UP-06-34-2018-FC).**

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 23.09.2024. The DDGF (Central), from various Regional Officers, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations noted the following:
  - i. Issue relates to formulation of a policy/guidelines for imposing condition of raising penal CA in proposals involving violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. Earlier, the Advisory Committee, in its meeting held on 4.07.2024 (Pg 174/c) recommended two proposals viz. approach road involving diversion of 0.0768 ha of forest land in Aligarh, Uttar Pradesh and Iron ore mining proposal

- involving 11.34 ha of forest land in Sundargarh District Odisha, for grant of in-principle approval inter-alia stipulating raising of penal CA over degraded forest (2 times for road project) and over non-forest land (5 times for mining proposal).
- iii. The competent authority of the Ministry, after examination of the recommendation of the Ministry has desired that *".....the case be examined to formulate uniform policy for Penal Compensatory Afforestation (PCA) to ensure transparency & rationality in imposing penal CA for violation cases, in a time bound manner"*
  - iv. The provisions of penal compensatory afforestation were included in the Forest (Conservation) Rules, 2003, wherein, PCA was included in the Appendix to Rule 6 of the said rules wherein it was made mandatory for the user agency to submit an undertaking to bear the cost of CA/penal CA and NPV.
  - v. Further, the provisions of raising penal compensatory afforestation were also incorporated into the Handbook of Forest (Conservation) Act, 1980 issued in 2004. However, extent of penal CA to be stipulated was not specified in the said guidelines, however, it was inter-alia mentioned in the said guidelines that *Penal compensatory afforestation will be imposed over the area worked/used in violation. However, where the entire area has been deforested due to anticipatory action of the State Government, the penal compensatory afforestation will be imposed over the total lease area.*
  - vi. The Compensatory Afforestation Fund Act, 2016 also defines the Penal Compensatory afforestation as afforestation work to be undertaken over and above the compensatory afforestation specified in the guidelines issued under the Forest (Conservation) Act, 1980, in lieu of the extent of area over which non-forestry activities have been carried out without obtaining prior approval of the competent authority under the Forest (Conservation) Act, 1980.
  - vii. Hon'ble Supreme Court in its order dated 30.10.2002 in I.A. No. 566 in Writ Petition (Civil) No. 202 of 1995, inter-alia directed that *'A 'Compensatory Afforestation Fund' shall be created in which all the monies received from the user-agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, net present value of forest land, Catchment Area Treatment Plan Funds, etc. shall be deposited. The rules, procedure and composition of the body for management of the Compensatory Afforestation Fund shall be finalized by the Ministry of Environment and Forests with the concurrence of Central Empowered Committee.*
  - viii. In accordance with the provisions prevalent earlier and wider recognition of the PCA in various forums including courts, the penal compensatory afforestation was used to be stipulated in the cases involving violation of the Adhiniyam over degraded forest land of 2 times in extent to the forest area used in the violation of the Adhiniyam.
  - ix. Earlier, the MoEF&CC, based on the recommendation of the Advisory Committee in its meetings held on 25.04.2017 and 2.08.2017, issued guidelines on 29.01.2018 prescribing the imposition of monetary penalty for violation of the Adhiniyam. Said guidelines have been incorporated at para 1.16 of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- x. The guidelines issued in the Handbook of the Forest (Conservation) Act, 1980 issued on 28.03.2019 did not incorporate the provisions of stipulating penal compensatory afforestation wherein provisions relating of monetary penalty were only included in the guidelines and the provisions of penalty as incorporated into the Handbook of 2019 were retained in the Consolidated Guidelines issued in 2023.
- xi. Although the enabling provisions were not included in the guidelines of 2019, the stipulation of PCA over degraded forest land is still being practiced and continuing, thereby making it necessary to have guiding principles in place to prescribe extent of PCA to be levied keeping in view the severity of violations. Further, stipulation of penal compensatory, besides acting as deterrent to various agencies for not to commit the violation of the Adhiniyam, also ensure protection of the degraded forest land by preventing their further denudation. Additional provisions of raising PCA will also add to the forest and tree cover of the country.

**4. Decision of the Committee:** The Advisory Committee, after thorough deliberations with the DDGF (Central) of the various Regional Offices, Nodal Officers and officers of the Forest Conservation Division, decided that a committee with the following composition, may be constituted by the Ministry to prescribe the extent of area over which provisions of penal CA will be stipulated:

- (i) DDG, Regional Office, Bhopal – Chairman
- (ii) DDG, Regional Office, Dehradun - Member
- (iii) DDG, Regional Office, Bhubaneswar – Member
- (iv) Nodal Officer, Himachal Pradesh – Member
- (v) Nodal Officer, Rajasthan – Member

The Committee shall submit its report to the Ministry within a period of one month from the date of its constitution by the Ministry.

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**(Not present)**

Dr. Naveen Chandra Bisht  
(non-official Member)

**(Not present)**

Shri S. D. Vora  
(non-official Member)

**(confirmed through e-mail)**

Shri Manoj Pant  
(non-official Member)

**(confirmed through e-mail)**

Dr. Mehraj Sheikh  
Deputy Commissioner (NRM)  
(Member)

**(Not present)**

Shri Sushil Awasthi  
Additional Director General of Forests  
(WL)  
(Member)

**(confirmed through e-mail)**

Shri Anjan Kumar Mohanty  
Additional Director General of Forests (FC)  
(Member)

**(Confirmed)**

Shri Ramesh Kumar Pandey  
Inspector General of Forests  
(Member Secretary)

**(Approved)**

Shri Jitendra Kumar  
(Director General of Forests and Special Secretary)  
(Chairperson)