

PARIVESH 1.0

Recommendations of Advisory Committee in its meeting held on 28.11.2024

Agenda No. 1

File No. 8-31/2015-FC

Sub: Proposal for non-forestry use of balance forest land of 84.707 ha in favour of M/s D. C. Jain for mining of Iron and manganese ore in Dalpahar Iron & Manganese Ore mines located in Baitrani RF II, District Keojhar (Odisha)-regarding.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar 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. The 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 after thorough deliberation and discussion observed that:
 - i. The Government of Odisha vide their letter No. 10F (Cons.) 179/2015/16479/F & E Bhubaneswar dated 15.09.2015 submitted above subject proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980.
 - ii. The total forest area under the proposal was 101.171 ha which is located in Baitarani Reserved Forest of Keonjhar Forest Division. Leases of the user agency were comprised of five blocks namely Block-A, Block – B1, Block-B2, Block – B3 and Block-C comprising of forest area 89.9612 ha, 0.607 ha, 1.012 ha, 7.689 ha and 1.902 ha, respectively. Out of the total forest land 101.171ha, 16.464 ha forest land including safety zone of 0.887 ha has been reported to be broken prior to 1980 and was earlier approved by Government of India, MoEF&CC vide letter No.8-103/2000-FC dated.14.11.2005.
 - iii. As per details furnished in the proposal, Mining Plan of 0.31 MPTA of iron ore and 0.094 MPTA of Manganese ore for a period of 2011-12 to 2015-16 was approved by the IBM vide letter No. MS/OTF-MECH/84-ORI/BHU/2010-11 dated 24.5.2011. Total reserves estimated in the mine are 1.449 MPTA of iron and 2.007 MPTA of Manganese ore.
 - iv. The Mining lease area is entirely within Baitarani Reserved Forests which comes under 3C/C2e(iii) Moist Peninsular Valley Sal forest type with moderate to dense forest type.

- v. Density of vegetation was reported to be 0.5 in virgin forest land and 0.2 in broken up forest land. A total of 20,930 project affected trees were reported in the area proposed for diversion.
- vi. Compensatory afforestation has been proposed over 79.407 ha of non-forest land for unbroken area and 5.0 non-forest land CA area in lieu of the area falling in the safety zone.
- vii. Area proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/Biosphere Reserve. It is mentioned that areas falls in the Elephant Habitat Zone-2 as per report of ORSAC as the movement of wild elephants often noticed in the area. It is mentioned that to conserve and protect the wildlife and their habitat, a comprehensive Site Specific Wildlife Conservation Plan has been approved by PCCF(WL)&CWLW, Odisha involving financial provisions of ₹2,50,25,400/.
- viii. The area is not important from archaeological point of view. The total cost of this project is about ₹37.709 Crores. The project does not involve displacement of people.
- ix. The Steel and Mines Department, Government of Odisha, in the year 2013 declared the entire lease area of 101.171 ha as lapsed. Said order of State Government was challenged by the lessee before the Revisional Authority in the Ministry of Mines, Government of India. The Revisional Authority vide interim order dated 27.09.2013 directed the State Government not to take any coercive measures against the lessee and also granted liberty to the lessee to apply for diversion of forest land under the Forest (Conservation) Act, 1980. The lessee also approached the High Court of Odisha to seek relief from the lapsing order of the State Government. Hon'ble High Court vide their order dated 21.01.2015 has directed as interim measure that no final order shall be passed by the State on the RML application of the petitioner seeking renewal and further directed that auction policy decision dated 5.1.2015 published in extra ordinary Gazette dt. 12.01.2015 shall be kept in abeyance till next date.
- x. Proposal, along with various facts reported by the State, was considered by the Advisory Committee in its meeting held on 24.12.2015, and the AC, after examination of the various facts of the case desired to obtain additional information from the State.
- xi. Recommendation of the AC were conveyed to the State Government vide Ministry's letter dated 4.01.2016. The IRO, Bhubaneswar was also requested to carry out the site inspection of the area proposed for diversion.
- xii. The State Government vide their letter no. FE-DIV-FLD-0101-2021-12349/FE&CC dated 19.07.2021 submitted reply to the observations of FAC as contained in Ministry's letter dated 04.01.2016. After examination of the same, the following was observed:
 - a. The area of lease not considered as lapsed is 89.691 ha forms the part of Block - A while the remaining area falling in other four blocks has been declared as lapsed. Corresponding change in the land use of the area proposed for diversion was not informed by the State Government.

- b. The user agency has deposited NPV of the entire area.
 - c. Copy of approved Mining Plan, corresponding the area not declared as lapsed by the State was not submitted.
 - d. An area of 11.48 ha (out of 101.171 ha) has been declared as lapsed.
 - e. It is observed that certain conditions stipulated in the approval dated 14.11.2005 have not complied with by the State/User Agency.
 - f. Equivalent non-forest land identified for raising compensatory afforestation has not been notified as RF/PF under the Indian Forest Act, 1927.
 - g. Compensatory levies for raising afforestation over degraded forest land to the extent of 1.5 times the area of safety zone has not been realized from the user agency.
- xiii. The Government of Odisha vide their letter No. 6233/9F (MG) -18/2015 dated 15.03.2024 submitted their reply in response to Ministry's letter dated 14.08.2021. After examination of the same, the following was observed:
- a. The State Government has furnished the details of land use breakup for 89.961 ha.
 - b. The State Government has submitted the copy of Mining Plan with Progressive Mine Closure Plan for the mining lease area over 89.961 ha approved by IBM vide their letter No. RMP/A/18/ORI/BHU/2020-21/2053 dated 06.11.2020 which is valid up to 31.03.2026.
 - c. The State Government has submitted detailed fact as regards lapse of 11.21 ha (*not 11.48 ha*) out of 101.171 ha in 4 nos. mining blocks and reported that the user Agency has not yet reclaimed and handed over the 4 nos., lapse blocks to the State Forest Department. Reclamation is not feasible as source is yet not exhausted.
 - d. The State Government has reported non-forest land over 16.464 ha has been notified by FE&CC Department, Govt. of Odisha as Baitarani-Bhayan Protected Forest under Section-33 of Odisha Forest Act, 1972 vide letter No.FE- DIV-FLD-0022-2018-15436/FE&CC dated 31.08.2021.
 - e. The State Government has reported that the scheme for afforestation in degraded forest land to the extent of 1.5 times the area of Safety Zone over 8.0625 ha (5.375 ha Safety Zone X 1.5 times) identified in Naibuga RF under Champua Range has been technically approved with a revised financial outlay of ₹24,42,000/- current wage rate of ₹352/- per manday and as per demand raised by the DFO, Keonjhar Division, the User Agency has deposited the approved amount.
 - f. The user agency has deposited ₹20,23,420/- towards Regional Wildlife Management Plan over 101.171 ha Rs.20,000/- per ha as per the then prevailing rate of RWLMP. Further, the UA has deposited ₹55,77,582/- towards RWLMP over 89.961 ha (@₹82,000/- per ha -₹20,000/- per ha deposited earlier), by excluding the lapsing block of 11.21 ha (101.171 ha-11.21 ha).
 - g. With regard to reclamation, the User agency was intimated that since mining operation is closed and no pit has been fully exhausted yet, concurrent reclamation is not feasible at this stage. The Reclamation &

- Rehabilitation plan will be carried out as per the progressive mine closure plan approved by IBM.
- h. The State Government was reported that the re-enumeration has done over 89.961 ha by the DFO, Keonjhar Forest Division and total 6388 Nos. of trees enumerated over 30 cm girth and 15,779 Nos of poles under 30 cm girth. Further, separate tree enumeration done over 10.594 ha of broken up area. Total 2712 nos of trees enumerated over 30 cm girth and 7520 nos. of poles under 30 cm girth.
 - i. The State Government has reported that the Site Specific Wildlife Conservation Plan for the said project was approved by the PCCF, (Wildlife) & CWLW, Odisha vide Memo No 13358 on dated 14.12.2023 with a total financial outlay of 491.46 Lakhs, out of which Rs.286.26 lakhs will be incurred in Project Impact Area of Keonjhar Division and Rs.205.20 Lakh will be incurred in Project Impact Area of Bonai Division.. The user agency has deposited the said amount in ORRISA CAMPA.
- xiv. In this proposal Site inspection of the area proposed for diversion and proposed for CA was carried out by the Dy. IGF (Central), RO, Bhubaneswar during 09.06.2020 to 12.06.2020. The Regional Office in its SIR has reported that following:
- a) Revised land use plan corresponding to 89.691 ha of forest land involved in the lease should be provided by the User Agency.
 - b) Details of tree enumeration corresponding to 89.691 ha should be made available to by the State.
 - c) With regards to compliance of approval granted for 16.464 ha, the IRO has observed the following:
 - a. Equivalent non-forest land identified for raising compensatory afforestation has not been notified as RF/PF under the Indian Forest Act, 1927
 - b. Compensatory levies for raising afforestation over degraded forest land to the extent of 1.5 times the area of safety zone has not been realized from the user agency
 - c. Non-realization of balance amount due towards Regional Wildlife Management Plan.
 - d) The area is surrounded by mines all around. Many are working mines and diversion of this forest land although will create constraint in the movement of animals especially elephants will not be that problematic as its is surrounded by mines.
- xv. After examination of the reply from the State Government, Ministry vide its letter dated 14.08.2021 requested the Government to submit information on the shortcomings.
- xvi. Further, proposal was placed before Advisory Committee (AC) in its meeting held on 30.04.2024. AC observed that more non-forest area is required for raising compensatory afforestation as per extant provisions and broken area has to be shown separately. Accordingly, the Committee desired certain additional information from the State Government. The

same were conveyed to the State Government vide Ministry's letter dated 17.05.2024.

- xvii. State Government vide their letter no. 21005/9F (MG) -18/2015 dated 19.10.2024 has submitted information as sought vide Ministry's letter dated 17.05.2024.
- xviii. AC noticed that the State Government has submitted the KML file of the project area with Broken up area (already diverted) and the new fresh land proposed for diversion.
- xix. AC noticed that the State Government has reported that the additional Non-Forest Govt. land over 5.00 ha has been identified in village Binida & Dengana under Ghatgaon Tahasil of Keonjhar district in lieu of the diversion of safety zone area of 3.113 ha in respect of Dalpahar Iron & Manganese Ore Mines. The KML file of the CA land is also submitted.
- xx. AC noticed that DFO, Keonjhar Forest Division has furnished the Site Suitability Certificate of the CA land over 66.745 ha in Gundula village and 9.80 ha in village Champajhar under Banspal Tahasil along with Joint Verification Report of Forest and Revenue Department.
- xxi. AC noticed that Compensatory Afforestation Scheme has been prepared over 5.00 ha of Non- Forest land identified in village Binida & Dengana under Ghatgaon Tahasil of Keonjhar district under Keonjhar Forest Division in lieu of diversion of 3.133 ha forest land for Safety Zone purpose with financial outlay of Rs.77,70,800/- approved by the PCCF (FD & Nodal Officer, FC Act).
- xxii. AC noticed that Mining plan of Dalpahar Iron & Manganese mines has been modified on dated 27.05.2024 vide letter No. MRPW-2273/2023-24-IBM-RO-BBS of Regional Controller of Mines, IBM, Bhubaneswar. Accordingly, the User Agency has submitted the change in land use pattern based on the approved modification of Mining plan.
- xxiii. AC noticed that out of 101.171 ha area, an area of 11.21 ha has been lapsed except the area of block A. Out of 11.21 ha area 5.87 ha was diverted and 5.34 ha was non-diverted. The remaining diverted area of Block A is 10.594 ha (16.464- 5.87 = 10.594 ha) which was not declared as lapsed. Now it is clear that out of 101.171 - 11.21 = 89.961 ha (79.367 fresh + 10.594 ha already area) is required for this proposal. However, the State Govt. has submitted the proposal for diversion of 84.707 ha and also applied for renewal. In this regard the clear recommendation from the State Govt. is required that whether they want to pursue this proposal for renewal or fresh diversion proposal because the fresh area is 79.367 and renewal area is only 10.594 ha.

4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneshwar and CCF Nodal Officer, Govt. of Odisha, the Committee decided to seek the following information from the State Govt. as well as Regional Office Bhubaneswar:

- i. The site inspection has been done by the regional office in the year 2020 and more than four years' time has elapsed. Additional area for compensatory afforestation has also been provided by the state in

- between. Therefore, the RO shall submit the fresh SIR for the area proposed for diversion and CA with clear recommendations.
- ii. State has informed that out of 101.171 ha area, an area of 11.21 ha was declared lapsed except the area of block A. Out of 11.21 ha area 5.87 ha was diverted and 5.34 ha was non-diverted. The remaining diverted area within Block A is therefore 10.594 ha (16.464- 5.87 = 10.594 ha) which was not declared as lapsed. Keeping this in view, it is evident that (101.171 - 11.21) 89.961 ha (79.367 for fresh diversion+ 10.594 ha already diverted) area is involved in the mining lease. However, the State Govt. has submitted the proposal for 84.707 ha and applied in form applicable for the renewal. In this regard the State shall clearly specify the exact area for which the permission is required along with a clear break up of the area for the fresh diversion/renewal etc. The state shall submit the recommendations accordingly.
 - iii. As per the proposed land use details which are now provided by the state, it has been observed that 81.617 ha area has been proposed for mining, However, in the land use at the expiry of the lease period as per mining plan, it has been mentioned that 28.55 ha area would be under utility activities. The mined out forest area is actually required to be reclaimed and handed back to the forest department. The justification for the utility services after the mine closure shall be provided by the state.
 - iv. The state has informed that based on a court order the issue of validity of the lease was considered afresh and the state govt passed an order deciding not to declare and record the mining lease of Sri Avin Jain as lapsed without prejudice to any other proceedings pending against the lessee. In this regard, the state shall reconfirm the validity of the LOI/lease keeping in view the Section 10 A(2)(C) of the amended provisions of MMDR Act,2015. The State shall also give the details of change in the name from Avin Jain to DC Jain in whose favour the forest land diversion proposal has been submitted.

Agenda No. 2

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 28.11.2024. The corresponding details of the agenda may be seen at 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. 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, DDGF (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 17th 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 Gol 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:
- 1) 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.
 - 2) 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.
 - 3) 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:

S. No	Observations raised by the MoEF&CC on 30.05.2023	Reply submitted by the Govt. of Karnataka on 16.08.2024
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	<p>The State Govt. shall submit the details regarding the extension of the permission granted to operate the windmills 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.</p>	<p>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, 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>Thereafter, permission was granted by the</p>

	<p>then Principal Chief Conservator of Forests (Head of Forest Force) as follows:</p> <p><i>It is felt that the government interest under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 can be safeguarded 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.</i></p> <p><i>Under the above circumstances, the following orders are issued on 24-07-2020 and 11-08-2020:-</i></p> <ul style="list-style-type: none"> • <i>To Permit the User Agency to undertake the minimum maintenance of the windmills to keep them running, and,</i> • <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> <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) & Nodal Officer regarding the running of the above windmills in Chitradurga District under the orders of PCCF</p>
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		<p>(HOFF) dated 24-07-2020.</p> <p>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 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</i></p>
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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 an order which is without jurisdiction is a nullity in law"

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.

Conclusion: -

- The windmills are already established and the area is already broken up.
- It is also observed that there was a subsequent amendment to the Van (Sanrakshan Evam Samvardhan) Adhinyam, 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.
- 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 BESCO 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) Adhinyam, 1980 is in place.
- *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) Adhinyam, 1980.*

However, the user agency has violated the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 by utilizing additional forest

		<p>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].</p> <p><u>In addition, the user agency has utilized an area of 35.082 ha within the approved lease area but has deviated from the original land use.</u> 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, BESCO 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" data-bbox="715 1294 1391 1639"> <thead> <tr> <th>Village & 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.Nulenu, Holalkere taluk</td> <td>46,50 & 51</td> <td>34.22</td> </tr> <tr> <td>Yelukurnahalli Chitradurga taluk</td> <td>21</td> <td>47.57</td> </tr> <tr> <td>Total</td> <td></td> <td>222.01 ha</td> </tr> </tbody> </table> <ul style="list-style-type: none"> 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. The Plantation has been raised over an extent of 222.01 ha. <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</p>	Village & Taluk	Sy No.	Area in ha.	Thodarnal, Holalkere	16,19	140.22	T.Nulenu, Holalkere taluk	46,50 & 51	34.22	Yelukurnahalli Chitradurga taluk	21	47.57	Total		222.01 ha
Village & Taluk	Sy No.	Area in ha.															
Thodarnal, Holalkere	16,19	140.22															
T.Nulenu, Holalkere taluk	46,50 & 51	34.22															
Yelukurnahalli Chitradurga taluk	21	47.57															
Total		222.01 ha															

		<p>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 Taluk, Chitradurga District as protected Forest under Section 33 of Karnataka Forest Act 1963.</p>
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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:

- 1) 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.
- 2) 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.
- 3) The subsequent amendment to the Van (Sanrakshan Evam Samvardhan) Adhinyam 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.
- 4) In this regard, the orders for closure of the wind mills by the then Deputy Conservator of Forests, Chitradurga, is not available.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) **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) Adhinyam, 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.*
- 9) 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.
- 10) 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.
- 11) 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.
- 12) 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 (CAMPA), 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).
- 13) 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.
- 14) 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.

- 15) 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.
- 16) The Hon'ble High Court of Karnataka, vide order dated 13.04.2023, quashed the order of the National Company Law Tribunal, Ahmedabad Diversion 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 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 an order which is without jurisdiction is a nullity in law"*.
- 17) 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.
- 18) **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) Adhinyam, 1980. Hence, **User Agency is being instructed to change the name from M/s Enercon (India) Ltd to M/s Wind World (India) Ltd.**
- 19) 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.
- 20) 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, Hiriuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project for approval under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. The same was accepted by the Nodal Officer on 07-03-2020 for further processing under the Adhinyam. 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.

21) **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	
	Ittagehalli	47,53,100,101,103	62.685	Deemed Forests
	Haladyamanahalli	6,5,7	6.105	Reserved Forests
	Yelladakere	52,53,54,67	33.624	Deemed Forests
	Doddpur	10	12.86	Reserved 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	Reserved Forests
Catchment area (Mallagondanahalli)& Thirumalapura	8,10	16.256		
Total			221.8	

22) 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
	Total	221.80

23) **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) Adhinyam, 1980, the user agency has utilized excess area and has deviated from the original area in the year 2005.

24) **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.

25) **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.

26) **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:

SI 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		
Sub Total				139.86 ha		
5	T. Nulenalur	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		
Sub Total				33.84 ha		
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
Sub Total				48.16 ha		
Grand Total				221.8ha		

27) **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.

- 28) **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.

- 29) **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.

- 30) 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

- 31) **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.*

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

- 33) **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.

- 34) **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). Adhinyam, 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.

- xiii. 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.
- xiv. 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.
- xv. The Committee further noted that the proposed GIM1 site for renewal is falling in Jogimatti wildlife sanctuary.
- xvi. 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.
- xvii. 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
Total	222	221.226

- xviii. 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.

35) The Committee further noted that the old Plantation, cultivation land and un-metaled road is visible in the CA site viz. T Nulnur and Thodarnal CA site. Further, no plantation is visible in Yelakuranahalli CA site.

- xix. 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.
- xx. 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). Adhinyam, 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.
- xxi. 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.
- xxii. 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.
- xxiii. 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) Adhinyam, 1980 and VSES 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".

- xxiv. The committee further noted that the as per the CERC notification the minimum useful life of the wind power project is 25 years.
- xxv. 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'.
- xxvi. 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.*
- xxvii. 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;
- xxviii. 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.
- xxix. 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.
- xxx. 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.
- xxxi. 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>

- xxxii. 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.

xxxiii. 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) Adhinyam, 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) Adhinyam, 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 Adhinyam as FC-11/118/2021-FC I/76381/2024 well as Wild Life (Protection) Act, 1972, would be processed simultaneously.*

xxxiv. 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.

xxxv. The Committee further, noted that the matters related to violation of Adhinyam 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) Adhinyam, 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 Adhinyam 1980. In this regard, action under section 3B read with 3A of the Adhinyam, 1980 may be considered.

xxxvi. 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), Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan), Rules, 2023.

xxxvii. The above facts were also considered by the Advisory Committee meeting held on 23.09.2024 wherein 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:

- 1) The RO Bengaluru shall provide the site inspection report.
- 2) 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.

xxxviii. Accordingly, the RO vide letter dated 13.11.2024 has sent asked the State Govt. for seeking information regarding reported violation. Further, the RO vide letter dated 18.11.2024 has submitted the Site Inspection Report. The SIR has been carried out by the DIGF (Central) RO Bengaluru on 22-23rd October, 2024. The DDGF (Central) RO Chennai (On additional charge of RO Bengaluru) has endorsed the SIR carried out by the DIGF and he is agreed with the recommendation mentioned by the DIGF. The recommendation part of the SIR are as follows:

- 1) The proposal is already established and involves more than 100 Wind Energy Converters. The renewal will help power generation without involving breaking up of any new forest land or cutting of any new trees.
- 2) However, since the User agency has utilized 45.272 ha of forest land outside the lease area without approval, a suitable penalty should be imposed as per the VSESA, 1980.
- 3) Further, within the lease area of 221.8 ha, there is a change in land use over 35.082 ha from what was proposed in the proposal. For this deviation also a penalty is recommended.
- 4) The Original Lessee was M/s KREDL, a State Government agency. But the project has now been transferred to first ENERCON (as approved in the FC approval) and now to M/s Wind World. A letter from the original applicant clarifying the transfer may be sought, and transfer process may be completed by the User agency as per guidelines.
- 5) Since majority of the project area is now within the PAs, appropriate wildlife protection measures may be implemented with the approval of Wildlife Authorities (NBWL, etc. as is required). The measures shall invariably include protection from forest fires, SMC works along the roads.
- 6) The prosecution of the Authorities for violation of VSESA 1980 prima facie noticed shall also be carried out parallelly.

xxxix. The committee noted that the SIR submitted by the RO has not provided clear recommendation with regard to the instant proposal. Therefore the RO shall submit its clear recommendations.

xl. Further, the RO has also reported in the monitoring report that the CA over 47.57 ha out of 222 ha has not yet been done. Further, the details of plantation done in the remaining areas needs to be uploaded on the e-green watch portal. Hence, a detailed report on CA done may be sought from the State Govt.

xli. The Committee further noted that the State Govt. has not submitted the name of the erring officials responsible for reported violation.

5. **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:

- 1) The DDGF Bengaluru shall submit his clear recommendation with respect to the instant proposal.
- 2) The State Govt. shall provide the names of the erring official responsible for violation within 15 days in response to the letter dated 13.11.2024 to the Regional Office.
- 3) As observed in the monitoring report that the CA over 47.57 ha out of 222 ha has not yet been done, the State Govt. shall submit a detailed report on CA done to the Regional Office.

Policy Issues

Agenda No. 1

Subject: Clarification on the applicability of provisions of compensatory afforestation in respect of forest land used for construction of tunnels in road/railways projects - reference received from Water Resources Department, Government of Rajasthan regarding.(File No. 11/114/2024-FC).

The matter was deferred, and it was desired that a representative/Nodal Officer of the requesting State Govt. (Rajasthan) may be present in the next meeting for further deliberations.

Agenda No. 2

Sub: Formulation of 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). (11/126/2024-FC)

Ref: Recommendation made by the Advisory Committee in its meeting held on 23.09.2024.

The matter was deferred for next meeting.

Agenda No. 3

Subj: Construction of residential projects in private forest lands in the State of Maharashtra – reg. (FC-II/MH-205/2022-NGP)

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 28.11.2024. The Nodal Office, Govt. of Maharashtra attend the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue.
3. The Advisory Committee, after deliberations noted the following:
 - i. This relates to diversion of 10.685 ha of forest land in favour of Sumeet R. Bhalotia and others, Thane for construction of residential project of Survey No. 69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 in Village- Walshet, Taluka- Shahapur, District- Thane in the State of Maharashtra. (Online proposal No. FC-II/MH-205/2022-NGP)
 - ii. Proposal was submitted by the Government of Maharashtra vide their letter dated 24.11.2022. Proposal involves construction of residential project in the private forest land.
 - iii. The Regional Empowered Committee, at Regional Office, Nagpur in its meeting held on 24.04.2024 while considering the proposal involving diversion of 10.685 ha of forest land in favour of Sumeet R. Bhalotia and others, Thane for construction of Residential Project of Survey No. 69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 in Thane District in the State of Maharashtra decided to seek clarification from the MoEF&CC whether such residential proposals proposed to be taken up in the restored private forest may be considered by the REC or otherwise so as to inform the State Government on applicability of rules position on such proposals in future also.
 - iv. In this regards the relevant provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued thereunder are given as under:
 - a. Provisions of the rule 10(3)(ii) read with the provisions of rule 10(5)(ii) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, the Regional Empowered Committee, after examination of the proposal and giving due regard to the various aspects mentioned therein inter-alia including that the proposed use of the forest land is not for any non-site specific purpose such as agricultural purpose, office or residential purpose or for the rehabilitation of persons displaced for any reason.
 - b. The directions provided under para 11.9 of the Chapter-11 and para 1.10 of Chapter 1 of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 provide provisions for undertaking construction of residential house in the forest land as given under:
 - Para 1.10 inter-alia provides that utilization of forest area for establishing industries, construction of residential colonies, institutes, rehabilitation of isplaced persons, etc. are nonsite- specific activities and cannot be considered on forest land as a rule. In exceptional

circumstances, residential projects up to one ha, can be considered for approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Office of the MoEFCC.

- Similarly, para 11.1 of Chapter 11 provides that the Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses. However, the Central Government has accorded permission for construction of residential houses in their private forests land for construction
- FC-II/MH-205/2022-NGP I/73182/2024 of residential or dwelling houses in the Mussoorie Dehradun Development Authority (MDDA) areas of Uttarakhand as well as Private area (Deemed Forest) of Goa subject to certain conditions prescribed therein wherein inter-alai the following is mentioned:
The construction activities shall be restricted to a maximum of 250 square meter of built-up area in each case.

- v. From the above guidelines, it may be ascertained that in case of private forests located in the Goa and Uttarakhand, residential houses for domestic purposes involving total built up area of 250 sq meter has been allowed by the Central Government, which is not applicable in Maharashtra. Similarly, the provisions of the guidelines given under para 1.10 provides that non-site-specific activities including residential projects, up to one ha, can be considered for approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Office of the MoEFCC.
- vi. The Advisory Committee observed that the Policy issue has been referred by the Regional Office, Nagpur, adverting to the submissions made by the State Government, has sought clarification whether the residential proposals proposed to be taken up in the restored private forest may be considered by the REC or otherwise so as to inform the State Government on applicability of rules position on such proposals.
 - ii. REC sought the clarification while considering a proposal of the Government of Maharashtra involving diversion of 10.685 ha of forest land in favour of Sumeet R. Bhalotia and others, Thane for construction of residential project of Survey No. 69/2A,69/2B,69/3 pt, 69/4, 69/5A, 69/5B, 70/2 and 70/3 in VillageWalshet, TalukaShahapur, District-Thane in the State of Maharashtra. (Online proposal No. FC-II/MH-205/2022-NGP).
 - iii. The above proposal was considered by the

Regional Empowered Committee at Regional Office, Nagpur in its meeting held on 24.04.2024 and the Committee while considering the proposal decided to seek clarification from the MoEF&CC whether such residential proposals proposed to be taken up in the restored private forest may be considered by the REC or otherwise so as to inform the State Government on applicability of rules position on such proposals.

- vii. The relevant provisions of the rule 10(3)(ii) read with the provisions of rule 10(5)(ii) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 provides that the Regional Empowered Committee shall examine the proposals giving due regard to the various aspects mentioned therein including that the proposed use of the forest land is not for any non-site-specific purpose such as agricultural purpose, office or residential purpose or for the rehabilitation of persons displaced for any reason.
- viii. The directions provided under para 11.9 of the Chapter-11 and para 1.10 of Chapter 1 of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 provide provisions for undertaking construction of residential house in the forest land inter-alia provides that utilization of forest area for establishing industries, construction of residential colonies, institutes, rehabilitation of displaced persons, etc. are nonsitespecific activities and cannot be considered on forest land as a rule. In exceptional circumstances, residential projects up to one ha, can be considered for approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Office of the MoEF&CC. vi. Para 11.1 of Chapter 11 provides that the Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses. However, the Central Government has accorded permission for construction of residential houses in their private forests land for construction FCII/MH-205/2022-NGP I/73182/2024 of residential or dwelling houses in the Mussoorie Dehradun Development Authority (MDDA) areas of Uttarakhand as well as Private area (Deemed Forest) of Goa subject to certain conditions prescribed therein wherein inter-alia the following is mentioned: The construction activities shall be restricted to a maximum of 250 square meter of built-up area in each case.
- ix. The Committee, after a situation review observed that in case of private forests located in the Goa and Uttarakhand, residential houses for domestic purposes involving total built up area of 250 sq meter has been allowed by the Central Government, which is not applicable in Maharashtra. Similarly, the provisions of the guidelines given under para 1.10 provides that non-site-specific activities including residential projects, up to one ha, can be considered for approval under the Van

- (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Office of the MoEFCC.
- x. The Nodal Officer Maharashtra informed the Committee that in the past the Central Government has been considering such approvals on case-to-case basis in the private forest lands, however, after the notification of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the REC of the Regional Office has not been considering such proposals.
- ix. The IGF informed the Committee that prior to the guidelines dated 24.01.2022 and notification of the Van (Sanrakshakshan Evam Samvardhan) Rules, 2023, projects involving construction of buildings, including residential projects involving area up to 1 ha subject to submission of justification on inescapability of the area, were used to be entertained by the Central Government.
- xi. The Nodal officer Maharashtra has made a detailed presentation before the Committee.
4. **Decision of Advisory Committee:** After detailed deliberations, the Advisory Committee recommended that the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980, Rules made thereunder and guidelines shall be applicable in toto and no relaxation with respect to applicability of site specificity may be claimed by the User Agency in lieu of providing non-forest land for CA and payment of the NPV as has been done earlier. In case the State Govt. want so submit a proposal with respect to diversion of private forest lands, a detailed proposal with complete justification, particularly on site specificity, may be submitted to Ministry and all such proposals shall be dealt as per the Rules and guidelines in place and orders of the Hon'ble Courts, on case to case basis.

(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)