

**Minutes of the Meeting of the Advisory Committee (AC) meeting held on  
28.02.2024.**

**Agenda No. 1**

**File No. F. No. 3-AN C 081/2022/GHY**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Adhinyam, 1980 in favour of District Administration, Namsai, Government of Arunachal Pradesh for non-forestry use of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Forest Division and District Namsai of Arunachal Pradesh (Online proposal No. FP/AR/Others/154344/2022).**

1. The above stated agenda was considered by Advisory Committee (AC) in its meeting on 28.02.2024. 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) Adhinyam (VSESA), Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer (VSESA) Government of Arunachal Pradesh, DC, Namsai, and DDGF (Central) Regional Office Shillong 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 instant matter pertains to diversion of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Namsai Forest Division, Namsai district of Arunachal Pradesh by General Administration, Namsai, Govt. of Arunachal Pradesh involving regularization of encroachment and ex-post facto approval of violations of the provisions of the Adhinyam. The proposal was submitted by the State Government on 27.12.2021 to the Regional Office Shillong.
  - ii. The committee further, noted that as per the Adhinyam Rules, 2023, Rule 10 (2) all proposals pertaining to *ex-post facto* approval involving violations of the provisions of the Adhinyam shall be examined and disposed of by the Central government in the manner specified under these rules 10 (5). Rule 10 (5) specifies that such proposals shall be referred to the Advisory Committee.
  - iii. The committee further, noted that in the diversion proposal for 19.52 Ha, as per the justification given by the DC Namsai, the Golden Pagoda, a religious site for the Tai Khamti and Singpho communities, has now also become a tourist attraction site. It is visited by tourists from neighbouring states and from South East Asian countries. Therefore, since religious sentiment and tourism is involved, the District Administration through DC Namsai has submitted this proposal.
  - iv. Being a case of regularization of encroachment and ex-post facto approval of violation of Adhinyam, shortcomings were observed and

several times State Govt. had been requested to submit required information/clarifications by the Regional Office Shillong.

- v. It has been noted that the State Govt. vide letter dated 20.05.2022, 26.04.2023 and 26.07.2023 has submitted information to the Regional Office.
- vi. The Committee further noted that as per Site Inspection Report (SIR), a renovation of an old pre-existing religious structure was undertaken in 2005 for which an offence was booked by the Range Officer, Manubhum Forest Range (Case No. MBR/0112004-05 dated 10.02.2005 under section 25 (a) of Assam Forest Regulation, 1891 against Shri Shiv Shankar Dutta, c/o Arunachal Trade Agencies, Namsai). Since the encroachment within the proposed area was first detected in 2005, and subsequently, the temple and associated structures were built after 2005, the proposal was also considered for regularization of encroachment and ex-post-facto approval for the violation (as a FC case is being booked in 2018 for the construction of pucca road against the Executive Engineer, PWD Division Namsai) as per Guidelines 1.16(i)(a), 1.16(i)(b) and 1.16(ii) (a).
- vii. It has also been noted by the Committee that as per the Chief Conservator of Forests, Eastern Arunachal Circle, the offence was detected on 10.02.2005, and offence report was immediately drawn by Range Forest Officer, Manabhum Forest Range, Lathao vide O.R. No, MBR/01 of 2004-05 dtd.10.02.2005. There was no delay in detection of offence by the then Range Forest Officer. The above said offence report was submitted to titled Addl. Deputy Commissioner, Namsai vide Divisional Forest Officer, Namsai Forest Division vide letter No. ANI 161200113478-79 dated 23.03.2005 prosecution under Assam Forest Regulation. 1891.
- viii. The Regional Office seeking details of offence report and action taken, the State Govt. submitted the report of CCF, Eastern Arunachal Circle (EAC), as under. The report shows the offences happening in and around the proposed area as well for which the report claims of action duly taken as follows:
  - a. The delay was due to the order dated 29.03.2018 of the Executive Magistrate, who informed that he was no longer empowered to take up trail cases. Further, in another case Chief Judicial Magistrate vide order dtd.29.08.2017(probably typing mistake 29.08.2018) has asked for specific notification.
  - b. With regards to initiation of action against Forest Department Officials, the Memorandum of Charges was issued on 12.08.2018 against the then Divisional Forest Officer who was holding the charge of Namsai Forest Division during the period 21.03.2005 to 17.06.2010. The entire process of disciplinary proceedings and charges against the officer were *set aside* and the case was directed to be closed by the then Principal Chief Conservator of Forests & Principal Secretary (Environment, Forest and Climate Change) on 08.03.2021 based on the following reasons:
    - The Inquiry Officer has drawn the conclusion that the charges are not proved.

- Disciplinary proceedings were initiated without approval of competent authority.
  - Further, necessary action is also being initiated to conduct further inquiry in view of the seriousness of the matter. The report submitted by the CCF, EAC, may please be referred to.
  - However, the State Govt. has not provided an explanation for the lack of substantive action from 2005 onwards when the offence was first detected.
- ix. The Committee further noted that in the meantime Original Application NO. 25/2023/EZ (I.A. NO.32/2023/EZ) in James Teli Camder & Tongam Jomoh Versus MoEF&CC & Ors has been filed before the National Green Tribunal Eastern Zone Bench, Kolkata wherein the applicant alleged that various construction has been made and are being made within the Namsai Reserve Forest (which includes this proposed area also) and detail of construction submitted as under: -

Reserve Forest	Encroacher Activity	Area of encroachment Location	District
Manabhum RF	Construction of Golden Pagoda Meditation Centre	19.52 ha	Namsai (Tengapani Area)
Namsai Reserve Forest	Construction of Mini-Secretariat building	2.5 ha	Namsai
Manabhum Reserve	Construction of Lord Buddha Statue	5ha	Lathao circle in Namsai

However, O.A.NO.25/2023/EZ (I.A. NO.32/2023/EZ) has now been disposed on 28<sup>th</sup> July, 2023 with a direction to the Respondent No.1, Ministry of Environment, Forests and Climate Change, to take a decision in accordance with law, within a period of two months regarding the proposal for grant of Forest Clearance.

- x. The Committee further, noted that the Government of Arunachal Pradesh, Department of Environment, Forest and Climate Change in pursuance to the aforesaid Hon'ble NGT order constituted a committee vide Office Memorandum dated 8th August 2023 to examine actions taken/actions to be taken against the officers responsible for encroachment in Reserve Forests of Namsai Forest Division for the following:
- A. To examine actions taken in the matter so far.
  - B. To examine whether sufficient actions have been taken so far in the matter.
  - C. To suggest further course of actions.
- xi. The Committee further noted that the committee was directed to submit its report within one month from the date of issue of the aforesaid order dated 8<sup>th</sup> August 2023. However, no report has been submitted.
- xii. The Committee further, noted that this matter was discussed in the REC held on 29<sup>th</sup> August 2023. The REC after thorough deliberations and discussions and considering the order of Hon'ble National Green Tribunal order dated 28th July, 2023, decided:

- A. To delink the other cases as reported in the order of Hon'ble National Green Tribunal dated 28th July, 2023 from this proposed area considering that the other mentioned cases have not been processed under Van (Sanrakshan Evam Samvardhan) Adhinyam VSESA till date.
- B. To have the area inspected by the Regional Office to look into the details of the violation and of action taken by the State Govt. so far. The RO may also take Scientists dealing with EC to see the proposal from the angle of EIA notification requirement.

Further, REC decided the following be submitted to Sub Office, Guwahati for further processing of this proposal: -

- a. Justification on how the violation was allowed to be carried out in the proposed area for so many years even after the first offence.
  - b. Site inspection of the CA site.
- xiii. The Committee further noted that in pursuance to the decision the REC, the site inspection of this instant proposal was conducted by Deputy Director General of Forest(C) and Deputy Inspector General of Forest(C) of Regional Office Shillong on 12th and 13th September 2023.
- xiv. The Committee further noted that the proposal was again discussed by REC on 29.09.2023 and many issues were raised and replied to by the Nodal Officer and the representatives of the UA. The REC recommended the proposal subject to submission of the following information, justification, and relevant document by the State Government: -
- a. Justification for the inescapability of locating this project in forest land.
  - b. Whether the State Govt. or any authority under it has provided funding for any of the constructions in the 18.92 ha violation area and the details of the sanction letters, if any, to be provided.
  - c. Whether the local officers have reported the ongoing encroachment and violation of this scale by a single entity to any of the higher offices at CCF/PCCF level.
  - d. The details on the purpose with justification on the remaining proposed area i.e. Vipashana place (6.42 ha) and Minks/13hikhus/Ordination Centre/Samanera (Chou Sang)/Stay Place (8.9 ha) and justification thereof.
  - e. Purpose-wise map of the proposed area along with KML file of the break up purpose wise area.
  - f. To submit the details on the area of the proposed area which are actually broken without the forest clearance.
- xv. The Committee further, noted the reply of the State Govt. submitted on 27.12.2023 which are as following:
- A. Justification on the inescapability of locating this project in forest area detailing the historical and religious records. With regards to the historical background for establishment of Golden Pagoda at Noi-Chenam hill which is part of the

Manabhum Reserved Forest under Namsai Forest Division, Namsai, Arunachal Pradesh, the submission of the State may be excerpted as follows:

- a. The "Kongmu-Kham" as it is colloquially called the Golden Pagoda is situated at a hill locally known as Noi-chenam on the bank of river Tengapani. The place is historically important to the local Tai-Khampti people and lots of religious and cultural memoirs are attached to it. It is deep rooted in their sentiments and cultural heritage & forms an inseparable part of their life and belief.
- b. The Golden Pagoda is closely attached with the migration of Khamti people from erstwhile Burma now Myanmar, post dismemberment of Shan Empire of Pong by Alomphra, the King of Burma in the mid Eighteenth Century.
- c. The Tai-khampti known as Khampti, Khamptee or Khamti migrated around 1751 AD from erstwhile Burma now Myanmar and reached erstwhile Assam now Arunachal Pradesh and settled initially around Tengapani River (The River flows in ChowkhamLhathao and Namsai circle of present Namsai District) with the permission from the Ahom King Surempha alias RajeswarSingha in the year 1751 A.D.
- d. With their migration they also brought their faith with them and developed a worship place to practice Theravada faith in the hillocks of Tengapani which is in vernacular language called Noi-Chenam where the Golden Pagoda is presently located and called Kongmu-Kham. Since there was no road or any infrastructure for means of communication for barter, the Khamtis developed waterways through the river Tengapani flowing below the hillock. In the process they developed "Ta-Khongmu" (Pagado Ghat) at river Tengapani to trade from Sadiya (now in Assam) through barter system in which they provide rice, vegetables &Khamti Dao, etc. and in exchange they brought salt and edible oils etc. post settlement at Tengapani.
- e. Captain ST. John F. Mitchell, (1883) in his report in the book titled "The North-East Frontier of India (A Topographical, Political and Military Report)" Published By Intelligence Branch, Quarter Master-General's Department in India, 1883 depicts about the settlements in and around Tengapani river of Khamti and Singpho and mentioned that there are seven Singpho and six Khamti villages, say 2,000 inhabitants.
- f. The lands on the banks of all these rivers are wonderfully fertile, but the Tengapani valley land is of especial value.
- g. As per J. Errol Gray, in his book "Diary of a journey to Bor-Khamti Country," 1892-93, he interviewed a Khamti Rajah called Lukkum Rajah.
- h. "He now spent most of his time in religious duties, and in this connection, there were three things he would like to accomplish before he closed his eyes forever. The first was to

build a temple on the Noi-Chenam hill and plaster it entirely with Gold Leaf.”

- i. It is pertinent to mention here that the Tengapani hillock is called Noi-Chenam hill in Khamti folklore. Such is the spiritual importance of Tengapani hillock (Noi-chenam Hill) among Khamti people beyond boundaries.
- j. In this book, the author in Chapter XI describes in detail about at the Khampti Village in the banks of Tengapaani River. He also describes that the Temple of the village is located at the ‘upper End’ which we can definitely assume as on a raised ground above the village. And that this might have been the very same temple.
- k. “Manabhum Reserved Forest” was declared vide Order No. 544-R dtd. 10th April, 1937.
- l. It is evident from all historical as well as oral history that settlements of Khamptis and Singphos have been flourishing since their migration, along the course of Tengapani river and its tributaries and Tengapani Valley. The Pagoda Ghat nearby existed long ago and had been used as trading route. The villages around Golden Pagoda like Lathao, Momong, Chowkham have been existing 100 years before. The Holy Hill NoiChenam at which Golden Pagoda is built, was and is a part of the Momong Village. It is historically important to the local people and lots of religious and cultural memoirs are attached to it. It is deep rooted in their sentiments and needs to be respected.
- xvi. The Committee further noted that as per the site Inspection report by RO Shillong, the proposed area this is 19.52 Ha have already been built-up/established. As per submission of the State Government, the built-up area of the structures is 9.74Ha and the green belt area is 9.71Ha. Detailed breakup is as under: -

A. Golden Pagoda: 19.52 ha (Total)			B. Components of Green Belt area:	
S. No.	Activities	Area in (Ha)	Activities	Area in (Ha)
1.	Temple area / Interpretation	1.82	Golden Pagoda Plantation	1.93
2.	Vipashana Place/Heritage Centre/ Govt. School	4.06	C-20 Garden Green Belt Area	1.87
3.	Monks/Bhikhus/ Ordination Centre/ Samanera (Chou Sang)/	1.27	Green Belt Area in Monk Stay area (i)	0.79
4.	Golden Pagoda Eco Hut /Conference Hall	0.27	Green Belt Area in Monk Stay area (ii)	0.71
5.	Parking area	0.27	Green Belt in Temple Area	0.73
6.			Green Belt II in Temple Area	0.76
7.			Green Belt in Vipashana Centre	2.92
	<b>Total</b>	<b>9.74</b>	<b>Total</b>	<b>9.71</b>

- xvii. The Committee further considered the historical background given by the State Government as well as the reported religious significance attached with the said area proposed for diversion, the same was considered and accordingly, the proposal was treated as a special case which is site specific in nature. The Committee further empathizes with the issue that no further expansion of built-up area is undertaken. Any incomplete construction may be completed using eco-friendly materials only and the greenbelt area shall be retained for the period of lease and no further land use change be made or permitted henceforth.
  - xviii. The Committee further noted that the instant proposal falls under Inviolable Zone or in High Conservation Zone as per the DSS Rule-1 due to presence of Hydrological feature i.e. River within 250 meter distance from the KML boundary of proposed forest land. However, Not-Inviolable or Not-In high conservation zone (NHCV) category as per the DSS Rule-2. Thus, the final result is not inviolable or Not in High Conservation Zone value.
  - xix. The Committee further noted that the the State Govt./Regional Office may follow up the required action wrt the construction of Pacca road within the proposed area and action taken under section 3A and/or 3B against the authority causing such diversion.
  - xx. The Committee further noted from the DFO report, that in the Offence detected on the site on 10.02.2005, Shri Shiv Shankar Dutta was charged with clearing the area for renovation of old Buddhist temple. It is claimed that he was working on behalf of Tai Khamti Heritage Society.
  - xxi. The Committee further noted that it has been learnt from of Hon'ble Tribunal order to asking the Ministry to consider de-reservation for additional area which may have been taken up for construction.
  - xxii. The Committee further noted that in the extant case, CA has been proposed on degraded RF land of double the extent of the area proposed for diversion. However, as per Rule 13 (4) (a) of the Adhinyam Rules, 2023 the certificate from the State Government for non-availability of non-forest land for CA has not been provided as per records available with the proposal. The State has not provided the reasons why CA has been proposed on RF. As per Rule 13 (3) (b) of the Adhinyam Rules, 2023: "*the **degraded Unclassed State Forests** in the State of Arunachal Pradesh, shall be considered for compensatory afforestation provided they are transferred and mutated in the name of State Forest Department*"; Since the State of Arunachal Pradesh has Unclassed State Forests of upto 33,039km<sup>2</sup> as per the India State of Forest Report 2019, therefore, it would be appropriate if the proposed CA may be changed from RF to USF, along with non-availability certificate of non-forest land from the State Government.
5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Shillong, Nodal Officer Van (Sanrakshan Evam Samvardhan) Adhinyam (VSESA), Government of Arunachal Pradesh, DC Namsai and after going through the facts of the proposal, the Advisory Committee observed that case pertains to encroachment in forest land and remedial and legal action. The Committee

recommended the proposal for regularisation of encroachment and ex-post facto approval of the Central Government under Section 2 (1) (ii) of the Adhiniyam, 1980 in favour of District Administration, Namsai Govt. of Arunachal Pradesh for non-forestry use of 19.52 ha of forest land for establishment of Golden Pagoda under Namsai Forest Division, District Namsai of Arunachal Pradesh subject to the general, standard and following specific conditions:

- i. The user agency shall pay the five (5) times penal NPV plus 12 percent simple interest from the date of raising such demand till the deposit is made by the user agency; The penal NPV is to be calculated on the whole of the diverted area since the whole of the diverted area is under occupation as on date.
- ii. The State Government shall submit the CA scheme on degraded Forest land for four (4) times area of the land proposed for diversion as per guidelines 2023.
- iii. The State Government shall ensure that a stone boundary wall shall be created on the Golden Pagoda site at the cost of the UA within the total diverted area.
- iv. The State Government shall ensure that the green belt shall be maintained in the 9.71 ha. No change in land-use of green belt shall be permitted in the area.
- v. The State Government shall also ensure that no further expansion of built-up area is undertaken beyond 9.74 ha. The partially complete structures under construction shall be completed, only as per the land-use plan submitted, from the eco-friendly materials only.
- vi. The State Government shall clarify the role of the Tai Khamti Heritage Society in the ownership and management of the Golden Pagoda before Stage-II approval.
- vii. The State Government shall ensure the compliance of the all-relevant court orders in this matter.
- viii. The State Government or Regional Officer Shillong shall take action under section 3A/3B of the Adhiniyam, 1980 and a report will be submitted to the Ministry at the time of submission of compliance of Stage-I. The Regional office shall further peruse the progress of the offences booked against the erring officers. Furthermore, the State Govt. shall take strict action against officials as per the report of the Committee as constituted vide letter dated 08.08.2023 in pursuance of the Hon'ble NGT dated 28.07.2023.
- ix. The State Government shall submit the updated status report of the cases booked in relevant forest acts with respect to the present proposal area.
- x. No further diversion of forest for non-forestry activity will be sought at the site of Golden Pagoda project or nearby area in future.
- xi. No further diversion of forest for non-site-specific purpose shall be considered in future for projects inside notified Forest area in Namsai District that find mention in the Hon'ble National Green Tribunal Original Application NO. 25/2023/EZ (I.A. NO.32/2023/EZ) Interim Order dated 16.03.2023 and Finals Orders dated 28.07.2023.
- xii. The State Government shall ensure that all other encroachments on the notified forest land shall be removed in a phase manner while



following the extant Rehabilitation & Re-settlement policy. The State Government shall submit a plan and progress report for the same at the time of seeking Stage-II approval.

## Agenda No.2

FileNo.8-06-2021-FC

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Adhinyam, 1980 for diversion of 598.2427 ha. forest land in favour of Executive Engineer, Bhavnagar District, Gujarat for Methala Bandhara Irrigation Project near village Methala in Talaja Taluka in Bhavnagar District of Gujarat State (Online proposal No. FP/GJ/IRRIG/44298/2020) - reg.**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 28.02. 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 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 Adhinyam, Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer (VSESA) Government of Gujarat and DIGF (Central) Regional Office, Gandhinagar 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. Government of Gujarat vide their letter No. FCA-1020/8-01/20/SF-237/F dated 23<sup>rd</sup> February, 2021 forwarded a fresh proposal for seeking prior approval of the Central Government under the Adhinyam, 1980.
  - ii. As per the proposal submitted by the state, the Methala Bandhara Scheme is situated near village Methala of Talaja Taluka of Bhavnagar District of Gujarat State across river Bagad. The site is about 35 Km. from Taluka head quarter Talaja of Bhavnagar District. The Talaja is located on Bhavnagar-Somanath National highway. The project is situated in the draught prone area of Saurashtra coast which has acute shortage of water. The rainfall is very low and erratic. The rivers are not perennial. The water table is very deep and pumping of ground water is more. The Project is to be constructed at sea mouth to gain maximum benefit of salinity control. Also, the height of dam is Fixed HTL+1.00MT to counter the tide wave so no scope to reduce the submergence.
  - iii. This project is a salinity control measure to prevent the salinity ingress through sub soil. This project is required to improve ground water condition and to cultivate more land for agriculture purpose. It will also help in stopping migration of livestock and people.
  - iv. In view of storage capacity of 655.00 MCFT, assured Lift Irrigation of 3275 Ha. is possible and overall, 6550 Ha. area will be affected of 10 nos of villages of Talaja Taluka will benefit by irrigation as well as wells through recharge of aquifers of surrounding area which is

very much beneficial. The project will increase the employment and socio-economic development of the area and 30000 population will be benefited.

- v. The project is thus a salinity control measure project to prevent the salinity ingress through sub soil, Also, it will improve the ground water condition in surrounding area of the project. Main aim of this project is to recharge the underlying aquifers. There is no provision of canal network in this project. After completion of project only periodical maintenance will remain to be carried out.
- vi. The proposed area is 598.2427 ha which falls under Bhavnagar Forest Division in Bhavnagar District of Gujarat. The proposal also involves 1111 Ha of Non- Forest land (NFL). Out of the total forest area, 1 ha is proposed to be used for dam line and the remaining 598.2427 would come under submergence.
- vii. Out of total 598.2427 Ha Forest area of instant project, 89 ha of land is characterized with Moderately Dense Forest, 77 ha. of land as Open Forest, 1 ha of land as Water and 237 ha. of land as non-Forest (land devoid of tree cover) in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data period 2017-2018. Further, the DSS software was unable to calculate the forest cover map for the balance 194.2427 ha out of 598.2427 Ha Forest area and in the same manner DSS tool is also unable to ascertain the Forest Type Map for the balance 460.2427 Ha out of 598.2427 Ha Forest area owing to some technical glitch. The Committee, however observed that the details provided in the DSS analysis are sufficient to take a decision on the matter. Moreover, SIR has been carried out by the Regional Office and no contradictory facts have been found in the site inspection report as well.
- viii. When the proposal was initially examined by the DSS Cell the Ministry, it was reported that out of total 598.2427 ha forest area sought for diversion, approx. 417 ha forest area was found submerged under the water as per Google imagery dated 26.09.2018. It was also observed that a dam like structure was also built during the same period. However, no violation of the Adhinyam, 1980 has been reported by the state in the proposal and the State Government has clarified that forest area submerged under water is because of the sea tide water.
- ix. The Regional Office in the SIR has also mentioned that there is no violation involved in the instant case. However, as per Site Inspection Report (SIR) of RO, Gandhinagar, the construction of the structure to stop ingressing of the sea water has been done to stop the mixing of sea water with fresh water. The State in this regard has replied that the earthen bund has been constructed by the local people to stop the ingressing of the sea water and no violation is involved in the instant case.
- x. The State Govt. has informed that the dam like structure observed in the satellite imagery is an earthen bund constructed by the local villagers in the revenue area. The area seen as submerged has been going under submergence due to sea water ingress, even before the

construction of the earthen bund, as may also be seen from the satellite image dt.14.01.2017. The proposed location for the Methala Bandhara (Earthen bund) falls in the reserved forest area and would be about 338 m away from the existing bund. User agency has not initiated any activity on the proposed site. The same was also confirmed by the Nodal Officer in the meeting.

- xi.** In case of area proposed for CA, initially it was observed on DSS analysis that the proposed CA area is being used for some commercial activity. The State was therefore asked to verify the present status of the proposed CA land and submit a site suitability certificate mentioning that the proposed area suitable for plantation and free from all encumbrances. In this regard, the state replied that the 140.5978 ha area proposed for CA is encroached by local people and 2.6503 ha area has pond. The State Govt. therefore, revised the CA area and informed that some fresh area has been identified for CA.
- xii.** The revenue record/documentary evidence indicating that the area identified for Compensatory Afforestation is non-forest land was asked from the state. In this regard, State Government informed that this non-forest land has been transferred to the Forest Department by the Collector Bhavnagar order dated 19/3/2020. The committee observed that the revised area has been provided by the state recently whereas it has been mentioned in the reply that the same was handed over to the forest department in the year 2020. In this regard, the state has to ensure that the area proposed for CA is actually non-forest land and the same has been handed over to the forest department in the year 2020 for the purpose of compensatory afforestation only. A certificate from the State Govt./PCCF(HoFF) along with documentary evidence would therefore be required.
- xiii.** Compensatory Afforestation (CA) has been proposed to be carried out in 598.2427 Ha Non- Forest Land in Monpar village, Bhavnagar District. CA has been proposed in two patches. In one patch of 300 Ha area, 400 seedlings per ha along with grass plantation have been proposed and, in another patch, comprising 298.247 Ha area, 2500 seedlings per ha have been proposed. State Government has clarified that two-part scheme for compensatory afforestation has been formulated as per site conditions of the non-forest land as well as keeping in view, the vicinity of Velavadar Blackbuck National Park. The area has large presence of Blackbuck, and is a habitat for wild animals such as wolf, Hyena etc. So technically suitable mixed model of grass seed planting with 400 saplings per hectare has been taken in 300-hectare area. The area so developed would serve to create suitable habitat for Blackbucks.
- xiv.** The CA scheme for the proposed 300 ha area read at few points as degraded area and at few points as non-forest area. A clarification from the state was asked in this regard and the state has clarified that the scheme prepared for compensatory afforestation is for non-forest land only, but the degraded area was written by mistake at one place in the scheme, which has been corrected.
- xv.** The regional Office in the SIR has also mentioned that the proposed

300 ha NFL land for CA in Survey No. 515 Pt Vill. - Monpur, Range & Taluka- Vallabhipur, Dist.- Bhavnagar does not have any growth of trees and its of saline in nature. The species has to be selected keeping salinity in mind. The proposed 298.2427 ha NFL CA in Survey No. 515 Pt 1 Vill. - Monpur, Range & Taluka- Vallabhipur, Dist.- Bhavnagar have fairly good growth of trees and in some of the patches the growth of *Propospis juliflora* is dense and scattered with *Salvadora persica*. This patch has large herds of Blackbucks so proper protection is required for CA plantation. Good agricultural crops were seen adjacent to the proposed CA land.

- xvi.** The satellite imagery of the proposed Non-Forest Land for Compensatory Afforestation revealed that some part of the CA land is falling in the river and the presence of water ponds within the boundary of the proposed area has also been observed. In this regard, State Government has clarified that river seen in satellite image is a seasonal rivulet. The water ponds seen in the KML file are very small water harvesting structures which would be utilized for irrigation of plantation.
- xvii.** As per the information submitted by the state the Benefit/Cost ratio proposed in the project 2.93. The purpose of the project is to prevent Salinity Ingress & Reclaim the Saline Land and to improve social economic condition of the area and to store sweet water in the region.
- xviii.** There is no mention of the density of vegetation in the site inspection report of the DFO/CF. It has been mentioned that there are no trees involved, however as per DSS analysis of the available kml files, 89 ha of land is characterized with Moderately Dense Forest and 77 ha. of land as Open Forest. In this regard, State Government has clarified that there are *Gando Baval* in the proposed site which will not obstruct in the project and it is not required to be cut down. The Nodal Officer Gujarat clarified in the meeting that the area appears to be dense as it is infested with *Propospis juliflora* which is an invasive species, and the same has not been enumerated.
- xix.** The Regional office, Gandhinagar has submitted the Site inspection report of instant proposal. As per SIR, the Regional Officer, Gandhinagar has recommended the proposal with the following specific conditions: -

  - (a) The User Agency will not use the diverted forest land for construction of buildings and other non-site-specific activities.
  - (b) Muck will not be disposed on forest/charagah land outside the proposed diversion land.
  - (c) Six feet boundary wall shall be constructed at the cost of user agency along the boundary of the Non- Forest Land (NFL) proposed for CA in both patches towards the habitation and agriculture field to prevent encroachment.
  - (d) The User Agency shall provide at its costs the required number of Solar Pumps as given by the forest department for irrigating the CA plantation.
  - (e) The species have to be selected by the Forest Department

Government of Gujarat keeping salinity in mind.

5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Gandhinagar, Nodal Officer, Government of Gujarat and after going through the facts of the proposal, recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Adhiniyam, 1980 for diversion of 598.2427 ha. forest land in favour of Executive Engineer, Bhavnagar District, Gujarat for Methala Bandhara Irrigation Project near village Methala in Talaja Taluka in Bhavnagar District of Gujarat State subject to the general, standard and following specific conditions:
- i. The State Govt. shall ensure that the area proposed for CA is non-forest land and the same has been handed over to the forest department for the purpose of Compensatory Afforestation. A certificate from the State Govt./PCCF(HoFF) along with documentary evidence shall be submitted.
  - ii. The User Agency will not use the diverted forest land for construction of buildings and other non-site-specific activities.
  - iii. Muck will not be disposed on forest land and the same shall be done on identified non-forest land with due precautions and mitigation measures.
  - iv. Six feet boundary wall shall be constructed at the cost of user agency along the boundary of the Non- Forest Land (NFL) proposed for CA in both patches towards the habitation and agricultural fields to prevent encroachment.
  - v. The User Agency shall provide at its cost the required number of Solar Pumps as given by the forest department for irrigating the CA plantation.
  - vi. The species for Compensatory Afforestation have to be selected by the Forest Department Government of Gujarat keeping salinity in mind.

### Agenda No.3

File No. FC-6/GJB-68/2023-GNR

**Sub: Proposal for seeking Ex-post facto approval of the Central Government under section 2 (1) (ii) of the Adhiniyam, 1980 for diversion of 9.85 ha Protected Forest land in favour of Executive Engineer, R&B Division, Valsad, Gujarat for diversion of 9.85 ha Protected Forest land for the project of Widening and strengthening of Valsad-Gundlav Khergam road km 2/0 to 16/0 Taluka-Valsad District Valsad (Online proposal No. FP/CJ/ROAD/457860/2024)**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 28.02.2024. 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 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 Adhiniyam, other Acts,

- Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer (VSESA) Government of Gujarat and DIGF (Central) Regional Office, Gandhinagar 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. Government of Gujarat vide letter No. FED/FLP/e-file/6/2023/1344/F dated 14.06.2023 submitted the proposal for Ex-post facto approval of the Central Government under the Adhinyam, 1980.
    - ii. The proposal was submitted in PARIVESH 1.0 (Proposal No. FP/GJ/ROAD/152124/2022) and processed by RO, Gandhinagar. The State Government has also submitted the proposal on PARIVESH 2.0 which is processed by FC Division and EDS has been raised which was duly replied by State Government vide letter dated 17.02.2024.
    - iii. As per information submitted by the state in the proposal, the proposed forest patch is not a part of any Wildlife sanctuary/Protected area. The proposed forest land is 28 km away from the nearest Vansda National Park.
    - iv. The proposed area is 9.85 ha of Protected Forest (PF) falls under Social Forestry Division, Valsad District of Gujarat which has a canopy density of 0.3 (EcoClass 1) and 700 number of trees have been proposed to be felled.
    - v. Violation of the Adhinyam, 1980 has been reported and the work has already been started by User Agency. The Area of forest land involved in violation is 1.683 ha. The State has informed that the work was started by the user agency in 2022, a forest offence has been booked and the investigation is underway. The State Government has clarified that the notification for the roadside Protected Forests (PF) only mentions the length from 1Km to 16.04 Km and no width is specified, there is no mention of area or the width and due to this ambiguity, it is not legally possible to define the limits or boundary of this area.
    - vi. State Government informed that there is no permanent encroachment under the proposed diversion area. The user agency had initiated work in 1.683 ha area. FOR no. 1/2022-23 dt. 21.03.2023 has been issued and an amount of Rs. 2,16,329/- was recovered from the user agency. The work was immediately stopped. The user agency has given undertaking to pay Penal NPV as per VSESA guidelines.
    - vii. The total Compensatory Afforestation over an area of 20 ha Degraded Forest Land in Sabarkantha Forest Division, Himmatnagar has been proposed. However, as per provisions given under sub-rule (1) rule 13 of the Adhinyam Rules, 2023, the Compensatory Afforestation (CA) has to be raised over equivalent non-forest land which is not under the management and administrative control of the forest department. The State Government has clarified that the ownership of the Right of Ways (RoW) is of the User Agency and there is no involvement of other non-Forest land in the project. Hence, as per norms, CA has been

proposed in DFL double in intent of the diversion area. The State Government has also stated that Non-Forest Land (NFL) is not required in the extant proposal as the ownership of the RoW is of the User Agency.

- viii. The Committee however observed that as per the extant rules and guidelines, degraded forest land cannot be accepted for the purpose of compensatory afforestation in the instant case.
  - ix. The proposals processed at the level of the Ministry require site inspection report of the Regional Office. However, in view of the fact that the proposal is recommended by the REC, which is headed by the Regional Officer, the report/ recommendation of the REC was considered by the committee in place of the site inspection.
  - x. The proposal was placed before 16th meeting of Regional Empowered Committee (REC) held on 18.01.2024. During the deliberation in the REC meeting, it has been informed by the representative of the user agency that the officer responsible for violation is Sh. SS Patel Deputy Executive Engineer, R&B Division Valsad.
  - xi. The REC recommended the proposal with general, standard and following specific conditions: -
    - a. The user agency shall make payment for Penalty for violation of the Adhinyam, 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 at its cost on equal DFL for carrying out the work in violation of the Adhinyam, 1980.
    - c. The Action has to be taken under Section 3A & 3B for violation of the Adhinyam, 1980 against Shri S. S Patel, Deputy Executive Engineer, R&B Division Valsad.
    - d. The user agency shall construct 6 feet high wall along the boundary of the proposed CA land at its cost.
    - e. The user agency shall provide at its cost required number of Solar Pumps as given by the Forest Department for irrigating the CA plantation.
    - f. The User Agency shall construct underpass of height 3 to 4 Meters and 5-meter width at its cost at every 500 meters within forest land along the road for easy movement of wild animals.
- 5. Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Gandhinagar, Nodal Officer, Government of Gujarat and after going through the facts of the proposal, recommended the proposal for granting 'in-principle' approval of the Central Government under Section 2 (1) (ii) of the Adhinyam, 1980 for diversion of 9.85 ha Protected Forest land in favour of Executive Engineer, Road & Building Division, Valsad, Gujarat for the project of Widening and strengthening of Valsad-Gundlav Khergam road km 2/0 to 16/0 Taluka-Valsad District Valsad 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. State Govt. shall take action under section 3A and/or 3B of the Adhinyam, 1980 against those responsible for violation of the Adhinyam.
- iii. The user agency shall provide equal amount of land which is neither notified as forest under the Indian Forest Act, 1927 (16 of 1927) or any other law nor managed as forest by the Forest Department and it shall also bear the cost of raising compensatory afforestation over such land and the requirement of Compensatory Afforestation. The detail of the area, including the kml files, CA scheme and the maps shall be submitted.
- iv. Once the suitability of the CA land is ascertained by the Regional Office, the area selected for CA shall be notified as Protected Forest under the Indian Forest Act, 1927 (16 of 1927) or local Acts prior to 'Final' approval.
- v. The user agency shall construct 6 feet high wall along the boundary of the proposed CA land at its cost.
- vi. The user agency shall provide at its cost required number of Solar Pumps as given by the Forest Department for irrigating the CA plantation.
- vii. User Agency shall construct suitable underpasses/ mitigation measure by consulting CWLW of the State, for safe passage and accident free movement of wild animals.

#### **Agenda No.4**

**File No. FC-6/GJC-31/2023-GNR**

**Sub: Proposal for seeking ex-post facto approval of the Central Government under section 2 (1) (ii) of the Adhinyam, 1980 for diversion of 7.86 ha Reserved Forest land in favour of Project Director, NHAI, PIU-Godhara, for construction of 8 lane road (New NH-148 N) from Kajaliya Village, Ratlam District in the State of Madhya Pradesh to Dodka Village, Vadodara District in the State of Gujarat additional proposal of Village-Chhabanpur, Ta-Godhara, Dist- Panchmahal (FP/GJ/ROAD/401766/2022).**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 28.02. 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 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 Adhinyam, other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer (VSESA) Government of Gujarat and DIGF (Central) Regional Office, Gandhinagar 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. Government of Gujarat vide letter No. FED/FLP/e-file/6/2023/0385/F dated 14.03.2023 submitted the proposal for Ex-post facto approval of the Central Government under the Adhinyam, 1980.
  - ii. The proposed area is 7.86 ha of Reserved Forest (RF) falls under Panchmahals District of Gujarat and having a canopy density of 0.4 (Eco Class 3) and 8 number of trees have been proposed to be felled. The State Government clarified that number of trees to be felled has again been verified at ground by forest officials/staff and found that 8 number of trees are to be felled in the subject land diversion proposal.
  - iii. Violation of the Adhinyam, 1980 has been reported. The User Agency has started the work of construction in Reserved Forest Area of Chhabanpur in 2022. The total forest land involved in violation is 0.066 ha. The State Government has informed that Forest Offence Report (FOR) has been issued against the User Agency under Indian Forest Act, 1927. The construction work has been stopped by the User Agency.
  - iv. State Government informed that the area in this segment was diverted for relocation of outsees of Hadaf Kabutari Dam and was left out in the earlier diversion proposal of NHAI. There is a lot of Honey Combing and demarcation is not available due to some disputes. The user agency had initiated work in the area/location where Revenue and Forest area are adjoining to each other; where proper demarcation of Forest & Revenue area was not there. On account of non-demarcation at ground, the work was started by the Contractor of User Agency in about 0.066 ha. of area in this segment. As per provisions of Indian Forest Act, 1927, Forest Department has booked FOR No 8/2023-24 against Contractor GHV (India) Pvt. Ltd. Notice to the relevant Range Forest Officer has been issued by DCF Godhra for submitting clarifications for the same.
  - v. State Government has also informed that due to non-demarcation of the area, work was started in two locations by the contractor of the user agency and the same was got stopped. The work included digging of land for piers at one location and wall at other location. FOR was booked against the agency under Indian Forest Act, 1927 and Rs.50,000/- has been recovered from the contracting agency as compensation. DFO has issued notice to the concerned RFO. The initiation of work was done inadvertently by the user agency in a very small area (0.066 ha.) by only starting the work, the same was got stopped and compensation has been recovered from the offender agency for this purpose. No permanent work has been done and cognizance has been taken under Indian Forest Act, 1927 for the infringement which is only temporary in nature which may be considered in the interest of the project and approval may be accorded.
  - vi. CA will be done in 7.86 ha Non-Forest Land in Panchmahal District.

As per DSS analysis of the CA land, part of proposed CA land is falling in the Reserved Forest. State Government was requested to look into the above analysis. The State Government has to certify that CA land is in NFL and submit a certificate signed by PCCF (HoFF) /Nodal Officer, VSESA Gujarat stating that land proposed for Compensatory Afforestation is not falling within forest area shall be submitted.

- vii. The proposals processed at the level of the Ministry require site inspection report of the Regional Office. However, in view of the fact that the proposal is recommended by the REC which is headed by the Regional Officer, the report/ recommendation of the REC was considered by the committee in place of the site inspection.
  - viii. The proposal was placed before 16th meeting of Regional Empowered Committee (REC) held on 18.01.2024. The REC recommended the proposal with general, standard and following specific conditions: -
    - a. The user agency shall make payment for Penalty for violation of the Adhinyam, 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. No officer is responsible as the status of the land was not known to them as informed by the Nodal Officer hence no action is recommended under provisions of the 3A & 3B of the Adhinyam, 1980.
    - c. The user agency shall construct 6 feet high wall along the boundary of the proposed CA land at its cost.
    - d. The user agency shall provide at its cost required number of Solar Pumps as given by the Forest Department for irrigating the CA plantation.
5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Gandhinagar, Nodal Officer, Government of Gujarat and after going through the facts of the proposal, recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Adhinyam, 1980 for diversion of 7.86 ha Reserved Forest land in favour of Project Director, NHAI, PIU-Godhara, for the construction of 8 lane road (New NH-148 N) from Kajaliya Village Ratlam District in the State of Madhya Pradesh to Dodka Village in Vadodara District in the State of Gujarat additional proposal of Village-Chhabanpur, Ta-Godhara, Dist-Panchmahal subject to the general, standard and following specific conditions:
- i. A certificate signed by PCCF (HoFF) /Nodal Officer, VSESA Gujarat stating that land proposed for Compensatory Afforestation is not falling within forest area shall be submitted.
  - ii. 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.

- iii. The user agency shall construct 6 feet high wall along the boundary of the proposed CA land at its cost.
- iv. The user agency shall provide at its cost required number of Solar Pumps as given by the Forest Department for irrigating the CA plantation.
- v. User Agency shall construct suitable underpasses/ mitigation measure by consulting CWLW of the State, for safe passage and accident free movement of wild animals.

### Agenda No. 5

File No. 8-28/2010-FC

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van Adhinyam, 1980 in favour of Shongtong Karchham Hydro Electric Project, HPPCL under the jurisdiction of Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh, for non-forestry use of 7.3722 ha. of forest land as additional forest land requirement in already approved diversion, in the State of Himachal Pradesh (Online Proposal No. FP/HP/HYD/40611/2019)**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meetings on 17.07.2023 and 20.10.2023. 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 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 other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer (VSESA) Government of Himachal Pradesh and DDGF (Central), Regional Office Chandigarh (having jurisdiction of Himachal Pradesh) 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 Government of Himachal Pradesh has uploaded the proposal No. FP/HP/HYD/40611/2019 on PARIVESH portal on 21.02.2023 for seeking prior approval of Central Government under Section-2 of the Adhinyam, 1980.
  - ii. The facts of the proposal with monitoring report done by concerned RO was discussed by Advisory Committee (AC) in its meetings held on 17.07.2023 and 20.10.2023. The detailed minutes of the AC meeting is available on PARIVESH portal at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Committee had detailed discussion and deliberation with the Nodal Officer (VSESA), Himachal Pradesh in its meeting held on 20.10.2023. After going through the facts of the proposal and submissions made by the State Nodal Officer the Committee decided to defer the proposal and sought the following information from the State:

- a. The copy of the approved muck management plan shall be submitted.
  - b. The State Govt. shall submit a detailed report regarding the slow progress in implementation of CAT plan and the failure of Compensatory Afforestation plantations.
  - c. There is a violation over an area of 0.5883 ha. as reported by the State. The detailed justification for violation and action taken report against those responsible for violation shall be submitted by the State.
  - d. The reservoir to be created due to dam construction and subsequent submergence is required to be declared as Reserve Forest under Indian Forest Act. 1927. A copy of notification for the same shall be submitted.
  - e. The State Government shall examine the writ petition pertaining to the instant project which is pending before the Hon'ble High Court and ensure that the same has no bearing on the instant proposal for diversion of additional forest land.
  - f. The State Govt. has reported that there are six (6) approved dumping sites in earlier diverted area and accordingly submitted the area details of these six dumping sites but the said KML file includes eight (patches) out which six are dumping sites and two (2) Job facility sites. Thus, it is not clear whether these two patches of Job facility have been mistakenly included in the KML file of approved dumping sites of earlier diverted area or being currently used for dumping sites. The same shall be clarified by the state government.
- iii. The above AC observations were communicated to the State Govt. vide this Ministry's letter dated 09.11.2023.
  - iv. The Government of Himachal Pradesh vide their letter No.Ft.48-4019/2011 (FCA) dated 18.01.2024 forwarded the additional information in response to this Ministry's letter dated 09.11.2023. Examination of additional information submitted by the State Government revealed that reply to certain points has not been submitted and the same was conveyed to the State Government on 19.02.2024.
  - v. The Government of Himachal Pradesh vide their letter No.Ft.48-4019/2011 (FCA) dated 22.02.2024 forwarded the additional information through e-mail in response to this Ministry's letter dated 19.02.2024. The Committee was informed that examination of the additional information submitted by the State Government revealed following:
    - a. There is a pending writ petition i.e. CWP 3915/2023 in the matter of Durga Chand & Others vs. Uol&Ors. pending before Hon'ble High Court of Himachal Pradesh, Shimla pertaining to this project regarding grant of additional land for construction of Shongtong Karchham HEP 450 MW in Kalpa, H.P. on proposed additional land i.e. in khasra no 810/2, 854/23/1, 1/1, 21/1, 2/1 as there is no clearance, as contended. State Government vide its letter No. Ft.48-4019/2011 (FCA) dated 18.01.2024 had informed that CCF, Rampur has intimated that Civil Writ Petition CWP No. 3915 of

- 2023 titled as Durga Chand & Other Vs Union of India and Others has no bearing on the instant proposal. Certificate from Director Personnel HPPCL in this regard has been submitted.
- b. The violation has been done by the user agency over an area of 0.5883 ha. as reported by the State Government. However, the detailed violation report along with action taken against officers under 3A/3B of the Central Government under section 2 (1) (ii) of the Adhinyam, 1980 which is responsible for violation has not been submitted. The same needs to be submitted.
  - vi. The Committee was further informed that Regional Office, Chandigarh had inspected the site from 20.02.2024 to 24.02.2024 and it is mentioned in the inspection report that violation over an area of 0.5883 ha. has been found, wherein work of silt tunnel has been carried out on ground under component at SN 6 Adit-I (F). As of now, the work has been stopped.
  - vii. The Nodal Officer, Himachal Pradesh submitted to the Advisory Committee a certificate from Deputy Commissioner Kinnaur District stating that the *present court case has no bearing on the instant proposal*. The Committee considered the same.
  - viii. The Nodal Officer, Himachal Pradesh submitted to the Advisory Committee a certificate from Dy.GM (E&RR), HPPCL stating that this violation has not been done by HPPCL. However, this violation has been done inadvertently by contractor M/S Patel Engineering Company engaged for execution of the project work. Taking cognizance of the offence, the project Manager Shri. Sanjay Sharma of M/s PEL was forced to resign from his post. General Manager, HPPCL has also submitted an undertaking to pay the entire amount of penal NPV. The Committee considered the same.
5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office Chandigarh and Nodal Officer (VSESA), Government of Himachal Pradesh and after going through the facts of the proposal, recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Adhinyam, 1980 in favour of Shongtong Karchham Hydro Electric Project, HPPCL under the jurisdiction of Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh, for non-forestry use of 7.3722 ha. of forest land as additional forest land requirement in already approved diversion, in the State of Himachal Pradesh subject to the general, standard and following additional condition:
- i. The penalty for violation shall be equal to five (5) times the NPV for the violated land area plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
  - ii. Additional/penal CA on degraded forest land equal to the area being diverted (7.3722 ha.) will be carried out at the cost of User Agency.

#### Agenda No. 6

File No. 8-34/2022-FC

**Sub: Diversion of 263.5406 ha forest land under Adhinyam, 1980 for construction of Sambarkund Irrigation Project at Village Mahan, Taluka Alibag,**

**District Raigad in the State of Maharashtra (Online No. FP/MH/IRRIG/142819/2021) - reg.**

1. The agenda item was considered by the AC in its meeting held on 28.02.2024. 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 Dy. DGF (Central), RO, Nagpur, and Nodal Office (VSESA), Government of Maharashtra attended the meeting.
4. While deliberating on the proposal, AC observed that:
  - i. The Government of Maharashtra vide their letter No. FLD-2022/C.R-294/F-10 dated 18.11.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Adhinyam, 1980 for diversion of 263.5406 ha forest land for construction of Sambarkund Irrigation Project at Village Mahan, Taluka Alibag, District Raigad in the State of Maharashtra.
  - ii. The proposed diversion area is 263.5406 ha and the density of vegetation is 0.3 having Eco-class 3. The Nodal Officer, VSESA, Government of Maharashtra informed that the present proposal is for irrigation purpose.
  - iii. As per DSS analysis, the Phansad wildlife sanctuary is located at a distance of 10.41 Km from the proposed diversion site.
  - iv. As per DSS analysis, the instant proposal falls under Inviolable Zone or In-High Conservation Zone value as per DSS Rule-I due to presence of Hydrological feature like River, Dam within 250-meter distance from the proposed forest diversion site. However, the instant project is Not-Inviolable or not in high conservation zone value as per DSS Rule-II because total 31 grids of 1x1 sq km size are covering the entire forest land under diversion and out of which 16 grids are having average score above 70 thus Not-Inviolable as per DSS Rule-II.
  - v. As per the State Government, the forest land proposed for diversion includes the private forest area on which village settlement, road, school and Agricultural land of Jambhulwaid situated in Gut No. 53, 60 & 61. Khairwadi in Gut No 110 of Mahan and Sambarkundwadi in Compt No.196 of Mahan, which is proposed for diversion and the necessary Rehabilitation and resettlement has also been proposed as per R&R plan on the rehabilitation land from village Ramraj.
  - vi. The State Govt. has mentioned that no forest land is required / proposed to be utilized for rehabilitation of project affected families / Person in the extant proposal of 263.5406 ha for Sambarkund Medium Irrigation Project. The State Govt. has identified and provided 18.51 ha non-forest land for rehabilitation purpose near the project site.
  - vii. The Nodal Officer informed that the Govt. of Maharashtra has accorded new Administrative approval (AA) to the Sambrkund Project vide GR Sambarkund 1094/909/(202/94) WRA dated 16/03/1995. After receipt of the alternate NFL for CA, it became necessary to get the approval

- for the lapsed Administrative Approval (AA) of the project from the Govt. of Maharashtra and accordingly the Sambarkund Project had been accorded Second new AA vide GR Sambarkund 2001/498/(80/2001)/ WRA, Dated 06/10/2001.
- viii. The Forest land diversion proposal of 228.40 ha for the 1st head works had been submitted to the Deputy Conservator of Forests, Alibag on 17.01.2005. On this Proposal CCF Thane have raised remark by letter dated 13.12.2007. The Remarks have been complied by User Agency vide letter dated 06.10.2009 and revised proposal was submitted to Dy.CF. Alibag 24/02/2012 and the same had been forwarded to the Chief Conservator of Forests, Thane vide letter dated 04.06.2012. The Chief Conservator of Forests, Thane, had raised queries vide letter dated 31/5/2012 on the proposal. The forest land diversion proposal was submitted to the Deputy Conservator of Forests Raigad, Alibag vide letter dated 28/2/2014, with compliance of the queries. On it the DCF, Alibag office had conveyed the remarks vide letter dated 26/3/2014 to with major remarks viz. 1) The AA order in the proposal is of 2001 so considering the increase in the expenditure of project, sanction copy of the Revised AA is to be submitted. 2) The submission of the single complete proposal for the scheme including forest land required to be diverted for 1st head works and canal. 3) Proposal should be submitted Online.
- ix. The proposal for Environment Clearance for the project from the State Level Environment Impact Assessment Authority (SEIAA) had been submitted to the SEIAA Committee Maharashtra on 12/7/2012. The Project had been discussed in the 66th meeting of the State Level Expert Appraisal Committee held on 16/02/2013 and in this meeting the Committee suggested to study the possibility of reducing submergence area and obtain revised administrative approval to the Project.
- x. In accordance with these suggestions, the preparation of revised Administrative Approval proposal had been taken up on priority in 2013-14 with seeking detail design and drawing from Central Design Organization with all allied required documents. The Govt. of Maharashtra have accorded revised AA vide GR No. RAA- 2020/146/ (C.No./50/20) Medium Project, Dated 25/06/2020.
- xi. The Environment Clearance proposal of the Project was considered by SEIAA in its 197th meeting held on 16/03/2020 and accorded Environment Clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 vide letter dated 31/03/2020 and corrigendum dated 17.03.2022.
- xii. After receiving revised administrative approval and Environmental Clearance to the project in 2020 local farmers and public demands for irrigation and drinking water also enhanced in manifolds hence State Govt. have accelerated the above activities and submitted Forest land diversion proposal to Forest Department on 13/05/2021 online and physically”.
- xiii. As per the State Government, the District Collector, Nanded vide order No. 1997.R.B. Desk-2/Land/CR-5643/8/1/97 dated 03/11/1997 and order No. 97/RB Desk-2 Land CR-1/97 dated 31/12/1997 transferred

the 1044.85 ha non-forest land (NFL) in favour of the DCF, Nanded Forest Department for Compensatory Afforestation. From this non-Forest land, the 395 ha NFL had been earmarked for the Compensatory Afforestation work against this proposal and accordingly the mutation for the said NFL was done in favour of the Forest Department. Compensatory Afforestation (CA) non-forest land has been handed over by the Collector, Nanded's order no. CR/5643/8.1/97, dated 03/11/1997 to DCF, Nanded and subsequently the mutation of this land has been done and now it has been recorded as a forest land as per 7/12.

- xiv. The Nodal Officer also informed that the State Govt. had handed over 395 ha CA land from which the 268.70 ha land was found suitable for CA for the Sambarkund Project. Out of this 268.70 ha CA land, the DCF, Nanded had carried out field survey and reported due to natural vegetation and other plantation works only 24 ha area is now actual available for plantation. Therefore, 245 ha degraded forest land (DFL) have been proposed as an additional CA land with a view to raise plantation at the rate of 1000 plants per ha as per plantation norms. So that plants which cannot be planted over the 268.70 ha non-forest land, the same can be planted in the Degraded Forest land. Hence, total 269 ha area have been made available for CA Plantation work.
- xv. The Regional Office, Nagpur in its site inspection report mentions that the User Agency handed over non forest land to the Forest Department long back and the Forest Department has already carried out plantation over 171.00 ha under various schemes. However, the proposal is still under consideration under the Adhinyam,1980. Hence, entire non forest land proposed for CA under the proposal may be considered and may direct the State Government to take necessary steps to evict encroachments claimed to be over 30 ha and to notify the entire area of 395 ha as RF / PF. Since, the proposal is still under consideration for issuing of in principle approval, sub rule 13 of the Adhinyam Rules 2023 will be applicable. Accordingly, compensatory afforestation required to be carried out over required extent of degraded forest area as per the extant rules.
- xvi. The Advisory Committee observed that out of 268.70 ha CA proposed on non-forest land, the DCF, Nanded vide their letter dated 08.06.2023 informed that only 71.87 ha is presently suitable for plantation work. Out of 71.87 ha proposed non-forest Land for CA which is informed by DCF, Nanded is presently suitable for plantation work, the DCF, Nanded vide their letter dated 08.06.2023 selected 47.87 ha Non-Forest Land for CA in the Village HINGANI (45.87 ha) and Village SAYPHAL (2 ha) whereas the same villages have been excluded earlier by the DCF, Nanded vide their letter dated 04.08.2022 for carrying out CA due to encroachment. This shows that the information submitted by State Govt. w.r.t CA land has changed from time to time and the same therefore needs verification.
- xvii. The Advisory Committee observed that the proposed CA on non-forest land involves non-workable area due to encroachments, rocky area and steep slopes and the majority of the proposed Compensatory



Afforestation land is not free from encumbrances and is not suitable for carrying out plantation.

- xviii. The Advisory Committee observed that the details regarding overall impact/ benefits of the project to local people/villages needs to be examined in detail. The details about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted and the likely impact of the project on cropping pattern in future is essential for evaluating the socio-economic benefits of the project.
5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur, and Nodal Officer, VSESA, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, VSESA, Government of Maharashtra, the Committee deferred the proposal for diversion of 263.5406 ha forest land for construction of Sambarkund Irrigation Project and sought the following details:
- i. The details about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted and the likely impact of the project on cropping pattern in future is essential for evaluating the socio-economic benefits of the project. The State shall submit a detailed report on these aspects.
  - ii. The majority of the proposed Compensatory Afforestation land is not free from encumbrances and is not suitable for carrying out plantation. Therefore, the State shall submit duly certified map of 395 ha NFL earmarked for the Compensatory Afforestation clearly showing the area actually available for plantation and the area which is not available for plantation. The certificate has to be signed by an officer not below the rank of the APCCF cum Nodal Officer (VSESA).
  - iii. The state shall ensure that the area proposed for CA is non-forest land and the same has been handed over to the forest department during the year 1997 for the purpose of Compensatory Afforestation only. A certificate from the State Govt./PCCF(HoFF) along with documentary evidence shall be submitted.
  - iv. The Regional Office has recommended that the State Government be asked to take necessary steps to evict encroachments claimed to be over 30 ha and notify the entire area of 395 ha NFL as RF / PF. The State shall submit an undertaking in this regard.

### **Agenda No. 7**

**Proposal No: FP/MH/OTHERS/413297/2023**

**Subject: Diversion of 2.3 ha Reserve Forest land for strengthening and up-gradation of Morni to Metshindi -District Border Road MDR-120 for Morni, Arav, Valvan, Metshindi Villagers in Taluka Mahabaleshwar, District Satara of Maharashtra State – regarding.**

1. The agenda item was considered by the AC in its meeting held on 28.02.2024. 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 Dy. DGF (Central), RO, Nagpur, and Nodal Office (VSESA), Government of Maharashtra attended the meeting.
4. While deliberating on the proposal, AC observed that:
  - i. The Govt. of Maharashtra vide their letter No FLD-2023/C.R.85/F-10 dated 24.11.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Adhiniyam, 1980 for diversion of 2.3 ha Reserve Forest land for strengthening and up-gradation of Morni to Metshindi - District Border Road MDR-120 for Morni, Arav, Valvan, Metshindi Villagers in Taluka Mahabaleshwar, District Satara of Maharashtra State.
  - ii. The State Govt. informed that the Chaturbet – Dabhedabhekar – Kharoshi – Rule – Pimpri – Aaklpe – Uchat – Morani - Arav - Valvan - Metshindi was Other District Roads (ODR). This road is upgraded to MDR-120 standard vide State Govt. GR No. RDP-2019/P.K.02/Planning-2 dated no 11/02/2020 as per Road Development Plan 2001-2021 of Govt. of Maharashtra. Total length of this road is 99.740 Km which starts at Chaturbet (Km.0/00) and ends near Metshindi (Km.99/740) at the Border of Satara & Ratnagiri District. Details of the Chaturbet (Km.0/00) to Metshindi (Km.99/740) Road are as follows;

Sr. No	Chaturbet (Km.0/00) to Metshindi (Km.99/740) Road	Status
1	From K.M. 0/00 to 45/00	Construction of black top road was completed 12 years back.
2	From K.M. 45/000 to K.M. 54/000	Construction completed under P.M.G.S.Y scheme
3	From K.M 54/000 to K.M. 75/000	B.T. road was completed by Irrigation Department under Koyana Punarvasan scheme
4	From K.M. 76/00 to K.M. 81/100	Construction of black top surface was finished by the PWD Govt. of Maharashtra under State Budget Scheme
5	From K.M. 81/100 to 99/740	Most of the road surface is in Water Bound Macadam (WBM) i.e. in bad condition at many places. Now, the user agency has submitted present proposal for diversion of 2.30 ha forest land for strengthening and up-gradation of Road from K.M. 85/100 (at Morani) to K.M. 99/740 (near Metshindi) that is 14.740 km road stretch at Satara Ratnagiri District Border lies in

	Sahyadri Tiger Reserve Buffer Zone Area.
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- iii. The Deputy Director, Sahyadri Tiger Reserve, Kolhapur in its Site inspection report informed that the length from Km.0/00 to Km 85/000 of this road is Black Topped, with 3.75 m. wide carriageway & 10.00 m. average roadway width. There is prime demand of peoples from Morni, Arav, Valvan & Shindi to Upgrade the existing WBM road from Morni to Met Shindi - District Border for their daily needs and medical, educational facility at Mahabaleshwar in Satara District, at Khed in Ratnagiri District. The length of this route beyond Satara District Border Near Metshindi to Bharne Naka Khed in Ratnagiri District is 5.5-meter-wide carriageway with Bituminous surface and in good condition up to Mumbai-Goa National Highway.
- iv. The total forest area involved in the instant proposal is 2.30 Ha Reserved Forest land and the details of total land involved in the project are as follows:

Sr. No.	Purpose	Forest Area (ha)	Non-Forest Area (ha)	Total (ha)
1.	Strengthening And Upgradation of Road from Morni (Km 85) To Metshindi (Km 99.740)	2.30	12.44	14.74

- v. The State Govt. informed that the density as per Site Inspection carried out by the Deputy Director, Sahyadri Tiger Reserve is 0.6 and number of projects affected trees reported are 127.
- vi. The Govt. of Maharashtra mentioned that the project will create connectivity between western Maharashtra and Konkan Region and facilitate communication and connectivity to the people of 16 villages of Kandat valley, which are remotest villages in Satara district and bring them in main flow of development. Also, in future, it will be helpful to enhance eco-tourism to the great extends.
- vii. The State Govt. has informed that the road length at end portion of mountain pass at 99/330 to 99/740 i.e. 410 m road was constructed by villagers on 12/01/2000. This violation was done by 1000 to 1500 villagers on 12/01/2000 and the case was noted as Range/G/No.3/99-2000 for violation of Adhinyam, 1980. For this violation there were no proper evidence available, so the case was dismissed. For this violation User Agency already deposited 1% amount of project cost (15.00 Lakhs) & 2% amount of project cost (30.00 Lakhs) to Sahyadri-Tiger Reserve Foundation for Wildlife Conservation vide letter no. mshwar/14104/2022 dt. 21/11/2022.
- viii. The State Govt. informed that the length of this road from Km.0/00 to 84/00 is strengthened under different schemes of State Govt. and it is now B.T. Surface. There is forest land from Km. 72/200 to 72/300 and there is no work done by user agency in this patch.

- ix. The instant proposal falls under Inviolable or in high conservation zone category as per the DSS Rule-1 because the proposed forest land for diversion is located inside Koyna Wildlife Sanctuary. However, the State Govt. informed that the proposed forest land is falling in the Buffer zone of Sahyadri Tiger Reserve and the proposal received NBWL clearance in the 72<sup>nd</sup> meeting of the Standing Committee of National Board for Wildlife held on 25.04.2023.
- x. The State Govt. informed that the proposed area is susceptible to land slide due to area receives heavy rain falls every year. In this regard the State Govt. informed that the mitigation plan of Landslide prone area under taking certificate is already submitted to the Nodal office, Nagpur that we will submit mitigation plan after Stage-I approval. After the approval of Stage-I while preparing detailed technical sanction estimate protective measures will be considered. At Chainage of this road 99/440,99/650 Protective works like Gabian walls, retaining walls & Other remedies will be taken in actual execution of work.
- xi. The State Govt. informed that the Compensatory Afforestation land of 2.3 ha for this proposal is given at Valvan Tal. Mahabaleshwar. Dist. Satara. Since there is already dense forest at Compensatory Afforestation land at Valvan So degraded land at Compo No. 801, Gut No. 656 in Village Andhor Tal. Khandala Dist. Satara is provided for Compensatory Afforestation.
- xii. The State Govt. has informed that the road length at end portion of mountain pass at 99/330 to 99/740 i.e. 410 m road was constructed by villagers on 12/01/2000. This violation was done by 1000 to 1500 villagers on 12/01/2000 and the case was noted as Range/G/No.3/99-2000 for violation of Forest Conservation Act 1980.
- xiii. The State Government was requested to submit the KML file of the non-forest land proposed for Compensatory Afforestation; however, the same was not submitted on PARIVESH portal. Later, the KML file of the CA land proposed over 2.3 ha non-forest land in Village- Valvan, Taluka- Mahabaleshwar, District- Satara (Gat No. 21) has been sent through email. As per the analysis of the kml file the area proposed for CA was found to be on forest land. However, in this regard the Deputy Director, Sahyadri Tiger Reserve, Kolhapur on dated 25.01.2024 has enclosed a certificate that the status of said land is non- forest and it is verified as per land records of forest department and revenue department. The Appropriate actions will be taken to modify the errors in maps provided by State Govt. to the DSS, Gol.
- xiv. The Committee observed that the certificate regarding the legal status of the CA land and that of the area proposed to be utilized in the project is required to be submitted by the state government or a senior officer of the forest department.
- xv. The Site inspection has been carried by the Regional Office Nagpur, wherein it has been mentioned that the forest land proposed for diversion falls within the boundary of Koyna Wildlife Sanctuary which forms a part of buffer area of Sahyadri Tiger Reserve. The Standing Committee of NBWL has approved the proposal subject to certain conditions. The approval may be given subject to fulfilment of all conditions stipulated by the SC NBWL.

- xvi. Further, it has been mentioned that The Non-Forest Land measuring 2.3 ha has been identified in the village Valvan, Taluka Mahabaleshwar, Dist Satara (Gat No. 21) for raising compensatory afforestation. However, due to high crown density, the plantation has been proposed over degraded forest land measuring 2.3 ha in village Andora, Tal Khandala, Dist Satara.
  - xvii. In part-II, the DCF has mentioned that the area is slightly susceptible to the erosion but, susceptible to land slide due to area receives heavy rain falls every year. Since the trees to be felled are on steep slope, suitable engineering measures may be adopted to prevent landslides.
  - xviii. The proposal was placed before the Regional Empowered Committee, RO, Nagpur in its 109th Meeting dated 16/11/2023. During the discussion, the Committee noted that:
    - a. A cart track from Shindi-Metshindi to Morni is visible in old Survey of India toposheet no. 47 G 10 published in the year 1946 for Ratnagiri and Satara District which was surveyed during the years 1882-83.
    - b. A road from Shindi to Morni is visible in old Survey of India incomplete toposheet 47 G 10 published in the year 1973 for Ratnagiri and Satara District which was surveyed during the year 1966-67. The Committee took note of the existence of an old track from Metshindi to Morni from the above-mentioned toposheets corroborated by a road plan for Valvan- Akalpa Pipri Road published in the road plan booklet for the district Satara during 1961-81 as pointed out by the Nodal Officer.
  - xix. The state has informed that an offense was booked however the same was filed as there was no evidence against the local villagers who carried out the work. The committee however, observed that the upgradation work was carried out on the said area post 1980 and therefore penalty is liable to be imposed in this case.
5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur, and Nodal Officer, VSESA, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, VSESA, Government of Maharashtra, the Committee recommended the proposal for diversion of 2.3 ha Reserve Forest land for strengthening and up-gradation of Morni to Metshindi -District Border Road MDR-120 for Morni, Arav, Valvan, Metshindi Villagers in Taluka Mahabaleshwar, District Satara of Maharashtra State with general, standard and following specific conditions:
- i. The PCCF (HoFF) and Nodal Officer (VSESA) shall provide a certificate stating that the 2.3 ha area proposed for Compensatory Afforestation in Village- Valvan, Taluka- Mahabaleshwar, District- Satara (Gat No. 21) is non-forest land. Further, a certificate mentioning that the proposed road involves only 2.3 ha of forest land shall also be submitted.
  - ii. Five times penal NPV along with 12% simple interest from the date of raising of such demand shall be paid by the user agency.
  - iii. The State shall be responsible for ensuring the compliance of all the conditions stipulated in the approval accorded by the SCNBWL.

- iv. The State may initiate action under section 3A/3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, if applicable.

### **Agenda No. 8**

**File No. 8-16/2023-FC**

**Subject: Diversion of 2250.05 ha (instead of 2272.05 ha) forest land for construction of Morand - Ganjal Irrigation Project located in Hoshangabad, Betul, Harda and Khandwa Districts of Madhya Pradesh State in favour of M/s Narmada Valley Development Authority (Online No. FP/MP/IRRIG/36231/2018) – regarding.**

1. The agenda item was considered by the AC in its meeting held on 28.02.2024. 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 Dy. DGF (Central), RO, Bhopal and Nodal Officer, VSESA, Government of Madhya Pradesh attended the meeting.
4. While deliberating on the proposal, AC observed that:
  - i. The proposal was considered by the Advisory Committee (AC) in its meeting held on 14.11.2023 wherein the Committee deferred the proposal for non-forest use of 2250.05 ha forest land for construction of Morand - Ganjal Irrigation Project for want of following information:
    - a. In order to have actual assessment of the no. of trees involved in the project, the species wise and girth class wise complete enumeration of the trees falling in proposed diversion area shall be submitted.
    - b. Keeping in view the fact that the area proposed for diversion and submergence is quite large and is located in a landscape which is part of an active wildlife corridor i.e., Satpura-Melghat Tiger corridor, the execution of the project may lead to habitat fragmentation and cause obstruction in the corridor. Therefore, a study of the possible impacts of the project on the Biodiversity and Wildlife by Wildlife Institute of India which shall be submitted along with the specific recommendation from the CWLW and State Govt.
    - c. The State shall submit the recommendations/comments of National Tiger Conservation Authority (NTCA) on the instant proposal.
    - d. Keeping in view the fact that the area is within Satpura-Melghat Tiger Corridor, the State shall take necessary action as per rules to seek the requisite recommendations of NBWL/SBWL.

- e. The complete CA scheme, along with relevant documents, revenue record, maps and KML files for the total non-forest land proposed for Compensatory Afforestation shall be submitted. The State shall ensure that the proposed area is free from all encumbrances.
    - ii. The said decision of the Advisory Committee was communicated to the State Government vide Ministry letter dated 27.11.2023 and in this reference the State Government vide their letter no. F-3/16/2018/10-11/830 dated 06.02.2024 has submitted the information.
    - iii. The examination of the said information has revealed that:
      - a. In order to have actual assessment of the no. of trees involved in the project, the species wise and girth class wise complete enumeration of the trees falling in proposed diversion area as requested has not been submitted by the State Govt. which needs submission.
      - b. The study of the possible impacts of the project on the Biodiversity and Wildlife by Wildlife Institute of India along with the specific recommendation from the CWLW and State Govt. as requested has not been submitted by the State Govt. which needs submission.
      - c. The recommendations/comments of National Tiger Conservation Authority (NTCA) on the instant proposal as requested have not been submitted by the State Govt. which needs submission.
      - d. Necessary action as per rules to seek the requisite recommendations of NBWL/ SBWL as requested has not been taken by the State Govt. which needs submission.
      - e. The complete CA scheme, along with relevant documents, revenue record, maps and KML files for the total non-forest land proposal for Compensatory Afforestation and to ensure that the proposed area is free from all encumbrances as requested has not been submitted by the State Govt. which needs submission.
    - iv. The Ministry vide letter no. 8-16/2023-FC dated 16.02.2024 has requested the State Govt. to furnish the above-mentioned information and the reply in this regard is awaited.
5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal, and Nodal Officer, VSESA, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Bhopal, and Nodal Officer, VSESA, Government of Madhya Pradesh, the Committee deferred the proposal for non-forest use of 2250.05 ha forest land for construction of Morand - Ganjal Irrigation Project for want of following information:
  - i. In order to have actual assessment of the no. of trees involved in the project, the species wise and girth class wise complete enumeration of the trees falling in proposed diversion area as requested has not been submitted by the State Govt. which needs submission.
  - ii. The study of the possible impacts of the project on the Biodiversity and Wildlife by Wildlife Institute of India along with the specific

- recommendation from the CWLW and State Govt. as requested has not been submitted by the State Govt. which needs submission.
- iii. The recommendations/comments of National Tiger Conservation Authority (NTCA) on the instant proposal as requested has not been submitted by the State Govt. which needs submission.
  - iv. Necessary action as per rules to seek the requisite recommendations of NBWL/ SBWL as requested has not been taken by the State Govt. which needs submission.
  - v. The complete CA scheme, along with relevant documents, revenue record, maps and KML files for the total non-forest land proposal for Compensatory Afforestation and to ensure that the proposed area is free from all encumbrances as requested has not been submitted by the State Govt. which needs submission.

### **Agenda No. 9**

**F. No. 8-69/2018-FC**

**Subject: Proposal for diversion of 353.764 ha. of forest land (instead of 390.264 ha. of forest land) in favour of M/s Northern Coalfields Limited, for Bina Kakri Open Cast Coal Mining, under Forest Division and District Singaruali in the State of Madhya Pradesh -regarding (Online proposal No. FP/MP/MIN/20225/2016) – regarding.**

1. The agenda item was considered by the AC in its meeting held on 28.02.2024. 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 relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Bhopal, and Nodal Officer (VSESA), Government of Madhya Pradesh attended the meeting.
4. The AC after through deliberation and discussion observed that:
  - i. Initially this proposal was considered in the FAC meeting held on 19.12.2019.
  - ii. FAC, while deliberating on the proposal, observed that the State Govt. was advised to review the proposal and submit report in the light of estimated area under VDF and MDF. They were also requested to redraw the proposed diversion proposal on the lines of analysis of Amelia Coal Block by FAC, excluding the certain area from proposal. For this purpose, State Govt. may seek help from FSI Nagpur.
  - iii. The response to the above observations was furnished by the State Government vide letter dated 09.12.2019 wherein it has been informed that the KML file of proposed diversion had been forwarded to FSI, Nagpur for examination/ analysis on the similar lines as per the analysis of Amelia Coal Block by FSI, Nagpur. The FSI, Nagpur on examination of KML file has reported that within the proposed forest area two patches possess Very Dense Forest and eradicating this area is not possible. Hence it is not possible to reduce the forest area within this proposal like Amelia Coal Block. Moreover, Amelia Coal Block



engulfs dense forest on the upper top part of the proposal whereas in present proposal dense forest is scattered in different pockets within the proposed area. However, the copy of the said report was not submitted by the State Government and accordingly the FAC recommended the proposal with specific condition no. (iii) of Stage-I approval dated 13.01.2020 mentioning that "*The copy of report of FSI, Nagpur regarding inability to redraw the proposal on the lines of analysis of Amelia Coal Block shall be submitted prior to Stage-II approval*".

- iv. The Government of Madhya Pradesh vide their letter dated 01.02.2021, dated 10.06.2021, dated 21.10.2022, dated 18.01.2023 and dated 29.03.2023 submitted report on compliance of conditions stipulated in the Stage-I approval.
- v. The State vide letter dated 21.10.2022 informed that in this regard the FSI Nagpur had not given any signed report to the state, however, the analysis of the proposed forest land was sent by them through email as per which the VDF is in the middle of the proposed forest land. The State accordingly requested that it is not possible to exclude the VDF patches in the instant case as it was done in case of Amelia coal block.
- vi. The State Govt. expressed its inability to submit the report of FSI, Nagpur at this stage citing the reason that such technical expertise is now not available in Nagpur. The said report from FSI could not be produced and thereafter a report from FSI Dehradun has been submitted. The report of FSI Dehradun is however not conclusive and does not answer the specific questions asked. However, it does specify the extent of VDF within the proposed forest area.
- vii. The State Govt. then submitted a request that the same be sent to Sh P Subramanyam Regional Officer IRO Bangalore who was posted in FSI Nagpur at that time, to comment and confirm it on the lines of Amelia block.
- viii. Thereafter the proposal was considered by the Advisory Committee (AC) in its meeting held on 25.04.2023 wherein the Committee observed that the proposed forest land is on the edge of the already mined out area. Apparently, it is the last patch between the already existing mine and the habitation. If this patch is also diverted, then we may not be left with any other buffer or green belt. The Committee expressed their concern over the presence of Very dense forest, hydrological regimes and effect on the catchment of adjoining area due to mining activity and accordingly the committee deferred the proposal and decided that the Government of Madhya Pradesh shall submit the following information:
  - a. The details of total number of proposals approved in favour of M/s Northern Coalfields Limited in the existing landscape.
  - b. The Status of reclamation of mined out areas in case of mines under the control of M/s Northern Coalfields Limited in this region.
  - c. The status of compliance of conditions stipulated in all approved proposals in favour of M/s Northern Coalfields Limited in the existing landscape will be submitted by the State through IRO Bhopal, who in turn examine the same and will visit the areas if

needed and submit a comprehensive report in this regard within 45 days.

- ix. The said decision of AC was communicated to the State Govt. vide Ministry letter dated 15.05.2023 and the State Govt. vide their letter dated 26.06.2023 submitted the reply in this regard.
- x. From the examination of the said reply of the state was observed that as per the decision of AC in its meeting held on dated 25.04.2023 and as communicated to the State Govt. vide Ministry letter dated 15.05.2023 it has been informed that the status of compliance of conditions stipulated in all approved proposals in favour of M/s Northern Coalfields Limited in the existing landscape will be submitted by the State through RO Bhopal, who in turn examine the same and will visit the areas if needed and submit a comprehensive report in this regard within 45 days. However, the same has not been submitted through the RO, Bhopal and a comprehensive report in this regard has not been submitted from the RO, Bhopal.
- xi. The above-mentioned observation has been communicated by the Ministry vide its letter dated 10.07.2023 to its Regional Office, Bhopal as well as to the State Govt. of Madhya Pradesh.
- xii. The Regional office, Bhopal vide letter No/ File No. 6-MPA025/2018-BHO/274 dated 27.12.2023 has submitted the report on the status of compliance of conditions stipulated in all approved proposals in favour of M/s Northern Coalfields Limited in the existing landscape. Further, a site inspection report on the Bina Kakri open cast coal mining project for which Stage-II was granted vide MoEF letter no. 8-58/2005-FC dated 13/08/2007 has been submitted.
- xiii. As per the details of total number of proposals approved in favour of M/s Northern Coalfields Limited in the existing landscape the State Govt. has informed that a total of 10 number of proposals having total area 6482.353 ha has been approved in favour of M/s Northern Coalfields Limited in the existing landscape.
- xiv. As per the status of reclamation of mined out areas in case of mines under the control of M/s Northern Coalfields Limited in this region the State Govt. has informed that out of 18877.073 ha total mine lease area in this region an area of 3743.01 ha has been biologically reclaimed.
- xv. The Regional office, Bhopal vide letter No/ File No. 6-MPA025/2018-BHO/274 dated 27.12.2023 has submitted the report on the status of compliance of conditions stipulated in all approved proposals in favour of M/s Northern Coalfields Limited in the existing landscape.
- xvi. Further, a site inspection report on the Bina Extension open cast coal mining project for which Stage-II was granted vide MoEF letter no. 8-58/2005-FC dated 13/08/2007 has been submitted wherein it has been mentioned that:
  - a. After observing the current working in 378.935 ha, it was observed that there was no violation. Further, observed that the area, which was de-coaled, biological reclamation of overburden dumps have been taken up in Phases.
  - b. The species like Shisham, Baheda, Subabul, Casia seamia, Jungle jalebi, Awla have been planted on the overburden

dumps. The plantations were observed to be successful with luxuriant growth.

- xvii.** A site inspection report on the instant project for Bina Kakri Open Cast Coal Mining project has been submitted wherein it has been mentioned that as the compliances of all the projects in Singrauli landscape has been submitted by the State Govt. and the same were verified by taking up field inspections of the proposed diversion area, reclamation area and CA areas which were found to be satisfactory, the Stage-II approval of Bina Kakri Open Cast Coal Mining (353.764 ha) is recommended.
- xviii.** The AC examined the area on DSS and observed that the proposed area is on the edge of already mined out area and the very dense forest patches are in the middle of the proposed land, and it is not feasible to exclude the very dense forest areas in such circumstances. The committee also observed that the Regional Officer Bhopal has verified that the stipulated conditions are being complied by the user agency in case of past approvals accorded in the given landscape.
- 5. Decision of the AC:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal, and Nodal Officer (VSESA), Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended to delete the following condition given at Sr no. (iii) of Stage-I approval dated 13.01.2020:

*"The copy of report of FSI, Nagpur regarding inability to redraw the proposal on the lines of analysis of Amelia Coal Block shall be submitted prior to Stage-II approval".*

### Agenda No.10

**File No.8-25-2023-FC**

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Adhiniyam, 1980 for diversion of 407.8227 ha. of forest land in favour of M/s Greenko Energies Private Limited, in Hanumanthkhera, Mungawali villages, G.P.-Mundiyar, Tehsil-Shahbad, Baran District, Rajasthan. (Online proposal No. FP/RJ/HYD/121439/2021) - reg.**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 28.02. 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 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 other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer (VSESA) Government of Rajasthan and DIGF (Central) Regional Office, Gandhinagar 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. Government of Rajasthan has submitted the proposal no FP/RJ/HYD/121439/2021 dated 28<sup>th</sup> September, 2023 for seeking prior approval of the Central Government under the Adhiniyam, 1980. The proposal is for a pumped storage project, wherein two reservoirs will be created to produce electricity during the peak demand hours. The project is on the Kuno river and the water from said river will be used to fill the reservoirs and produce electricity.
- ii. The area proposed for diversion is 407.8227 ha protected forest which falls under Baran Territorial Division in Baran District of Rajasthan. The project also involves **216.3475** Ha of non-forest land (NFL).
- iii. The proposed forest area is a Protected Forest (PF) with a canopy density of 0.3 (Eco Class III) in an area of 285.4759 ha and canopy density of 0.4 (Eco Class III) in an area of 122.3468 ha. A total of 119759 no. of trees are proposed to be felled as per the sampled enumeration carried out.
- iv. No violation of the Adhiniyam, 1980 has been reported in the proposal.
- v. The state has reported that the area has good presence of wildlife like Leopard, Jackal, Hyaena, Jungle cat, Fox, wolf, Sloth Bear, Small civet cat, Ratel, Rabbit, Chital, Wild boar, langur, vultures, etc. further it has been mentioned in the proposal that the King vulture is a rare/endangered species also found around in the area proposed for diversion.
- vi. The project is located within the Shahbbad Upreti Conservation Reserve, which has been so notified under the provisions of Wildlife Protection Act,1980. The state/CWLW has reported the presence of Asian King Vulture in the area.
- vii. DCF in his SIR has mentioned that the Forest will divide in two parts after construction of this project. Hence User agency will bear the cost of 8 feet high channel fencing work and for connecting both part of forest 1-2 under pass work so that wildlife can move easily. The DCF has also mentioned that for maintaining biodiversity of Baran division, user agency will deposit the cost of mixed plantation near the project over equal land i.e. 408 ha.
- viii. The CCF in his recommendations has mentioned that the proposal seems to be environment friendly and green in nature and so it is recommended for acceptance in the public interest with following condition: -
  - a. The user agency is providing CA land in Jaisalmer District which cannot compensate the ecological loss occurred in proposed area of Shahbad and so user agency will have to bear the cost of raising mixed forest in at least equivalent degraded forest land of Shahbad area.
  - b. During implementation of project user agency should bear the cost of or construct at least 6 feet high fence to separate project area from rest of forest and should construct underpasses wherever it seems necessary by DCF.
- ix. The Regional Office in the SIR has mentioned that very old growth

of the Salar (*Boswellia serrata*) is seen in Water Conducting System (WCS) and Powerhouse area in between two reservoirs, where the pipes have to be laid. DIG (Central), Gandhinagar has recommended that pipes can be taken underground without disturbing these very good growth salar trees and save about 18809 trees and this area will also serve the purpose of the continuity between two forest patches on either side of the project.

- x. As per proposal of State the following justification has been given for the selection of the site:
  - a. The user agency has reported that most of the hilly areas in Rajasthan have been declared as Protected Areas whereas some other locations are identified as Mining Areas, further restricting the selection of suitable sites for Pumped Storage Project.
  - b. Sukhpura location: A site was identified near Sukhpura Village in Chittorgarh Distt. Application was submitted for permission for the project at this location to MoEF&CC. But after detailed investigation, the geology of lower reservoir was found to be vulnerable wherein the strata was not found suitable.
  - c. Teekhi Khera location: Second Site was identified near Teekhi Khera Village in Chittorgarh Distt., but was given up during Pre-Feasibility Report (PFR) stage because water source was not sufficient to meet the project requirement.
  - d. Shahpur location: The third site identified was near Shahpur Village in Baran district. The Site was found suitable from site-specific requirements for implementation of the project. Out of the three locations, Shahpur location was found most suitable and has been selected for implementation of the project.
- xi. Further, the following justification has been given for the selection of Shahpur location:
  - a. The Site is close to Kuno River, which is one of the most important criteria for selection of PSP location. Kuno river has enough water flow to cater the needs of the project.
  - b. Area is having elevation difference of about 150m which is ideal for setting up of Pumped Storage Project.
  - c. No National Park, Wildlife Sanctuary or Tiger Reserve is located near the Proposed Project Site. Also, there is no migratory route of wildlife identified near the proposed site.
  - d. Forest land proposed for diversion is located at edge of the forest blocks, therefore forest diversion would not lead to fragmentation of forest land.
  - e. Proposed Site is approachable and can be connected through approach road from National Highway-76, which is located at approx. 3 km. distance from the proposed site.
  - f. At this location, the requirement of forest land is minimum for the construction of the project.
  - g. There is no public scheme is existing nor is proposed in the area proposed for the project or which is going to be affected due to the diversion of this forest land.
  - h. There is no alternate (and cost-effective) technology available

in the world today that could be employed for the construction of man-made reservoirs at a typical head of 100 meters or more. Even if such technologies were to exist, it is understood that it may result in a significant impact on project cost (2 to 3 times the estimated cost of the project with proposed approach), rendering sale of power generated from the project to be financially unviable, which would defeat the whole purpose of setting up of the project.

- i. All existing Pumped Storage projects operational in the country and most of 8-25-2023-FC I/66289/2024 402 such projects around the world have been built on vast areas of forest land with some of them having large Forest Land - Non-Forest Land ratio with forest land requirement estimated to be 80% ~ 90% of the total land required.
- j. Thus, the proposed location (Shahpur) is the most suitable site due to the available elevation difference (head) of about 150m and the areas required for the construction of the upper and lower reservoirs are in close vicinity of natural water source (River Kuno). Considering all aspects, the project has been proposed at the present location with minimum forest land requirement by carefully planning the layout of the project.
- xii. The State Government has clarified that the MoEF&CC/EAC (IA Division), while granting ToR vide letter dated 13.04.2020 has inter-alia observed that instant project being the Pump storage project and standalone in nature and upper reservoir is located away from the existing natural water systems and have no/negligible catchment area. Therefore, CAT Plan, RIM treatment, L section of river and Environmental flow study will not be required. However, for an area of about 6.48 Sq. Km, Soil Erosion Treatment Plan was prepared as a precautionary reclamation measure in consultation with DFO, Baran for control of soil erosion. This plan was duly approved by concerned DCF Baran.
- xiii. Compensatory Afforestation (CA) has been proposed to be carried out in 431.03 Ha of Non- Forest Land in Jaislamer District. In addition to the NFL, CA is also proposed on 184.82 ha of Degraded Forest Land (DFL) in Jaislamer District and 408 ha of Rehabilitated Degraded Forest Land (RDFL) in Baran District. Total CA proposed is 1023.85 ha. DCF, Baran in his note dated 02.03.2023 informed that considering the type of land, only 800 plants/ha. is being proposed in the NFL of 431.03 ha proposed for CA and remaining plants@700 plants/ha proposed to be planted on degraded forest land. The CA has been proposed over an area of 1023.85 ha (431.03 ha-NFL, 184.82 ha. -DFL and 408 ha. -RDF) in lieu of proposed diversion of 407.8227 ha.
- xiv. State Government has informed that CA land (NFL) is under agricultural/private use. The User Agency has given undertaking that NFL proposed for creation of Compensatory Afforestation shall be transferred, mutated, and handed over to the State Forest Department free from all sorts of encumbrances and encroachments before Stage-II approval under FC act. State

Government has also informed that proper protection will be done for CA land (non-Forest land and Forest land).

- xv. CA area (RDF) in Baran district is having some agriculture encroachment & few built-up areas which are non-permanent structures. The State Government has informed that encroachments will be removed by following due legal procedure and forest land will be released by eviction of encroachments before taking up plantation activity.
- xvi. State Government has informed that the Non-Forest Land as well as the Degraded Forest land proposed in the instant proposal are suitable for plantation under CA and in conformity as per Sub-Rule 13 given under Adhinyam Rules, 2023. State Government further informed that additionally, an area of 408 hectares in Shahbad Conservation Reserve, Baran has been proposed for Eco Restoration (RDF) plantation to compensate for the ecological damage in the Shahbad Conservation Reserve.
- xvii. It has been informed that the Kutcha Road visible in Satellite imagery from Kaloni village to nearby agricultural lands which pass through forest is a temporary path/road being used by villagers. This is not a permanent road. However, after the private land acquisition is done for the project upper reservoir, this road will no longer be required. Apart from above mentioned Kutcha Road, villagers use various access roads/routes (non-forest/private land) for accessibility. In view of the above, due to project execution, accessibility of villagers will not be affected/obstructed.
- xviii. State Government has reported that some of the area (water conducting System and Powerhouse Area i.e. 57.22 ha) is sharp hilly and is vulnerable to erosion.
- xix. State Government informed that to run project and its components, requirement of power will be met from existing grid power available at the site. Further, alignment will be chosen in such a way that proposed line pass through non-forest land or that the barest minimum forest land is involved for the transmission line.
- xx. State Government informed that the Evacuation and transmission of power from Shahpur Pumped Storage is yet to be finalized. The Company is in the process of discussion in PGCIL for allotment of suitable evacuation point. Various alternate alignments for the transmission line will be studied in detail and optimal alignment will be chosen in such a way that proposed line shall pass through non-forest land or that the barest minimum forest land is involved for the transmission line.
- xxi. In the component wise break-up, an area of 57.225 ha forest land has been proposed for the WCS & Powerhouse which is a huge area and breakup of the same was asked from State Government. The state Government has provided the bifurcation of the area into three sections of 17.09 ha, 7.385 ha and 32.75 ha, however the detailed component wise breakup has not been given by the state/user agency.
- xxii. State Government has informed that out of 57.225 ha, an area of 9.756 ha of forest land in WCS/PH shall be surrendered to the State

Government after completion of the Construction activity.

- xxiii. As per the comments of Chief Wildlife warden the proposed forest land for diversion is located within the notified conservation reserve "Shahbad upreti". Further, CWLW has recommended the formulation of a conservation plan for the protection of schedule-1 species including Asian King Vulture in the area.
- xxiv. The Regional office, Gandhinagar has submitted the Site inspection report of instant proposal. As per SIR, the Regional Officer, Gandhinagar has recommended the proposal with the following specific conditions: -
- a. Proper construction of wall/fencing shall be done at the cost of user agency along the boundary of the Non-Forest Land (NFL) and DFL proposed for CA to prevent encroachment.
  - b. The User Agency shall provide at its cost the required no of solar pump as given by the Forest Department for irrigating the CA plantation.
  - c. The user agency will not use the diverted forest land for construction of building and other non-site- specific activities.
  - d. Muck will not be disposed on Forest/Charagah land outside the proposed diversion land.
  - e. The 30 ha non-forest land proposed for muck disposal shall be planted with local species and maintained as green cover after completion of the project and handed over to forest department.
  - f. In Water Conducting System (WCS) & powerhouse area the pipes shall be taken underground to save 18809 trees and this area will also serve the purpose of the continuity between two forest patches on either side of the project.
- xxv. The committee observed that the para 9.3 of the chapter 9 of the Consolidated Guidelines and clarifications dated 29.12.2023 provides that the Cumulative Impact study of a basin would reflect the cumulative impact of commissioned/up-coming hydro-power projects in the basin on environmental flow, biodiversity, muck disposal sites, traffic flow in the region, R&R issues, etc. While the first project in a basin could come up without insisting on cumulative study for all subsequent hydro-power projects in the basin, it should be incumbent on the developer of the second/other project(s) to incorporate all possible and potential impact of other project(s) in the basin to get a cumulative impact assessment done. This condition shall be stipulated at the ToRs stage itself during the EC process. Once such a cumulative impact study has been done, the same could be shared by Expert Appraisal Committee with AC. The Cumulative impact study in respect of bio-diversity component may be separately got done by one of the specialized institutes. While making recommendation on EC/FC for such projects, the EAC/FAC will consider the results of such cumulative studies.
- xxvi. The committee observed that keeping in view the above provision which has been recently included in the guidelines, it is necessary that the state must get the cumulative impact assessment done for the concerned river in case the instant project is not the first project



to come up in the basin.

5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Gandhinagar, Nodal Officer, Government of Rajasthan and after going through the facts of the proposal, recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Adhiniyam, 1980 for diversion of 407.8227 ha. forest land in favour of M/s Greenko Energy Pvt. Ltd., for construction of Shahpur (1800 MW) pumped storage project in Hanumanthkhera, Mungawali villages, G.P.-Mundiyyar, Tehsil-Shahbad, Baran District, Rajasthan subject to the general, standard and following specific conditions:
- i. As proposed by the State government, in addition to the Compensatory Afforestation over equivalent non-forest land, afforestation over 184.82 ha degraded forest land in Jaisalmer district and 408 ha in Baran district shall be carried out at the cost of the User Agency.
  - ii. The proposed area is a part of Conservation Reserve, it has presence of schedule-1 species, and it is an important wildlife habitat, therefore as recommended by the CWLW, a Wildlife Conservation plan shall be prepared in consultation with a reputed institute like Wildlife institute of India Dehradun and approved by the CWLW of the State. The plan shall be implemented at the cost of the user agency.
  - iii. As per the provisions contained in the para 9.3 of the Chapter 9 of the state shall get the cumulative impact assessment study done for the concerned river basin before the Stage-II approval, in case the instant project is not the first project to come up in the river basin.
  - iv. As recommended by the concerned CCF/DCF, the User Agency shall bear the cost of or construct at least 6 high fences to separate project area from rest of forest and should construct underpasses where ever it seems necessary and as recommended by DCF, in order to provide safe and easy passage to wildlife.
  - v. Proper construction of wall/fencing shall be done at the cost of user agency along the boundary of the Non-Forest Land (NFL) and DFL proposed for CA to prevent encroachment.
  - vi. The User Agency shall provide at its cost the required no of solar pumps as required by the Forest Department for irrigating the CA plantation.
  - vii. The user agency will not use the diverted forest land for construction of building and other non-site- specific activities. The detailed component wise breakup of the 57.225 ha area along with complete layout shall be submitted by the state before Stage-II approval.
  - viii. Muck shall be disposed at designated non-forest land only. The 30 ha non-forest land proposed for muck disposal shall be planted with local species and maintained as green cover after completion of the project and handed over to forest department.
  - ix. As per the recommendations of the Regional Office, in the Water Conducting System (WCS) & powerhouse area, the pipes shall be taken underground to save 18809 trees and this area will also serve the purpose of the continuity between two forest patches on either side of the project.

- x. As recommended by the state, out of 57.225 ha, an area of 9.756 ha of forest land in Water Conducting System (WCS) & powerhouse area shall be surrendered to the State Government after completion of the Construction activity.
- xi. The Soil Erosion Treatment Plan prepared for an area of 6.48 Sq. Km, as a precautionary reclamation measure in consultation with DFO, Baran for control of soil erosion shall be implemented at the cost of the user agency.
- xii. The State Government has reported that some of the area (water conducting System and Powerhouse Area i.e. 57.22 ha) is sharp hilly and is vulnerable to erosion. Adequate mitigation measures shall be adopted by the user agency in this area under the supervision of forest department.
- xiii. The plan for power evacuation and meeting the existing requirement of power shall be submitted by the user agency. The state shall ensure that the alignment is selected in such a way that only bare minimum forest land is involved in the same. A certificate to this effect shall be submitted by the State along with the plan.

### **Agenda No.11**

**File No. FP/UP/Approach/154160/20228B/UP/06/164/2023**

**Sub: Proposal for seeking Ex-post facto approval of the Central Government under section 2 (1) (ii) of the Adhiniyam, 1980 for diversion of 0.0877670 ha. of protected forest land in favour of S.S. Bio Petro chem Private Limited for Previously operated Exit/Entry Approach to S.S. Bio petrochem private limited Retail Outlet On Etah Shikohabad Road (SH-85), RHS, KM Stone No-10, CH. 09.684, AT Gata No.- 103, Village- Antarampur, Tehsil-& Distt Etah. (FP/UP/Approach/154160/2022)**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 28.02. 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 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 other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. DIGF (Central) Regional Office, Lucknow was present in the meeting during the discussion of the above proposal. The Chairman of the Advisory Committee took a note and conveyed his displeasure on the absence of Nodal Officer, Uttar Pradesh during the meeting without any prior intimation.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. Government of Uttar Pradesh vide letter No. 1483/81-2-2023-800(28)/2023 dated 27.06.2023 submitted the proposal for Ex-post facto approval of the Central Government under the Adhiniyam, 1980.

- ii. The proposed area is 0.0877670 ha of Protected Forest (PF) falls under Social Forestry Division, Etah District, Uttar Pradesh.
- iii. The proposed forest area is a protected forest with a canopy density of 0.00 (Eco Class 3) and nil trees have been proposed to be felled.
- iv. The proposals processed at the level of the Ministry require site inspection report of the Regional Office. However, in view of the fact that the proposal is recommended by the REC which is headed by the Regional Officer, the report/ recommendation of the REC was considered by the committee in place of the site inspection.
- v. Violation of the Adhinyam, 1980 has been reported. Construction of approach road was done by the user agency on 12.05.2022 and H2 Case No. 01 dated 12.05.2022 under section 33 of the Indian Forest Act, 1927 was issued. State Forest Department has recovered the fine of Rs. 50,000/- from the concerned agency. State Forest Department has also filed complaint against the concerned employees.
- vi. The Committee observed that the instant matter is not actually the ex-post facto approval of the violation as no authority has given permission for the work and the user agency has illegally occupied the said land for which penalty is liable.
- vii. State Government informed that the area does not fall under Taj Trapezium Zone (TTZ).
- viii. The total CA area proposed is 0.087767 ha in Sainthal forest block District Eatah under Social Forestry Division, Etah with total Financial Outlay of Rs. 217,150/-for CA Scheme.
- ix. The proposal was discussed in the Regional Empowered Committee (REC) meeting held on 10.08.2023. REC deferred the proposal for want of the following information: -
  - a. As informed by DFO, no felling is recorded in area proposed for diversion but as per Google earth imagery dated 2019 and 2020 some trees are visible on the area proposed for diversion, which were felled between August, 2021 to March, 2022. Since the area falls under TTZ, DFO is instructed to take cognizance and submit factual report to the Regional Office, MoEF&CC before next REC.
  - b. The names of officials/ authority on whose orders area has been used for non-forestry purpose without prior approval of Central Government, for initiating action under clause 3A and 3B of VSESA, 1980.
- x. In this regard, the state govt. informed that the user agency has used the said land for construction of approach road without the approval of any authority. The Forest Department staff has registered case against then and a fine of Rs 50000.00 has been recovered. There is no mention of trees in the case registered and in this regard. explanation has been sought from the concerned officials. Further, it has been mentioned that the area is not within the TTZ.
- xi. The proposal was placed before 12th meeting of Regional Empowered Committee (REC) held on 12.12.2023. The REC observed that no authority has passed the orders for violation of the Adhinyam and the proposed violation has been committed after the submission of the proposal. The REC also observed that appropriate

action under IFA has already been taken by the forest department. The REC accordingly recommended the proposal for consideration with following penal provisions and decided to forward the same to Ministry (HQ):

- a. Five times Penal NPV with 12% simple interest shall be deposited.

5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Lucknow, Nodal and after going through the facts of the proposal, recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Adhiniyam, 1980 for diversion of 0.0877670 ha. of protected forest land in favour of S.S. Bio Petro chem Private Limited for Previously operated Exit/Entry Approach to S.S. Bio petrochem private limited Retail Outlet on Etah Shikohabad Road (SH-85), RHS, KM Stone No-10, CH. 09.684, AT Gata No.- 103, Village- Antarampur, Tehsil- & Distt Etah subject to the general, standard and with following specific condition:

- i. Five times penal NPV along with 12% simple interest from the date of raising of such demand shall be paid by the user agency.
- ii. It has been observed that some trees were visible on the proposed area in the satellite imagery, however, the cognizance of the felled trees was not taken during the registration of the case. As reported by the state, explanations from concerned officials have been sought. The state shall examine the matter and ensure appropriate action in the matter.
- iii. The State may initiate action under section 3A/3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, if applicable.

## Agenda No.12

**File No. FP/UP/Approach/154160/20228B/UP/06/164/2023**

**Sub: Proposal for seeking Ex-post facto approval of the Central Government under section 2 (1) (ii) of the Adhiniyam, 1980 for diversion of 0.603 ha of forest land in favour of Bharat Sanchar Nigam Limited, Muzaffarnagar for National Optical Fibre Network (NOFN) Project in Muzaffarnagar SSA. Route 1 from T.E. Morna to Morna BHQ (3.1 Km) Route 2 from Ch Charan Singh Chauraha to Majlispur Tofir (12.900 Km) Route 3 from T.E. Shukratal to village Bahupura via Firozpur Bangar (3.7 Km) Route 4 from existing OFC joint to village Bihargarh (3.1 Km). (FP/UP/Others/33319/2018)**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 28.02. 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 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 other Acts, Rules and

- Guidelines relevant to the proposal and their significance.
3. DIGF (Central) Regional Office, Lucknow was present in the meeting during the discussion of the above proposal. The Chairman of the Advisory Committee took a note and conveyed his displeasure on the absence of Nodal Officer, Uttar Pradesh during the meeting without any prior intimation.
  4. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
    - i. Government of Uttar Pradesh vide letter No. 791/81-2-2023-800(290)/2022, dated 17.05.2023 submitted the proposal for Ex-post facto approval of the Central Government under the Adhinyam, 1980.
    - ii. The proposal is for laying the optical fiber cables. Initially it was mentioned in the proposal that the proposed area is 0.603 ha including 0.573 Ha of Protected Forest (PF) and 0.03 Ha in Reserve Forests (RF) which falls under Social Forestry Division, Muzaffarnagar District, Uttar Pradesh.
    - iii. There were certain discrepancies in the area proposed for diversion and accordingly the Regional Office asked the state for clarification. The state govt. has reported that the documents pertaining to forest land have been examined in detail. It has been submitted that the total area proposed for diversion is 0.603 ha which includes 0.111 ha Protected Forest and 0.03 ha Reserve Forest within the Wildlife sanctuary and 0.462 ha Protected Forest which is outside the Wildlife sanctuary.
    - iv. The proposed forest area is a protected and Reserve Forest with a canopy density of 0.3 (Eco Class 3) and nil trees have been proposed to be felled.
    - v. Violation of the Adhinyam, 1980 has been reported in laying of the Underground optical fibre cable in Muzaffarnagar, Jansath. The area involved in violation is 0.462 Ha. It has been informed that a case has been registered and the State Forest Department has recovered the fine of Rs. 1,00,000/- from the User Agency.
    - vi. The proposed forest patch is part of Hastinapur Wild Life Sanctuary and falls within eco-sensitive zone of Hastinapur Wild Life Sanctuary. The Wildlife Division of the Ministry vide letter No. WL-6/80/2023-WL dated 14th August, 2023 has informed that the proposal was recommended in the 73rd meeting of Standing Committee of National Board of Wildlife held on 17th July, 2023.
    - vii. The Compensatory Afforestation has been proposed over 1.5 ha area in Dariyapur Forest Block in Range Morna, Social Forestry Division Muzaffarnagar. The said area is degraded forest land and situated within the Hastinapur Wildlife Sanctuary. Further, it has been mentioned by the state that in the said area local fodder trees or species suitable for wildlife and which are in consonance with the management plan of the wildlife Sanctuary shall be planted.
    - viii. The proposal was considered by the REC in its meeting dated 03.10.2023 and the same was deferred as there were discrepancies in the proposal and the rectified documents/ kml file of the area was required to be submitted. A detailed note on violation was also

sought.

- ix. The State in this regard informed that the user agency has carried out the non-forestry activity in the year 2018 during the months of November and December. The BSNL has also accepted that the optical fiber was laid without any valid permission. The forest department has realized an amount of Rs 100000/- as penalty on 24.06.2022. Further, it has been mentioned that explanation has also been sought from the concerned officials.
- x. The proposal was again considered in the meeting of Regional Empowered Committee (REC) held on 12.01.2024. The REC recommended the proposal to Ministry for consideration with following conditions: -
  - a. Five times Penal NPV with 12% simple interest shall be deposited.
  - b. Action initiated against the erring officials for not being able to prevent the violation of FC Act, needs to be submitted.
  - c. DFO to initiate action against DGM BSNL for violation of the Adhinyam, 1980.

5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Lucknow, Nodal and after going through the facts of the proposal, recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Adhinyam, 1980 for diversion of 0.603 ha of forest land in favour of Bharat Sanchar Nigam Limited, Muzaffarnagar for National Optical Fibre Network (NOFN) Project in Muzaffarnagar SSA. Route 1 from T.E. Morna to Morna BHQ (3.1 Km) Route 2 from Ch Charan Singh Chauraha to Majlispur Tofir (12.900 Km) Route 3 from T.E. Shukratal to village Bahupura via Firozpur Bangar (3.7 Km) Route 4 from existing OFC joint to village Bihargarh (3.1 Km) subject to the general, standard and with 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. State Government shall initiate action under section 3A and/or 3B of the Adhinyam, 1980 against those responsible for violation of the Adhinyam.
- iii. State Government will intimate the details of action against the concerned officials for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- iv. The state shall be responsible to ensure the compliance of all conditions imposed by the Standing Committee of the National board of Wildlife in its meeting held on 17<sup>th</sup> July, 2023 and conveyed by Wildlife Division of the Ministry vide letter No. WL-6/80/2023-WL dated 14<sup>th</sup> August, 2023

### Agenda No.13

**File no. FP/UP/Approach/154160/20228B/UP/06/164/2023**

**Sub: Proposal for seeking Ex-post facto approval of the Central Government under section 2 (1) (ii) of the Adhinyam, 1980 for diversion of 0.4368 Protected Forest Land in favour of by Neostar Reality Pvt.Ltd. on NH-30(Old NH-24) Bareilly Shahjahanpur Road between KM.267-268, Ch. 267.640 (LHS) in Bareilly District (FP/UP/Others/26336/2017)**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 28.02. 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 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 other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. DIGF (Central) Regional Office, Lucknow was present in the meeting during the discussion of the above proposal. The Chairman of the Advisory Committee took a note and conveyed his displeasure on the absence of Nodal Officer, Uttar Pradesh during the meeting without any prior intimation.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. Government of Uttar Pradesh vide letter No.1668/81-2-2021-800(145)/2021 dated 02.11.2020 submitted the proposal for Ex-post facto approval of the Central Government under the Adhinyam, 1980.
  - ii. The proposed area is 0.4368 ha of Protected Forest (PF) falls under Social Forestry Division, Bareilly, Uttar Pradesh.
  - iii. The proposed forest area is a protected forest with a canopy density of 0.2 (Eco Class 3) and 53 trees have been proposed to be felled.
  - iv. Violation of the Adhinyam, 1980 has been reported. Construction of Approach Road Area of forest land involved in violation is 0.095 ha. The work started for 6 years. State Government Destroyed Approach access and raised H-case.
  - v. A field report dated 12.10.2020 has been submitted by the state wherein it has been mentioned that the violation has taken place in the year 2013-14. The area affected was 0.095 ha. As soon as the violation was detected, action was taken and an amount of Rs 50000/- has been realized as penalty on 23.09.2019. Further, it has been informed that the land has been restored to its original form.
  - vi. The total Compensatory Afforestation has been proposed on 0.88 ha Protected Forest Land on Delhi-Lucknow Road km 282 to km 284 Range Faridpur District Bareilly with total financial Outlay of Rs. 1394394 for CA Scheme.
  - vii. As per DSS Analysis Report, the user agency has submitted the

- present proposal for diversion of 0.4368 ha forest land upon which an approach road has been proposed to be constructed. However, a small forest segment comprising an area of 0.04 ha has not been included in the present diversion proposal. This 0.04 ha forest segment directly connect the NH-24 to the construction site.
- viii. As per DSS analysis, the State Govt. has proposed Compensatory Afforestation (CA) over forest land which is located along the Delhi-Lucknow Road KM 282-284 comprising an area of 0.88 ha. However, part of proposed CA site is having the presence of two (2) dhabas as depicted through Google imagery.
- ix. The proposal was discussed in the REC meeting held 24.01.2024. The REC recommended the proposal for sending it to the ministry for approval with following Additional conditions: -Five times Penal NPV with 12% simple interest shall be deposited. DFO to initiate action against Director Neo Star Reality Pvt Ltd for violation of the Adhiniyam, 1980 under section 3A and 3B of the Adhiniyam.
- x. The Committee observed that the instant matter pertains to encroachment over forest land wherein the action has been taken under the relevant forest laws. The Forest land has been restored to its original form as reported by the state.
5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Lucknow, Nodal and after going through the facts of the proposal, recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Adhiniyam, 1980 for ex-post fact approval for diversion of 0.4368 Protected Forest Land in favour of by Neostar Reality Pvt.Ltd. on NH-30(Old NH-24) Bareilly Shahjahanpur Road between KM.267-268, Ch. 267.640 (LHS) in Bareilly District subject to the general, standard and following specific conditions:
- i. Five times penal NPV along with 12% simple interest from the date of raising of such demand shall be paid by the user agency.
  - ii. As per DSS analysis there are two Dhabas in the area proposed for Compensatory Afforestation. The state shall examine the matter in detail and ensure that the Compensatory Afforestation is carried over an area free from all encumbrances and submit the correct KML file of the area proposed for CA.
  - iii. As per DSS analysis, a small forest segment comprising an area of 0.04 ha has not been included in the present diversion proposal. The state shall examine the matter and in case additional area is required then the details of actual requirement shall be submitted along with its recommendations.

#### **Agenda No. 14**

**F. No. IRO/KOL/WB/MIN/41301/2019**

**Sub: Proposal seeking prior approval of the Central Government under Section 2 of the Adhiniyam, 1980 for non-forestry use of 38.38 ha of forest land**



## **in favour of Eastern Coal Field Limited (ECL) for Tilaboni UG Coal Mine Project under Durgapur Forest Division of West Bengal.**

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 28.02.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. The absence of Nodal officer of West Bengal as well as representative of the same was noted by the chair.
3. 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.
4. The Advisory Committee after through deliberation and discussion observed that:
  - i. The legal status of forest land involved in the project is Protected Forest.
  - ii. Vegetation density of 0.7 (Eco Class-III) with 13085 project affected trees, comprising of 7,130 trees of below 60 cm girth and 5,955 above 60 cm girth class. Being an underground mining, no felling of trees is involved in the project.
  - iii. Compensatory afforestation has been proposed over 76.76 ha degraded forest land under Kangsabati North & Parulia Forest Division. As the proposals involves acquisition of non-forest land also, as per the provisions of the Adhinyam Rules, 2023, the CA must be raised over equivalent non-forest land or revenue land. Further, the Ministry vide its guidelines dated 27.12.2023 clarified that proposals which are at advance stage or which have been recommended for grant of 'in-principle' approval can be considered for grant of conditional 'in-principle' approval and compliance of CA, as per the provisions of new rules can be submitted along with the compliance of '*in-principle*' approval.
  - iv. The area proposed for mining does not form part of the National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Wildlife Migration Corridor etc. However, some Schedule-I species have been reported in the area. The State Government has recommended preparation of a Wildlife Management Plan to mitigate the impact of the project on the wildlife.
  - v. No violations of the Adhinyam, 1980 have been reported by the State Government.
  - vi. The total cost of the project is ₹941.853 crores.
  - vii. Project involves displacement of 63 families. An amount of ₹10.01/- crores has been estimated towards the compensation of project affected families. The Resettlement and Rehabilitation Plan, approved by the Board of Coal India Limited, has been submitted by the State along with the proposal.
  - viii. Total area of Tilobani UG Mining project is 869 ha with 436 lease hold area. The proposal relates to underground coal mining over a leasehold area of 436 ha including 39.98 ha of forest land. Out of the total forest land involved in the proposal, an area of 1.6 ha, has been reported to have the office complex of the Talaboni Beat and has been proposed to be excluded from

- the diversion proposal. Accordingly, a forest area of 38.38 ha has been applied for diversion. The committee opined that as the area has been excluded from the proposal, no UG mining operations should be allowed beneath the office complex of Tilaboni Beat. However, Committee also noted that as the area of 1.6 ha is also susceptible to be affected from the predicted subsidence, the user agency should ensure full protection measures to the area of the Tilaboni beat complex and approach road by including the provisions in revised mining plan;
- ix. DDG, Regional Office, Bhubaneswar informed that approval of the Board of NCL for the Revised Cost Estimate for the Tilaboni has been submitted along with the proposal for carrying out mining as per existing Mining Plan. The Committee opined that given the fact that a mining scheme has been proposed to be modified to protect the Reserved Forest land of the mining block, the revised Mining Plan needs to be submitted by the user agency.
  - x. The Committee with regards to involvement of the forest land involved in the project observed that as per the details provided in the 3-D Numerical Model Subsidence prediction report, the forest area involved in the project is reported to be 65.8 ha. Similarly, the analysis of the area using DSS tolls revealed the total forest involved as 56 ha. There seems to be discrepancies in the project area and the same needs to be rectified by the State. However, the committee agrees to use areas recommended by the State Government.
  - xi. Cost benefits ratio has been reported to be 1:209 which seems to be inappropriate. Moreover, the proposal has been revised by the user agency to partially decoal the coal reserve in the forest area. Therefore, the cost benefit analysis needs to be revised by the State to accurately account for the revised project parameters and associated benefits and losses.
  - xii. Environment clearance to the project has been obtained in the year 2015. It cannot be ascertained from the whether the original environment clearance was granted before 2011 to ensure that the direction of Hon'ble Supreme Court in its order dated 6.07.2011 have been complied with by the authorities.
  - xiii. As per the provisions of the erstwhile rules, the mining proposals up to 40 ha were to be processed by the Regional Office. However, as per the new rules all mining proposals are to be processed at MoEF&CC level only. Accordingly, the proposal has been forwarded by the Regional Office to the Ministry for further consideration.
  - xiv. The Committee further observed that initially taking cognizance of the higher subsidence (crack width) reported in the 3D Numerical Modelling Subsidence Analysis as up to 300 mm per meter after 5 years and 900 mm per meter after 25 years, the Ministry has rejected the proposal. Subsequently, the State Government has submitted the request for reconsideration without bringing new facts to notice and accordingly, the Ministry reiterated the rejection of the proposal to the State Government.
  - xv. The Committee further observed that as per 3D prediction Subsidence Analysis report, the proposal envisages diversion of nallah also. Details of approval, if any obtained from the concerned Water Resource Department of the State cannot be ascertained from the facts submitted along with the proposal.
  - xvi. The State Government has now reported that mining operations in the forest

- area will be restricted, i.e. coal will be excavated partially by retaining the pillars in the forest land. Barrier pillars will leave in all panels that are passing through forest area and no depillaring operations should be carried out in panels and sub-panels lying within reserve forest. Citing the aforementioned mentioned the State Government has requested reconsideration of the proposal.
- xvii. The proposal was considered in the REC meeting held on 14.07.2023 and the Committee decided to recommend the proposal to Ministry for consideration with statutory conditions along with the additional condition that the Wildlife Conservation Plan should address the issue regarding restriction of movement of wildlife in the proposed area since crack is predicted due to mining.
- xviii. The DDG Regional Office, informed the Committee that retaining of pillars by avoiding their depillaring will reduce the predicted subsidence to 5 mm/meter which is within the permissible limit and proposed measures will cause no impact on the surface vegetation in the forest area. Though the proposal is for underground mining, the user agency has agreed to treat the proposal at par with Opencast mining.
5. **Decision of Advisory Committee:** The Advisory Committee, after deliberations, observed that proposal in respect of the forest area has been revised to keep the subsidence up to 5mm per meter i.e. within the permissible limits and the user agency has also agreed to treat the proposal at par with the opencast mining proposal. Accordingly, the Committee recommended the proposal for grant of '***in-principle***' approval for diversion of 39.98 ha (including the 1.6 ha of forest land excluded by the agency) under the Adhiniyam, 1980 subject to fulfilment of the general, standard and following additional conditions:
- i. Compensatory afforestation shall be raised over equivalent non-forest land or revenue forest land, double in extent to the forest land being diverted by the State Forest Department at the cost of user agency in accordance with the provisions of the Adhiniyam Rules, 2023. The details of the non-Forest area identified for CA and suitability certificate shall be furnished accordingly.
  - ii. To mitigate the impact of the project on the wildlife and its habitat, a Wildlife Conservation Plan, at the cost of user agency, shall be prepared in consultation with the PCCF (Wildlife) and Chief Wildlife Warden of the State. A copy of the approved Wildlife Management Plan shall be submitted along with the compliance of 'in-principle' approval.
  - iii. No underground mining shall be carried out beneath the Office complex of the Tilaboni Beat and approach road involving forest land of 1.6 ha and the user agency shall ensure adequate protection measures in this by maintaining adequate pillars support along with reinforced material;
  - iv. As the proposal has been revised by the user agency to partially decoal the coal reserve in the forest area. Therefore, the cost benefit analyses need to be revised by the State to accurately account for the revised project parameters and associated benefits and losses. Revised Coast Benefit analysis shall be submitted along with the compliance of 'in-principle' approval.
  - v. The UA shall submit revised mining plan after suitably incorporating following recommendations:

- a. Coal reserves in the forest areas shall be excavated partially retaining the barrier pillars in all panels to be developed in the forest area to restrict the predicted subsidence to 5 mm/meter in the forest area.
  - b. No depillaring operations shall be carried out in panels and sub panels lying within reserve forest area to ensure protection of surface vegetation and structure from subsidence. Specification and number of the pillars to be retained in the forest area shall be submitted along with the compliance of 'in-principle' approval.
  - c. Adequate protection measures for 1.6 ha of area of the Tilaboni Beat Complex and approach road;
- vi. The State Government shall ensure that Resettlement and Rehabilitation Plan, approved by the Board of Coal India Limited, is on consonance with the R&R policies of the State and Central Government and its provisions are implemented under the supervisions of the local authorities to ensure no encroachment in the forest land.
  - vii. As per 3D Prediction Subsidence Analysis report, the proposal envisages diversion of nallah. Comments and recommendation of the Water Resource Department of the State, if not obtained earlier, may be obtained and the same shall be submitted to the Ministry along with the compliance of 'in-principle' approval. Additional mitigation measures, if any, proposed by the Water Resource Department shall be implemented by the user agency at the project cost and detail of the same shall be submitted to the Ministry along with compliance of 'in-principle' approval.
  - viii. A certificate shall be furnished by the Head of Forest Force, furnishing the following information:
    - a. Total forest land involved in the entire Tilaboni Underground Coal Mining project of M/s ECL.
    - b. Status of approval, if any, obtained under the Adhiniyam, 1980 in the past by the user agency.
    - c. Violations, of the Adhiniyam, 1980 if any, committed by the user agency
    - d. Forest land involved in the proposed mining block of Tilaboni project
  - ix. The State Government shall comply with the directions of Hon'ble Supreme Court in the Lafarge Judgement dated 6.07.2011.
  - x. UA shall comply with the environment clearance issued by competent authority.

### **Agenda No. 15**

#### **Policy Issue: Restoration of the framework that allows the construction of transmission lines based on the provisions of the working permission under the Van (Sanrakshan Evam Samvardhan) Rules, 2023**

The issue was placed before Advisory Committee, however, the same was deferred for further deliberations.

## Additional Agenda

Proposal No: FP/MH/OTHERS/453264/2023

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Adhiniyam, 1980 in favour of Shree Kshetra Bhagwangad Trust Kharwandi, Ahmednagar for non-forestry use of 4.00 ha of Forest Land for Social development work, Vehicle Parking, Hospital, Social Training Centre and Yatri Niwas for Bhagwangaddevastan premises at Kharwandi in Ahmednagar District in the State of Maharashtra (Online Proposal no. FP/MH/OTHERS/453264/2023). -regarding.**

1. The agenda item was considered by the AC in its meeting held on 28.02.2024. 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 Dy. DGF (Central), RO, Nagpur and Nodal Office (VSESA), Government of Maharashtra attended the meeting.
4. While deliberating on the proposal, AC observed that:
  - i. The Regional Office, Nagpur had given in principal approval to the said project on 01.01.2015. The same was revoked as the compliance was not submitted within the stipulated time.
  - ii. Thereafter, the proposal FP/MH/OTHERS/422647/2023 was resubmitted by the User Agency/state on PARIVESH 2.0 and the same was rejected by the Regional Office Nagpur.
  - iii. The Government of Maharashtra vide letter No.FLD-1811/CR-125/F-10 dated 06.10.2023 forwarded/submitted a revised proposal to obtain prior approval of the Central Government, in terms of the Section 2 (1) (ii) of the Adhiniyam, 1980 for diversion of 4.00 ha. (Out of originally proposed 4.86 ha.) Reserved forest land in favour of Shree Kshetra Bhagwangad Trust Kharwandi, Ahmednagar for construction of Vehicle Parking, Hospital, Social Training Center and community hall in village Kharwandi, Tal-Pathardi, District Ahmednagar in the State of Maharashtra, and the proposal no. on PARIVESH 2.0 is FP/MH/OTHERS/453264/2023.
  - iv. The total forest area involved in the instant proposal is 4.00 Ha. for social development work, Vehicle Parking, Hospital, Social Training Centre and Yatri Niwas, Bhagwangaddevastan premises at Kharwandi in Ahmednagar District in the State of Maharashtra.
  - v. The State Govt. has mentioned that the Bhagawangad trust is in Gat No. 271 of village Kharvandi Taluka Pathardi District Ahmednagar and

Bhagwangad Temple is surrounded by forest area of Gat No. 24 of village Kharvandi. There is a Bhaganbaba Samadhi temple in Gat No. 271 with ownership of trust. This trust has completed 50 years ownership of trust, and it is a historical place of Guru Dhaumya Rushiji, the Gurues of Pandava (teacher). It was also called as Dhaumyagad or Dhummyagad. There is a Samadhi of late Bhagawangad and temple of vitthal, water tank, prayer hall, Dharmashala, cattle camp in total area 3.66 ha in Gat No. 271. The Bhakta (pilgrims) of Bhagawanbaba and devotees of God Vitthala are constantly increasing in day by day. There is a utsava of Bhagavanbaba at Vijayadashmi (Dasara) for 10 days. Due to increase in pilgrims and devotees the area of 3.66 ha. is becoming inadequate. There are near about 1 lakhs devotee are coming in Vijayadashmi festival for 10 days. The devotional activities are prayer, Food distribution, Prasad preoccupation, Trust has provided facilities such as puja, Bhajans, Kirtians going on and vehicle parking, hospital, community hall and social training centre to the pilgrims. The present area is not sufficient for above mentioned activities. The devotional activities are increasing day by day. The Bhagawanbaba trust which is registered under the Bombay Public trust act and coming under Charitable activities like provided road, residential accommodation, drinking water, training to the devotees. The trust is having sufficient fund to provide the above activities. The trust land of Gat No. 271 is surrounded by Reserve Forest area of Gat No. 24 of kharwandi village Taluka Pathardi. There is no any alterative land available except forest land of Gat No. 24 of Kharwandi village.

- vi. The State Govt. has mentioned that the pursuant to the said proposal, the area was inspected by respective Range Forest Officer, Forester, forest guard and division surveyor on 11/02/2012 and it was noticed that some part (i.e. 0.887 ha. of forest land) of the new construction and levelling was started, over the proposed forest land in the year of the 2012. The President, Shree Kshetra Bhagwangad Trust, Kharwandi Taluka Pathardi District Ahmednagar is responsible for violation. Further, the DFO, Ahmednagar has taken action against the person (s) responsible for violation and the works were stopped on the same day and therefore action was taken against the Bhagwangad Trust under the Indian Forest Act, 1927 offence was booked over 0.887 ha. area on forest land and also fine of ₹44,350/- was recovered and the case was settled by the then Assistant Conservator of Forest, Ahmednagar.
- vii. The Compensatory Afforestation has been proposed on NFL having extent 4.00 ha. The CA site has been proposed in the Gut No.27/3 of village Kharwandi Taluka, Pathardi District, Ahmednagar.
- viii. As per DSS, there is no Wildlife Sanctuary, National Park, Tiger Reserve and corridor is located within 10 km distance from the proposed forest land for diversion. The instant proposal falls under Not-Inviolate or Not In high conservation zone (NHCV) category as per the DSS Rule-I & II.

- ix. On examination of the said proposal certain shortfalls were observed and the Ministry on dated 15.01.2024 requested the State Govt. to submit the information. In this reference, the State Govt. on dated 26.02.2024 has forwarded the proposal to the Ministry wherein a letter dated 26.02.2024 of Nodal Officer (VSESA) has been uploaded and the complete information has not been submitted.
- x. In this regard, the Nodal officer Maharashtra informed the committee that due to some technical glitches the complete shortfalls which were observed and raised by the Ministry on dated 15.01.2024 on PARIVESH portal were not reflected at the State Govt. level and therefore the same could not be replied on the portal. The Nodal Officer informed that the complete reply to the queries has been prepared by the state.
- xi. In this regard, the Nodal Officer (VSESA), Govt. of Maharashtra submitted their letter no. Desk-17/FCA-S1/PLD-453264/Nashik/2023-24/3295 dated 28.02.2024 in front of Advisory Committee in reference to shortfalls raised by the Ministry on dated 15.01.2024 wherein it has been mentioned as under:

Sr. No.	Observation raised by MoEF&CC	Reply by State Government
1	The activity proposed on forest land is non-site specific in nature, therefore the justification as to why the same cannot be carried out over adjoining Non-forest land shall be submitted by the State Govt.	Add. Principal Chief Conservator of Forests & Nodal Officer has informed that this particular devasthan is historical religious place situated at Kharwandi in Ahmednagar district. The sentiments of local people attached to this devasthan. Because of the sentiments related to Bhagwangad Samadhi this place becomes a popular devasthan. To cater social welfare activity trust is carrying out various welfare measures for the local people. The Bhagwangad devasthan trust is already using their privately owned area 3.66 ha. of gut no. 271 for this purpose. The number of devotees coming to Bhagwangad devasthan is increasing day by day so the said area is insufficient to carry out necessary social welfare activities for the people. Keeping in view the above facts the Government of India, Regional Office, Bhopal vide letter no. 6-MHB-1072012-BHO/2161, dated 01.01.2015 had given In-Principle

		<p>approval to the said proposal for diversion of 4.00 ha. Reserve forest land for development of Shree Kshetra Bhagwangad Devasthan Premises for Construction of Vehicle Parking, Hospital, Social Training Center and Community hall (not exceeding 1.00 ha. for each activity) in favour of President, Shree Kshetra Bhagwangad Trust Kharwandi in Ahmednagar District.</p> <p>No non-forest area is available adjoining to the Bhagwangad Samadhi. Whatever non forest land was available with trust. That was used by trust for social welfare activities. Therefore, the adjoining forest area 4.00 ha. proposed for diversion to provide additional important facilities like hospital and training center.</p>
2	<p>The entire built-up area has been included in the project proposal. The state shall submit the complete detail of the built-up area/area occupied/ proposed to be utilized by the project proponent along (both forest and non-forest land) with the status of the land including the documentary evidence/revenue papers of the area.</p>	<p>Add. Principal Chief Conservator of Forests &amp; Nodal Officer has informed that the entire built-up area has not been included in the said project because the Bhagwangad Devasthan Trust has their own land having Gut 271 area having 3.66 ha. as per 7/12 extract and Survey of India Toposheet map.</p>
3	<p>As per the satellite imagery of new roads along with Parking, other infrastructures have been developed since the year 2010 onward connecting the proposed forest land for diversion. However, details regarding the same has not been furnished in the online PARIVESH nor it is mentioned in the site inspection report furnished by the DFO, Ahmednagar. Clarification in this regard is required from the State Government.</p>	<p>Add. Principal Chief Conservator of Forests &amp; Nodal Officer has informed that the new roads along with Parking, the same has not been furnished in the online PARIVESH portal because of as per under Section 3(2) of the Recognition of Scheduled Tribes and Other Traditional Forest Dwellers Forest Rights Act, 2006, this office has given approval to Sub-divisional Engineer, Zilha Parishad Public Works Sub Division, Pathardi, for construction of Road in Survey no. 24, area 0.60 at village Kharwandi (Bharajwadi) Taluka Pathardi vide letter no. 5131 dated 28.01.2011.</p>
4	<p>As per the DSS, part of the</p>	<p>Add. Principal Chief Conservator of</p>



	proposed CA land is falling in the forest compartment boundary. The legal status of CA land needs to ascertain by the State Government.	Forests & Nodal Officer has informed that as per In-Principal approval order already the trust has been transferred 4.00 ha. of Gut no. 27/3 non-forest land to forest department and name of the forest department is mutated in the 7/12 extract. The said C.A. 4.00 ha. area is purely non forest land physically verified by forest surveyor and Taluka Inspector of Land record.
5	The State Government has mentioned that CA will be carried over 4.0 non-forest land in Village-Kharwandi. However, as per DSS, the area of CA is showing as 3.777 ha. The State Government is requested to upload the correct and complete KML file of CA land.	Add. Principal Chief Conservator of Forests & Nodal Officer has informed that as per the order of Collector Ahmednagar the said C.A. 4.00 ha. area is measured by surveyor of Taluka Inspector of Land record office and complete KML file of CA land attached herewith.
6	Survey of India (Sol) topo-sheet map showing the proposed forest land may also be uploaded on the PARIVESH.	Already uploaded.
7	Component wise details of the forest land proposed for diversion along with the KML files, DGPS map etc. shall be submitted/ uploaded on PARIVESH.	Already uploaded.
8	As per DSS analysis, Forest land comprising an area of 0.82 ha has been broken by the User Agency which is adjacent to forest land proposed for diversion (DSS report enclosed). Reason for not including the said area in the instant proposal and reason for not including the same in the violation report needs to be clarified.	Details violation report has been submitted along with the said proposal.
9	On examination of the proposal, it is found that the land required by the user agency is forest area measuring 4.00 hectare. However, after calculation of the area using Shape file/ KML file, the area proposed for diversion is coming as 4.189 ha. Correct KML/ Shape file of area proposed for diversion needs to be	Corrected KML file attached herewith.

	submitted/ uploaded on PARIVESH.	
10	<p>As per DSS analysis, it has been observed that 0.597 ha. of forest land has been transferred for Social training center. However, details of the same are not mentioned on PARIVESH. Moreover, this 0.597 ha forest land has not been included in the present diversion proposal. Clarification in this regard along with copy of approval under VSESA, 1980, if so obtained needs to be submitted.</p>	<p>Add. Principal Chief Conservator of Forests &amp; Nodal Officer has informed that as per under Section 3(2) of the Recognition of Scheduled Tribes and Other Traditional Forest Dwellers Forest Rights Act, 2006,</p> <p>This office has given approval to Sub divisional Engineer, Zilla Parishad Public Works Subdivision, Pathardi, for construction of social center area 0.38 ah. Of Survey no. 24 at village Kharwandi (Bharajwadi) Taluka Pathardi vide letter no. 777 dated 31.05.2011. This office has given approval to Sub Divisional Engineer, (Grade-I) Public Works Subdivision, Pathardi, for Construction of social center area 0.20 ha. of Survey no. 24 at village kharwandi (Bharajwadi) Taluka Pathardi vide letter no. 3009 dated 13.09.2013.</p> <p>This office has given approval to Sub Divisional Engineer, Public Works Subdivision, Pathardi, for Construction of social center area 0.4113 ha of Survey no. 24 at village Kharwandi (Bharajwadi) Taluka Pathardi vide letter no. 8286 dated 09.03.2016. This office has given approval to Sub divisional Engineer, Zilha Parishad Public Works Subdivision, Pathardi, for Construction of Road in Survey no. 24, area 0.60 at village Kharwandi (Bharajwadi) Taluka Pathardi vide letter no. 5131 dated 28.01.2011.</p> <p>This office has given approval to Sub Divisional Engineer, Public Works Subdivision, Pathardi, for Construction of Road in Survey no. 24, area 0.3235 at village Kharwandi (Bharajwadi) Taluka Pathardi vide letter no. 8285 dated 09.03.2016. And The Government of Maharashtra has given approval to</p>

		<p>The Executive Engineer, MJP, Project Work Division Beed for diversion of 0.3462 hectare of forest land for laying down water supply pipeline under Adhinyam, 1980 vide letter no.FLD-1899/CR-147/F-10, dated 15.05.2000.</p> <p>Out of this, 0.9913 ha. forest area diverted for Social Center, 0.9235 ha. area diverted for Road and 0.3462 ha. forest area diverted for drinking water supply pipeline and Water Tank has been given to the concerned department. The said area has not been given to Bhagwangad Trust therefore the said area is not included in the said proposal submitted by the Bhagwangad Trust.</p>
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- xii.** The Advisory Committee observed that the on examination of the proposal, it was found that the land required by the user agency is forest area measuring 4.00 hectare. However, after calculation of the area using Shape file/ KML file, the area proposed for diversion is coming as 4.189 ha.
- xiii.** As per DSS analysis, the already broken up area of 0.82 ha has not been included in the present diversion proposal. In this regard, the Nodal Officer, CA Maharashtra informed that all the required forest area including the one already broken up has been included and the total area proposed for diversion is 4.0 ha only. He further informed that the requirement of forest land is bare minimum, and it is unavoidable. He further assured that the correct KML file and complete layout plan shall be submitted by the state.
- xiv.** The Advisory Committee observed that the State Govt. has informed that during site inspection it was noticed that some part of the new construction and levelling was started, over the proposed forest land. The President, Shree Kshetra Bhagwangad Trust, Kharwandi Taluka Pathardi District Ahmednagar is responsible for violation.
- xv.** The site inspection has been carried out by the Regional Office Nagpur and the DDGF(C) in his recommendations has mentioned that as per SIR it has been mentioned that the proposal pertains to non-site specific activities which is not permissible under the Rules/Guidelines and also involves violation for which the State govt. has to take action under 3A/3B. This proposal was rejected on 17.11.2023 by the Regional Office and has now been resubmitted by the state government to the ministry. The DDGF, RO Nagpur, agreed to the

submission made by the State Govt. and also recommended the proposal for consideration.

- xvi.** The Site inspection report however also mentions that Shree Kshetra Bhagwangadh trust, Kharwandi (District: - Ahmednagar) is located in Pathardi Taluka. The Trust is located on hill top and is surrounded by forest areas. Further, it has been mentioned that the CA land has also been inspected and it was found free from encroachment.
- xvii.** The Advisory Committee observed that the area proposed for diversion is adjoining to the area owned by the trust/user agency. Keeping this fact in view, the development to provide adequate facilities to the visitors is required to be undertaken in the vicinity of the original constructions. The site specificity of the activity has to be determined accordingly. Moreover, the State Govt. has informed that there is no any alterative land available except forest land of Gat No. 24 of Kharwandi village. The regional Office in the SIR has also mentioned that the Trust is located on hill top and is surrounded by forest areas.
- xviii.** The committee further observed that the instant matter is a case of encroachment or illegal occupation of forest land and cannot be considered as the violation of Adhinyam,1980. However, committee took a serious note of the illegal activity over the forest land and observed that the user agency is liable to penalized for the same.

**5. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur, and Nodal Officer (VSESA), Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer (VSESA), Government of Maharashtra, the Committee recommended the proposal for granting '***in-principle***' approval of the Central Government under Section 2 (1) (ii) of the Adhinyam for non-forestry use of 4.00 ha of Forest Land for Social development work, Vehicle Parking, Hospital, Social Training Centre and Yatri Niwas for Bhagwangaddevastan premises at Kharwandi in Ahmednagar District in the State of Maharashtra in favour of Shree Kshetra Bhagwangad Trust Kharwandi, Ahmednagar with general, standard and following specific conditions:

- i. Five times penal NPV along with 12% simple interest from the date of raising of such demand shall be paid by the user agency.
- ii. The Compensatory Afforestation shall be carried on proposed non-forest land having an extent of 4.00 ha in the Gut No.27/3 of village Kharwandi Taluka, Pathardi District, Ahmednagar.
- iii. In addition to the Compensatory Afforestation as above, penal CA shall be carried out on 2 ha non-forest land and on 2 ha degraded forest land. The State Govt. shall provide the details of the same before Stage-II approval.
- iv. The non-Forest land provide for CA and Penal CA shall be notified as Protected Forest before Stage-II approval.
- v. The Nodal Officer, FCA Maharashtra shall submit a certificate that all the required forest area including the one already broken up has been included and the total area proposed for diversion is 4.0 ha only. The correct KML file

- and complete layout plan of the area proposed for diversion shall be submitted by the state.
- vi. No further diversion of forest land in the vicinity of the diverted land for the same land use will be entertained.

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**(Not present)**

Dr. Naveen Chandra Bisht  
(non-official Member)

**(Confirmed through E-mail)**

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

**(Not present)**

Shri Manoj Pant  
(non-official Member)

**(Confirmed through E-mail)**

Dr. Mehraj A. Shaikh  
Deputy Commissioner (NRM)  
(Member)

**(Confirmed through E-mail)**

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

**(Confirmed through E-mail)**

Shri S. P. Yadav  
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)