



भारत सरकार/Government of India
पर्यावरण, वन एवं जल वायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
कोलकाता/Kolkata-700106
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No: UDHD-01/2021/FC/32

Date: 04/02/2022

To,

The Principal Secretary-cum-PCCF,
Forest and Environment Department
Government of Sikkim,
Gangtok.

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion of forest land of 1.0935 ha. for construction of Kissan Bazar-cum-Car Parking Plaza at Gyalshing in West District of Sikkim by Urban Development & Housing Department, Government of Sikkim.

Sir,

This refers to letter No. 1873/FCA/F&ED/788 dated 27.01.2021 and letter No. 1873/FCA/F&ED/ 753 dated 11.1.2022 of the Government of Sikkim on the above-mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys '**Stage-I/in-principle**' approval for diversion of forest land of 1.0935 ha. for construction of Kissan Bazar-cum-Car Parking Plaza at Gyalshing in West District of Sikkim by Urban Development & Housing Department, Government of Sikkim, under the following conditions.

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. The cost of compensatory afforestation on the CA land (2 ha) at the prevailing wage rates as per compensatory afforestation scheme shall be deposited in advance with the State Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include

appropriate provision for anticipated cost increase for works scheduled for subsequent years.

2. The State Government shall charge the Net Present Value (NPV) for the 1.0935 ha forest area to be diverted under this proposal from the User Agency as per the order of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letter No. 5-1/1998-FC(Pt.II) dated 8/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 and 5-3/2011-FC(Vol-I) dated 19.01.2022 in this regard.
3. All the funds received from the user agency under the project shall be transferred / deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in>).
4. The FRA certificate as per Ministry's guidelines shall be submitted before the issuance of final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.
6. The compliance report shall be uploaded on *e-portal* (<http://parivesh.nic.in>).

B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over 2 ha equivalent degraded forest land (Sangchu RF in Gyalshing Range of West Territorial Forest Division) at the cost of the user agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.
3. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India

on receipt of the report from the Expert Committee, shall also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

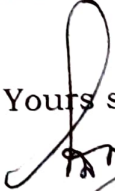
4. User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
6. The User Agency shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
7. The lay out plan of the proposal shall not be changed without prior approval of the Central Government.
8. (a) The forest land shall not be used for any purpose other than that specified in the Project proposal.

(b) The period of diversion under this approval shall be co-terminus with the period of the project life.

(c) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
9. Any other conditions that the Ministry of Environment, Forest & Climate change may stipulate from time to time in the interest of conservation, protection and development of forest and wildlife.

After receipt of the compliance report from the State Government regarding due compliance and fulfillment of the above conditions as stipulations, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. **Transfer of forest land by the State Government to the user agency should not be given effect to till formal order approving diversion of forest land is issued by the Central Government.**

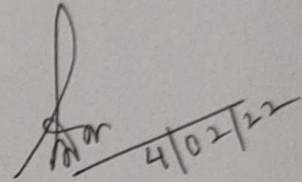
Yours sincerely,


(Dr. Soma Das)

Inspector General of Forests (C)

Copy to:-

1. The DIGF (ROHQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
2. APCCF-Cum-Nodal Officer (FC), Department of Forest, Government of Sikkim, Gangtok.
3. The Divisional Forest Officer, West Territorial Forest Division, Sikkim.
4. Secretary, Urban Development and Housing Department, Government of Sikkim, Gangtok.
5. Guard File.
- 6.



Inspector General of Forests (C)