



File No. FC-II/IROCH-17/2023 /1448

Date: 03/07/2023
04

To,

Additional Chief Secretary (Forests),
Government of Chhattisgarh,
Forest Department, Mantralaya,
Mahanadi Bhavan, Nava Raipur, Atal Nagar (CG).

Sub: Diversion of 6.823 ha Forest land for non-forest purpose in favour of CSPTCL, Dharamjaigarh under Forest Conservation Act -1980 proposed for 220/132/33 KV Sub-station at Village-Hati, Dharamjaigarh Forest Division, District-Raigarh in the State of Chhattisgarh-Reg.

Sir,

Kindly refer to letter no. F-5-25/2022/10-2 dated 04.01.2023 of the State Government of Chhattisgarh on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980. Additional information was provided by the State Government of Chhattisgarh vide letter no. F-5-25/2022/10-2 dated 01.06.2023 and letter no. क्र./भू-प्रबंध / विधुत /479-188/1142 dated 11.05.2023, as sought by the Integrated Regional Office, Raipur vide its letter dated 08.02.2023. It is to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and guidelines issued thereunder.

After examination of the proposal on the basis of recommendation of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords '**In-principle**' approval under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 6.823 ha Forest land for non-forest purpose in favour of CSPTCL, Dharamjaigarh under Forest Conservation Act -1980 proposed for 220/132/33 KV Sub-station at Village-Hati, Dharamjaigarh Forest Division, District-Raigarh in the State of Chhattisgarh subject to fulfilment of the following conditions:

i. Legal status of the forest land shall remain unchanged;

ii. **Compensatory afforestation**

- a) Compensatory Afforestation shall be taken up by the User Agency carried out over 14.00 ha Orange Forest land in Bhundi, Bahri Khasra No. 124/2 k (8.00 ha) and 461/1 (6.00 ha) at Village - Bhundi, Bahri Range- Chhal, Dharamjaigarh Forest Division, Dist- Raigarh at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;
- b) The Orange Forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest

Act as the case may be, will be submitted by the State Government prior to Stage-II approval;


- iii. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the 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;
- iv. **NPV:**
 - a) The State Government shall charge the Net Present Value (NPV) for the 6.823 ha forest area to be diverted under this proposal from the User Agency as per the orders 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 letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, letter No. 5-2/2006- FC dated 03/10/2006, letter No. 5-3/2007-FC dated 05/02/2009, letter No. 5-3/2011- FC (Vol-I) dated 06.01.2022 and letter No. 5-3/2011-FC(Vol-I) dated 22.03.2022 in this regard;
 - b) 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 be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- v. The total project affected trees are 189; comprised of 53 trees above 90 cm girth and the remaining 136 trees below 90 cm girth class. Any tree felling shall be done only when it is unavoidable and that too under 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;
- vi. The user agency shall submit the avi-fauna conservation plan for birds species found in the area. A report on the same shall be submitted to Integrated Regional Office along with the compliance Report.
- vii. 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/>);
- viii. The distribution line from the substation should be up to 7 meters (22 to 23 feet);
- ix. The wires from the substation to the distribution lines should be insulated cables to prevent hooking by rural farmers, thereby preventing the possibility of elephant death.
- x. The boundary wall of the substation must be elephant-proof;
- xi. The State Government of Chhattisgarh/ Nodal Officer (FCA), Forest Department of Chhattisgarh shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency as per Rule-9 (6) (b) (ii) of Forest (Conservation) Rules, 2022 dated 28.06.2022;
- xii. To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency in consultation with local DCF shall raise at least 2500 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted by User

Agency in the vicinity of project area including forest area and for hand holding with local people residing in vicinity of proposed road, User Agency shall voluntarily distribute remaining 50% of seedlings as per choice of villagers free of cost. A compliance report including species wise details of seedlings raised, location of plantation area and details of villagers whom seedlings have been distributed need to be prepared every six months and submitted to Regional Office of MoEF&CC;

- xiii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xiv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xv. No labour camp shall be established on the forest land;
- xvi. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xvii. 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;
- xviii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xix. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xx. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xxii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- xxiii. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
- xxiv. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);

After receipt of a report on the compliance of conditions no ii, iii, iv (a), v, vi, vii, viii, ix, x, xii and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,


Chaturbhuja Behera, IFS,
(Addl. Principal Chief Conservator of Forests)
Inspector General of Forests.

Copy to:

1. The Inspector General of Forests (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi-110003.
2. The PCCF (HoFF), Government of Chhattisgarh, Aranya Bhawan, Sector-19, Nava Raipur, C.G
3. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh, Aryan Bhawan, Nawa Raipur, Chhattisgarh.
4. User agency (Project Manager ADB Project Raipur, C.G.).
5. Guard file

Chaturbhuja
3/7/23

Chaturbhuja Behera, IFS,
(Addl. Principal Chief Conservator of Forests)
Inspector General of Forests.