



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
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F. No. FC-II/MH-13/2015-NGP/1212

Dated: 6th January, 2017

To

✓ The Secretary (Forests),
Revenue & Forest Department,
Govt. of Maharashtra,
Mantralaya, Mumbai-400032.

Sub: Diversion of 5.4425 ha forest land in favour of Executive Engineer, EHV Construction Division MSETCL, Chandrapur for construction and lying of diversion/ re-alignment of existing 220 kv Chandrapur-Warora transmission line passing through Bhatadi open cast mine of Western Coal Fields Ltd, Chandrapur District State of Maharashtra – regarding.

Sir,

I am directed to refer to the State Government of Maharashtra's letter No. FLD-3615/CR-254/F-10 dated 02/09/2015 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 and Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra's letter dated no. Desk-17/NC/RS-1/ID-12299/1987/15-16 dated 22.01.2016 and letter no. Desk-17/NC/RS-1/1514/16-17 dated 17.11.2016 forwarding additional information as sought by this Office vide its letters of even number dated 15.09.2015 and 22.04.2016, respectively and to say that the said proposal has been examined and recommended by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal 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' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 5.4425 ha forest land in favour of Executive Engineer, EHV Construction Division MSETCL, Chandrapur for construction and lying of diversion/ re-alignment of existing 220 kv Chandrapur-Warora transmission line passing through Bhatadi open cast mine of Western Coal Fields Ltd, Chandrapur District State of Maharashtra subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (iv) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;

- (v) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (vi) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA, through e-challan, in the Saving Bank Account pertaining to the State concerned;
- (vii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (viii) No labour camp shall be established on the forest land;
- (ix) The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (x) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xi) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xii) The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
- (xiii) Width of right of way for the transmission line shall be limited to 35m;
- (xiv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xv) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xvi) The user agency shall install circuit breakers at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals;
- (xvii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xviii) To minimize the felling for construction of transmission line, user agency shall comply with the following guidelines:
 - (a) Below each conductor, width clearance of 3 mts. would be permitted for carrying the tension stringing equipment. The trees on such strips may be felled but after stringing work is completed, the natural regeneration will be allowed to come up.
 - (b) One outer strip may be left clear to permit maintenance of the transmission line;
 - (c) In the remaining width the right of way felling/pollarding/pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance, trees shall be allowed to be felled or lopped to the extent required, for preventing electrical hazards by maintaining the minimum 4.6 meter clearance between conductors and trees. The sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above;
 - (d) User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line, and provide funds for execution of the said scheme to the State Forest Department; and



- (v) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
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- (iv) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;

- (e) In case a portion of the transmission lines to be constructed is located in hilly areas, where adequate clearance is already available, trees shall not be cut;
- (xix) *The State Government shall ensure that existing transmission line (whose re-alignment has been proposed) passing through the forest area will be dismantled and forest area will be handed over back to the Forest Department.*
- (xx) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (xxi) The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, has been completed in accordance with the Guidelines issued by the MoEF&CC in this regard;
- (xxii) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- (xxiii) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- (xxiv) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xxv) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and
- (xxvi) Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 7.01.2015.

After receipt of a report on the compliance of conditions no (iii), (iv), (vi), (xviii)(d) 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,



(Charan Jeet Singh)
Scientist 'C'

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur.
2. The Nodal Officer FCA), O/o of the PCCF, Government of Maharashtra, Nagpur.
3. The Director, ROHQ, MoEF&CC, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi
4. User Agency.
5. Guard File.



(Charan Jeet Singh)
Scientist 'C'