

File No: FC-6/GJB-46/2022-GNR
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003
Dated:06-05-2025

To

The Principal Secretary (Forests),
Government of Gujarat,
Gandhinagar.

Sub: Diversion of 0.0555 ha. (Online 0.0388 ha.) Protected Forest for construction of approach road for factory of Maruti Suzuki India Ltd. abutting o SH-7 at Km. 36.850 right side at S. NO. 79 at Village: Sitapur & at Km. 43.250 left side at S. NO. 335 at Village: Hansalpu, Taluka Mandal, District Ahmedabad in favour of General Manager, Maruti Suzuki India Ltd., Old Palam Gurgaon Road Gurgaon. (FP/GJ/Others/20758/2016)- regarding

Sir,

I am directed to refer to the Government of Gujarat's letter No.FCA-1022/2-02/22/SF-81/F dated 16th June, 2022 on the above subject seeking approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government & on the basis of the recommendations of the Advisory Committee and with due approval of the Hon'ble Minister, Environment, Forest and Climate Change, the Central Government hereby accords "In-principle/Stage-I" approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.0555 ha. Protected Forest for construction of approach road for factory of Maruti Suzuki India Ltd. abutting o SH-7 at Km. 36.850 right side at S. NO. 79 at Village: Sitapur & at Km. 43.250 left side at S. NO. 335 at Village: Hansalpu, Taluka Mandal, District Ahmedabad in favour of General Manager, Maruti Suzuki India Ltd., Old Palam Gurgaon Road Gurgaon subject to fulfillment of the following conditions:

(i) Legal status of the diverted forest land shall remain unchanged;

(ii) *The penalty for violation shall be equal to NPV of forestland 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 area proposed for diversion is less than one hectare and in this regard the Rule 13(5)(b) provides that in such cases the cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation. In this regard the user agency shall provide the cost of compensatory afforestation over degraded forest land of at least one hectare.

(iv) The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.

(v) The State Government shall initiate disciplinary action against the officials concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India

(vi) 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 CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;

(vii) The compensatory afforestation scheme, as approved, shall be implemented by the State Forest Department at the project cost as per the guidelines;

(viii) The State Government shall realize the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the guidelines given in Chapter – 3 of the Consolidated Guidelines and Clarification issued by the Ministry in accordance with the Hon'ble Supreme Court of India's order dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 in the matter of T. N. Godavarman Thirumalpad vs. Union of India;

(ix) 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;

(x) Compensatory levies, to be realized from the User Agency, in lieu of diversion of forest land, shall be transferred/ deposited, through e-payment module (<https://parivesh.nic.in/>) of PARIVESH, into the concerned account of State/UT CAMPA, managed by the National Authority (CAMPA);

(xi) The user agency shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years. The user agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either side of the road before final clearance;

(xii) Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites

and in no case the muck/debris will be allowed to roll down the hill slopes.

(xiii) The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.

(xiv) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;

(xv) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;

(xvi) The User Agency, if required, shall obtain the environment clearance under the Environment Impact Assessment Notification, 2006 issued under the Environmental (Protection) Act; 1986;

(xvii) No labour camp shall be established on the forest land and 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;

(xviii) The forest land shall not be used for any purpose other than that specified in the proposal;

(xix) The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;

(xx) The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;

(xxi) The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;

(xxii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;

(xxiii) 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;

(xxiv) The User Agency shall implement the R & R Plan, if applicable, as per the R & R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R & R Plan will be monitored by the State Government/Regional Office of MoEF&CC;

(xxv) The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;

(xxvi) Any other condition that the concerned Regional Office of this Ministry may

stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;

(xxvii) The State Government, before issuing the final diversion order, shall ensure that the user agency has complied with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s), including compliance of Forest Rights Act, 2006, pertaining to this project, for the time being in force, as applicable to the project; and

(xxviii) Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of consolidated guidelines and clarifications issued under of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2019.

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully

Sd/-
(Suneet Bhardwaj)
Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Gujarat, Gandhinagar.
2. The DIGF (Central), Regional Office, Gandhinagar.
3. The Nodal Officer (FCA), Department of Forest, Government of Gujarat, Gandhinagar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.