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Annexure-1

GOVERNMENT OF SIKKIM  
OFFICE OF THE PCCF-cum-PRINCIPAL SECRETARY  
FORESTS AND ENVIRONMENT DEPARTMENT  
FOREST SECRETARIAT, DEORALI, GANGTOK-737 102  
[E-mail ID: fcasikkim@gmail.com]

Ref. No. 1824/FCA/F&ED/27-30

Dated: 21/5/2020

To,  
The Executive Engineer,  
BRPD-I, CPWD, Chungthang  
North Sikkim.

Sub : Proposal for diversion of 7.838 Ha of Forest Land for construction of road (4.31 Km) from Kerang to OP Dorjila under Lachen (T) Range in North District of Sikkim for Indo Tibetan Border Police Force (ITBP) by CPWD - In Principle approval reg.

Sir,  
After careful examination of your proposal vide No. FP/SK/ROADS/36660/2018 and on the basis of Rules/Guidelines framed under the Forest (Conservation) Act 1980 and since the instant proposal falling within 100 km aerial distance from the Line of Actual Control (LAC) and the undertaking furnished by user agency, the State Govt. is pleased to accord the Stage-I (In-Principle) approval in terms of power delegated under the General Approval conveyed by the Ministry of Env. Forests & Climate Change, Govt. of India under Section 2 of Forest (Conservation) Act 1980 and subsequent Guidelines, communicated by Ministry in its Letter No.11-246/2014-FC dated the 3<sup>rd</sup> November, 2017 thereof, for diversion of 7.838 Ha of Forest Land for construction of road (4.31 Km) from Kerang to OP Dorjila under Lachen (T) Range in North District of Sikkim for Indo Tibetan Border Police Force (ITBP) by CPWD, subject to fulfillment of following conditions :-

- (1) The User Agency shall deposit the cost of Rs. 61,35,686.00 (Rupees sixty one lakhs thirty five thousand six hundred and eighty six) only for Compensatory Afforestation (Block Plantation) over 7.838 ha. identified at Kerang to OP Dorjila under Lachen (T) Range under North (Territorial) Division.
- (2) The User Agency shall pay and transfer the payment of Rs. 54,78,762.00 (Rupees fifty four lakhs seventy eight thousand seven hundred and sixty two) only for Net Present Value (NPV) of the forest land being diverted for the project proposal as per the Order 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 letter No. 5-3/2007-FC dated 05/02/2009 in this regard.
- (3) At the time of payment of the Net present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per final decision of the same by Hon'ble Supreme Court of India.
- (4) All the above funds under the project towards compensatory leveies (CA and NPV, etc) shall be transferred/deposited in the Sikkim Compensatory Afforestation Fund (SCAF) through Demand Draft/Cheque in favour of PCCF-cum-Principal Secretary, Forest & Environment Govt. of Sikkim.
- (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) No labour camp shall be established on the forest land.

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- (12)
- (7) The charges for felling, logging and transportation of project affected trees for Rs. 84,213.00 (Rupees eighty four thousand two hundred and thirteen) only shall be paid by the User Agency at the rates approved by the State Govt. and deposited separately in favour of the Principal PCCF-cum-Pr. Secretary, Forests Environment & Wildlife Management Department Govt of Sikkim, Gangtok.
  - (8) The expenditure like boundary walls, stone pillars, demarcation charges, cost of damage of trees the funds on these account should, be deposited with the DFO concerned.
  - (9) The user agency shall identify muck disposal site and prepare Muck Disposal Management Plan to be approved/agreed by the State Govt. for the aforesaid project proposal if required.
  - (10) The user Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, before consideration of final approval, if required.
  - (11) The user agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulder in forest land, if necessary.
  - (12) As per Ministry's letter No.11-30/96-FC (Pt) dated 14.09.2001, if the compliance of stipulated conditions is awaited from the State Government for more than 5(five) years the in-principle approval would summarily be revoked considering that the user agency is no longer interested in the project.
  - (13) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After fulfillment of the above conditions in completeness, the User agency shall submit the compliance report for seeking the Final Approval under General Approval under the Forest (Conservation) Act, 1980 and Forest (Conservation) Rules, 2003.

Diversion of forest land shall not be effected till the Final Approval is granted by the State Govt. in this respect. Demand Note in respect of Conditions No. (1), (2) & (7) are also enclosed for realization of payment.


The IPA is issued within the delegated powers of the State Govt. as conveyed by the Ministry of Environment Forests & Climate Change, Govt. of India with the Guidelines, referred to above.

Yours Sincerely,

Sd/-(Y.P. Gurung, IFS),  
CCF-cum-Nodal Officer (FCA)

Copy to:-

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|---------------------------------------|---|-------------------------|
| 1. PCCF-cum-Pr. Secretary/FEWMD       | : | For information, please |
| 2. Conservator of Forest (T), Gangtok | : | For information         |
| 3. DFO (Territorial) North Division   | : | -do-                    |
| ✓ 4. File                             |   |                         |

  
(Y.P. Gurung, IFS),  
CCF-cum-Nodal Officer (FCA)