

**Government of Punjab**  
**Department of Forests & Wildlife Preservation**  
**Forest Complex, Sector-68,**  
**S.A.S. Nagar, Punjab.**  
**(FCA Branch)**

No. -FCA/1980/146/2017/PB-158

Dated:- 14-08-2017

To ✓  
Divisional Forest Officer,  
Gurdaspur.

**Subject: Diversion of 0.0128 ha. Of forest land for Indian Oil Retail outlet at village Dhupsari, on Batala-kahnuwan km stone 3-4 RHS Tehsil Batala under forest division Gurdaspur (by Sales officer IOCL, SCO No 89, Shopping Centre, Scheme, 1st floor Amritsar.**

Ref: Your letters No. 1081 dated 11.07.2017.

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1. After careful examination of the proposal under General Approvals issued by Govt. of India vide letter No. F.No. 11-9/98-FC dated 13.02.2014 and 7.11.2014, **"In-principle" approval** is hereby conveyed for diversion of **0.0128 ha** of forest land for the above mentioned project **with directions for strict compliance of the orders of the Hon'ble National Green Tribunal in O.A. 161 & O.A. 162 of 2016 dated 19.05.2016 & 05.08.2016 titled Dr. Amandeep Aggarwal v/s State of Punjab & others and Peacock Environment & Wildlife v/s State of Punjab & others subject to the following conditions :-**

- i) Cost of compensatory Afforestation as per CA scheme may be realized from the user agency.
- ii) Net Present Value (NPV) of the forest land being diverted for non-forestry purpose may be realized from the user agency, as per Ministry's directions issued vide letters No. 5-3/2007-FC dated 5<sup>th</sup> February, 2009 and Hon'ble Supreme Court of India's Order dated 30<sup>th</sup> October 2002, 28<sup>th</sup> March, 2008, 24<sup>th</sup> April, 2008 and 9<sup>th</sup> May 2008.
- iii) The user agency shall deposit payment of NPV of the forest land and all other CA levies only on MoEF & CC web portal [http://: forestsclearance.nic.in](http://forestsclearance.nic.in) or [http://: efclearance.nic.in](http://:efclearance.nic.in)
- iv) Cost of equivalent non-forest land as per State Govt. Policy may be realized from the user agency.
- v) Penal Compensatory Afforestation scheme over ten times of broken forest area with 7-10 years maintenance of plantations may be prepared and amount for the same may be realized from the user agency. Penal C.A Scheme and Site Suitability Certificate may also be submitted.
- vii) a) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land proposed to be diverted along with documentary evidence stipulated by this Ministry in its letter No. 11-09/1998-FC (pt.) dated 5<sup>th</sup> February, 2013.

**OR**


b) As prescribed by the Ministry in its letter No. 11-09/98-FC 9(Pt.), dated 28<sup>th</sup> October, 2014, in case of plantation which were notified as 'forest', a certificate from the concerned District Collector to the effect that the forest land proposed to be diverted is plantation which was notified as "forest" less than 75 years prior to the 13<sup>th</sup> day of December 2005 and is located in villages having no recorded population of Scheduled Tribes as per the census-2001 & census 2011, be issued and submitted to meet requirements of clause (a), read with clause (d) & clause (g) in second para of this Ministry's letter issued vide F.No. 11-9/1998-FC (pt.), dated 3<sup>rd</sup> August, 2009.

**(viii) In-Principle Approval is given with condition that case for final approval will be entertained only after the compliance of orders of the Hon'ble National Green Tribunal in O.A. 161 & O.A. 162 of 2016 dated 19.05.2016 & 05.08.2016 Dr. Amandeep Aggarwal v/s State of Punjab & others and Peacock Environment & Wildlife v/s State of Punjab & others.**

2. The following conditions shall also be complied with after according final approval:

- i) Legal status of the diverted forest land shall remain unchanged.
- ii) The forest land shall not be used for any purpose other than that specified in the proposal and shall under no circumstances, be transferred to any one without prior approval of the Central/State Government.
- iii) The User Agency shall ensure, no damage is caused to the wildlife available in the area during or after execution of this project.
- iv) 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.
- v) The User Agency shall provide firewood preferably alternate fuels to the laborers and the staff working at the site so as to avoid any damage and pressure on the nearby forest area.
- vi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- vii) As recommended by the Geologist and Task Force, the required soil conservation measures should be taken up by the user agency for which fund should be provided as per the current rate of works.
- viii) Muck disposal should be taken up as per the scheme approved by the Forest Department.
- ix) No labour camp shall be established on the forest land.
- x) The User agency shall submit the annual self-compliance report in respect of the above conditions to the State Government.
- xi) 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.
- xii) Any other condition that the Forest Department, Punjab may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife.
- xiii) The user agency shall pay the additional amount of NPV as and when increased on the orders of the Hon'ble Supreme Court of India.

- xiv) The User Agency and concerned Divisional Forest Officer shall ensure compliance to the provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and
3. After receipt of the compliance report on fulfillment of the conditions under para-2 above, the proposal shall be considered for the final approval under Section-2 of the Forest (Conservation) Act, 1980.

  
(Anoop Upadhyay, IFS)  
Addl. PCCF (FC) &  
Nodal officer (FCA), Punjab.

Copy to:-

1. The ADGF (FC), Ministry of Environment, Forests and Climate Change, Paryavaran Bhawan, New Delhi.
2. Government of India Ministry of Environment, Forests and Climate Change, Northern Regional Office, Bays No. 24-25, Dakshin Marg Sector-31-A, Chandigarh-160030.
3. Conservator of Forests, Bist Circle, DFO Gurdaspur's letter No. 1081 dated 11.07.2017.
4. Sales Officer IOCL, SCO No. 89, Shopping Centre Scheme, 1<sup>st</sup> Floor, Amritsar.