

File No.: 8B/UP/06/34/2018
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003
Dated: 16-10-2024

To

The Principal Secretary (Forests),
Government of Uttar Pradesh,
Lucknow.

Subject: Proposal for diversion of 0.0768 ha of forest land for construction of approach road to retail outlet located on Aligarh-Ramghat Road (MDR-105) km. Ch. 15.150 at Khasra No. 1470, village Ukhlana, Tehsil Kol, District Aligarh , Uttar Pradesh (Proposal No: FP/UP/Others/13881/2015)-regarding.

Madam/Sir,

I am directed to refer to the Government of Uttar Pradesh's letter No. 619/14-2-2017-800(56)/2017 dated 03.08.2017 on the above subject seeking prior 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 0.0768 ha of forest land in favour of M/s Essar Oil Limited, Noida for construction of approach road to Essar Oil Limited retail outlet located on Aligarh-Ramghat Road (MDR-105) km. Ch. 15.150 at Khasra No. 1470, village Ukhlana, Tehsil Kol, District Aligarh subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *Five times penal NPV along with 12% simple interest from the date of raising of such demand shall be paid by the user agency;*

- iii. *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;*
- iv. The Compensatory afforestation shall be raised by the State Forest Department as per approved scheme and as per the rules/guidelines on the matter at the cost of the user agency;
- v. 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;
- vi. 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;
- vii. 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;
- viii. 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);
- ix. 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 slopes.
- x. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- xi. The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the Stage-I compliance report;
- xii. 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;
- xiii. The designing of culverts/bridges, if any, over the natural

streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;

- xiv. The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- xv. The User Agency, if required, shall obtain the environment clearance under the Environment Impact Assessment Notification, 2006 issued under the Environmental (Protection) Act; 1986;
- xvi. 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;
- xvii. 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;
- 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 29.12.2023.

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

(Suneet Bhardwaj)
Assistant Inspector General of Forests

Copy to:

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