

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003
Dated: As per E-sign

To,

The Principal Secretary (Forests),
Government of Bihar,
Patna.

Subject: Proposal for Ex-post facto approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.015 ha of forest land for approach access for establishment of retail on the side of Gaya-Sherghati Road, Khata No. 02, Plot No. 647, Thana No.703, Thana- Gurua, Mauza- Samda of M/s NX100 Pacific Biofuel Pvt. Ltd. by Shri Ajit Kumar in Gaya district of Bihar State (Online No. FP/BR/Approach/152066/2022) – regarding.

Madam/Sir,

I am directed to refer to the Government of Bihar's letter No. Van Bhumi-67/2023- 82(E)/P.V.J.P. dated 09.02.2024 on the above subject seeking ex-post facto 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 competent authority, 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 0.015 ha of forest land for approach access for establishment of retail outlet on the side of Gaya-Sherghati Road, Khata No. 02, Plot No. 647, Thana No.703, Thana- Gurua, Mauza- Samda of M/s NX100 Pacific Biofuel Pvt. Ltd. by Shri Ajit Kumar in Gaya District of Bihar State subject to

fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. With regard to raising compensatory afforestation, the cost of plantation of 100 trees shall be levied from 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 applicable;*
- iv. 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's letter dated 29.12.2023;
- v. *The penalty for violation shall be equal to NPV of forest land 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;*
- vi. 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 the final decision of the Hon'ble Supreme Court of India;
- vii. All the funds received from the user agency under the proposal shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- viii. The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the e-Green watch portal of FSI, before handing over forest land to the user agency;
- ix. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act; 1986; if required;
- x. 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;
- xi. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable;
- xii. 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 along with the Stage-I compliance report;

- xiii. 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;
- xiv. 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;
- xv. 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;
- xvi. 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;
- xvii. The forest land shall not be used for any purpose other than that specified in the proposal;
- xviii. The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
- xix. 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;
- xx. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xxi. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxii. 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;
- xxiii. 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;
- 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 user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
- 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 Chapter 1 of the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023;
- xxix. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 (1) (ii) of the 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 sincerely,

Sd/-

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Bihar, Patna;
2. The Dy. DGF (Central), Regional Office, MoEF&CC, Ranchi;
3. The Nodal Officer, Department of Forest, Government of Bihar, Patna.
4. User Agency;

5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.