

File No: 8B/RAJ012/2023-JPR
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 Rajasthan,
Jaipur.

Sub: Diversion of 0.175 ha of forest land in favour of ABC Solar (INDIA) Private Ltd. for Construction of 220 KV S/C Transmission Line on D/C towers laying between proposal ABCSIPL 300 MW Solar Power Plant to PGCIL 765/400/220kV GSS at Near Village - Badi Sird, Tehsil- BAP, District - Jodhpur in the State of Rajasthan ((Total Length 11.540 km) (Proposal No. FP/RJ/TRANS/153699/2022)-regarding

Sir,

I am directed to refer to the Government of Rajasthan's proposal No. FP/RJ/TRANS/153699/2022 uploaded on PARIVESH 2.0 on 27.04.2023 on the above subject seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 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) Adhinyam, 1980 for diversion of 0.175 ha of forest land in favour of ABC Solar (INDIA) Private Ltd. for Construction of 220 KV S/C Transmission Line on D/C towers laying between proposal ABCSIPL 300 MW Solar Power Plant to PGCIL 765/400/220kV GSS at Near Village - Badi Sird, Tehsil- BAP, District - Jodhpur in the State of Rajasthan ((Total Length 11.540 km) subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The State Government shall take appropriate action as per Para 1.16(ii) of the comprehensive guidelines dated 29.12.2023.*
- iii. *The State shall inquire into the matter and in case any permission has been accorded by an authority in the State for the use of forest land for non-forestry purpose in the instant case, then action u/s 3A/3B shall be initiated by the State as applicable.*
- 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 guidelines, if issued.

- v. The Compensatory afforestation shall be raised by the State Forest Department as per approved CA scheme at the project cost;
- 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 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;
- viii. 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;
- ix. 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);
- x. Width of right of way for the transmission line shall be maintained as per norms;
- xi. The user agency shall install circuit breakers at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals;
- xii. No approach road shall be constructed in the forest area for transportation of steel and other material required for the transmission line. As far as possible the User Agency shall use the existing road and the proposed RoW for the transportation of the material and in the event of non-availability of such facilities, the User Agency shall transport material manually without construction of any path.
- xiii. To minimize the felling for construction of transmission line, user agency shall comply with the following guidelines:
 - (a) Below each conductor, width clearance as per norms, would be permitted for carrying the tension stringing equipment. The trees on such strips may be felled but after stringing work is completed, the natural regeneration will be allowed to come up.
 - (b) One outer strip may be left clear to permit maintenance of the transmission line;
 - (c) In the remaining width the right of way felling/pollarding/pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance, trees shall be allowed to be felled or lopped to the extent required, for preventing electrical hazards by maintaining the minimum

permissible clearance between conductors and trees. The sag and swing of the conductors are to be kept in view while working out the minimum clearance;

(d) User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line, and provide funds for execution of the said scheme to the State Forest Department; and

(e) In case a portion of the transmission lines to be constructed is located in hilly areas, where adequate clearance is already available, trees shall not be cut;

- 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 29.12.2019.

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