

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 Maharashtra,
Mumbai.

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 6.0760 ha of reserved forest land for laying of 220 KV Kalmeshwar substation to 220 KV Warud substation transmission line in favour of MSETCL, EHV Project Division, Amravati in Taluka - Katol, District-Nagpur in the State of Maharashtra (Online No. FP/MH/TRANS/38296/2019) -regarding.

Madam/Sir,

I am directed to refer to the Government of Maharashtra vide letter no. FLD-2022/CR-309/F-10 dated 17.04.2023 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 Adhiniyam.

2. After careful examination of the proposal of the State Government and 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***' approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 6.0760 ha of reserved forest land for laying of 220 KV Kalmeshwar substation to 220 KV Warud substation transmission line in favour of MSETCL, EHV Project Division, Amravati in Taluka - Katol, District-Nagpur in

the State of Maharashtra subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The Regional Office, Nagpur shall initiate action under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (as applicable).*
- iii. **Compensatory Afforestation (CA)**
 - a. Compensatory Afforestation over the identified degraded forest land of 12.50 ha on Compartment no. 251, Survey no. 328 of Village Kurhad. Taluka Ghatanji, District Yavatmal. Maharashtra State shall be raised at the project cost under the supervision of the State Forest Department and afforestation works shall start within two years from the date of final approval and maintained thereafter in accordance with the approved CA scheme in consultation with the State Forest Department;
 - b. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation as per the approved CA scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal;
 - c. The cost of survey, demarcation and erection of permanent pillars, if required on the identified CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
 - d. The land identified for the purpose of CA shall be clearly depicted on Survey of India toposheet map of 1:50,000 scale;
 - e. *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. **Net Present Value (NPV)**
 - a. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal in accordance with the MoEF&CC's guidelines;
 - b. *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;*
 - c. 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;

- v. 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;
- vi. 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;
- vii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act; 1986; if required;
- viii. Width of right of way for the transmission line shall be limited to 35 meter;
- ix. The user agency shall install circuit breakers at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals;
- x. 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;
- xi. To minimize the felling for construction of transmission line, user agency shall comply with the following guidelines:
 - a. Below each conductor, width clearance of 3 meters 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 4.6 meter clearance between conductors and trees. The sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above;

- 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;
- xii. 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;
- xiii. 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;
- xiv. The forest land shall not be used for any purpose other than that specified in the proposal;
- xv. The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
- xvi. 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;
- xvii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xviii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xix. 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;
- xx. 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;
- xxi. 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;

- xxii. 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;
- xxiii. 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;
- xxiv. 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;
- xxv. 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;
- xxvi. 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,

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to:

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

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