

भारत सरकार
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय
एकीकृत क्षेत्रीय कार्यालय,
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GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE
INTEGRATED REGIONAL OFFICE
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F.No.FC-I/IROCH-18/2022 / 1130

Date: 22/12/2022

To

The Additional Chief Secretary (Forests),
Government of Chhattisgarh,
Forest Department, Mantralaya,
Mahanadi Bhavan, Nava Raipur, Atal Nagar (CG).

Sub: Diversion of 0.144 ha Forest land in favour of M/s B. S. Sponge Pvt. Ltd. for Laying Pipeline from Dewanmunda Nala to Plant site in order to fulfil the water requirement for the operation of plant at Village- Jamdabri, Range- Tamnar, in Raigarh Forest Division Raigarh District in the State of Chhattisgarh – regarding.

Sir,

Kindly refer to letter no. क्रमांक/एफ 5-19/2022/10-2 dated 04.11.2022 of the State Government of Chhattisgarh, received in this office dated 16.11.2022, on the above subject seeking prior approval of the Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980 It is to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder.

After examination of the proposal and on the basis of recommendation of the State Government, the Central Government hereby accords '**In-Principle**' approval under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 0.144 ha Forest land in favour of M/s B. S. Sponge Pvt. Ltd. for Laying Pipeline from Dewanmunda Nala to Plant site in order to fulfil the water requirement for the operation of plant at Village- Jamdabri, Range- Tamnar, in Raigarh Forest Division Raigarh District in the State of Chhattisgarh subject to the fulfilment of the following conditions:

i. Legal status of the forest land shall remain unchanged;

ii. **Compensatory afforestation**

a. Compensatory afforestation shall be taken up by the Forest Department will carry out 10 times Forest tree species plantation behalf of 36 trees with 10 years maintenance at the cost of the user agency.

iii. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

iv. **NPV:**

a. The State Government shall charge the Net Present Value (NPV) for the 0.144 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated

- 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;
- b. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
 - v. User agency will defray the cost of felling of 36 trees and the trees shall be felled under the strict supervision of the State Forest Department. However, only the required and minimum number of trees will be felled.
 - vi. To improve the Forest/ Tree cover and to reduce pollution in the State, as mandated in National Forest Policy, 1988 and Environmental (Protection) Act, 1986 respectively, the User Agency in consultation with local DCF shall raise at least 5000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local for 10 years. At least 50% of seedlings shall be planted by User Agency in the vicinity of project area including forest area and for hand holding with local people. User Agency shall voluntarily distribute remaining 50% of seedlings as per choice of villagers free of cost. A compliance report including species wise details of seedlings raised, location of plantation area and details of villagers whom seedlings have been distributed need to be prepared every six months and submitted to Regional Office of MoEF&CC;
 - vii. 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;
 - viii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
 - ix. The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.
 - x. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - xi. No labour camp shall be established on the forest land;
 - xii. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
 - xiii. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
 - xiv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
 - xv. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
 - xvi. The forest land shall not be used for any purpose other than that specified in the project proposal;
 - xvii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
 - xviii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
 - xix. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
 - xx. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);

After receipt of a report on the compliance of conditions no ii, iii, iv (a), v, vi, vii, xiii and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,

Chaturbhuja
22/12/22

Chaturbhuja Behera, IFS
Inspector General of Forests

Copy to:

1. The PCCF & HoFF, Government of Chhattisgarh, Aranya Bhawan, Atal Nagar Nava Raipur.
2. The Nodal Officer (FCA), O/o of the PCCF, Government of Chhattisgarh, Aranya Bhawan, Atal Nagar Nava Raipur.
3. Director (ROHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
4. User Agency.
5. Guard File.

Chaturbhuja
22/12/22

Chaturbhuja Behera, IFS
Inspector General of Forests