



भारतसरकार/Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
कोलकाता/Kolkata-700106



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No. 3- SK B 045/2020-SHI/18

24th February 2021

To

The Principal Secretary-cum-PCCF, Forest
and Environment Department Forest
Secretariat, Deorali,
Gangtok-737102

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion of 1.760 ha of forest land for construction of 132 KV D/C Dikchupool to Perbing transmission line under comprehensive scheme for strengthening of transmission and distribution system in Sikkim – Approved: Regarding.

Sir,

This is with reference to the State Government of Sikkim letter No. 1839/FCA/F&ED/815 dated 27.01.2021 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government of Sikkim, “**In-principle/Stage-I**” approval of Central Government, is hereby conveyed for diversion of 1.760 ha of forest land in favour of Energy and Power Department for the construction of 132 KV D/C Dikchupool to Perbing transmission line under comprehensive scheme for strengthening of transmission and distribution system in Sikkim, subject to the following conditions and stipulations.

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

- (1) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the order of the Hon’ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and the guidelines issued by the Ministry vide letters No. 5-3/2007-FC dated 05/02/2009. The requisite funds shall be

transferred through online portal into the CAMPA account of the State Concerned;

- (2) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (3) As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- (4) All the funds received from the user agency under the project shall be transferred / deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>). Account deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- (5) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>
- (6) The complete compliance of the FRA 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (7) The boundary of the diverted forest shall be suitably demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar and GPS co-ordinates.
- (8) The expenditure like boundary walls, stone pillars, and demarcation charges cost of damage of trees the fund on these accounts should be deposited with DFO concerned.
- (9) The expenditure like felling, logging and transportation of project affected trees should be collected from the user agency at the rates approved by the State Govt. and deposited with the DFO concerned for utilization immediately following the diversion of the forest land.
- (10) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.

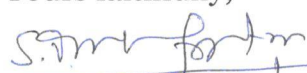
B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

- (1) Legal status of the forest land shall remain unchanged.
- (2) Compensatory afforestation shall be raised over double the area diverted i.e. 3.52 ha degraded forest land identified at Khesey and Namrang Khasmal, Gangtok (T), East Forest Division (T) at the cost of the user agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.
- (3) 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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- (4) The User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- (5) The User Agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line of execution of the said scheme by the State Forest Department.
- (6) The User Agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
- (7) The User Agency shall comply with the guidelines for lying transmission through forest areas issued by Ministry vide letter no. 7-25/2012 FC dated 05/05/2014.
- (8) The User Agency shall obtain the Environment Clearance under Environment (Protection) Act, 1986, if applicable.
- (9) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- (10) (a) No labour camp shall be established on the forest land.

- (b) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (11) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (12) 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 project life, whichever is less.
- (13) (a) The forest land shall not be used for any purpose other than that specified in the project proposal.
(b) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of Central Government.
- (14) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife.

3. After receipt of the compliance report regarding fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be given effect to by the State Government till formal order approving diversion of forest land is issued by the Central Government

Yours faithfully,


(Subrat Mohapatra) 24/2/21
Inspector General of Forest

Copy to:-

1. The DIGF, RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110 003.
2. The PCE-cum-Secretary, Energy and Power Deptt., Government of Sikkim, Gangtok, 737101
3. Guard File.