

भारत सरकार
पर्यावरण वन एवं जलवायु परिवर्तन
मंत्रालय एकीकृत क्षेत्रीय कार्यालय,
अरण्य भवन, नार्थ ब्लॉक,
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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-25/2023 /1415

Date: 24/05/2023

To,

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

Sub: Diversion of forest land for non-forest purpose under FCA-1980, for setting up 132 KV DCDS Transmission Line for M/s Nav Durga Fuel (P) Ltd. Village Saraipali, District Raigarh, Chhattisgarh area 2.978 ha - reg.

Sir,

Kindly refer to the letter no. F-5-08/2023/10-2 dated 01.05.2023 of State Government and letter no. Bhu-Prabandh/Vidyut/479-184/880 dated 06.04.2023, the Addl. PCCF & Nodal Officer (FCA), Chhattisgarh, on the above subject seeking prior approval of the Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980. It is to say that the said proposal has been examined by the Integrated Regional Office in light of relevant provisions of the Forest (Conservation) Act, 1980 and Rules and Guidelines framed thereunder.

After examination of the proposal and on the basis of the recommendation of State Government, Chhattisgarh, the Central Government hereby accords 'In-principle' under Section -2 of the Forest (Conservation) Act, 1980 for diversion of forest land for non-forest purpose under FCA-1980, for setting up 132 KV DCDS Transmission Line for M/s Nav Durga Fuel (P) Ltd. Village Saraipali, District Raigarh, area 2.978 ha. in the State of Chhattisgarh subject to the fulfillment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

iii. Compensatory afforestation

Compensatory afforestation shall be taken up by the Forest Department over 3.035 ha. Non-forest land in Patwari Halka no. 18, Khasrah no. 128/2 at Village- Bhengari, The. - Gharghoda, District- Raigarh. Suitability certificate has been submitted by DFOs concerned. Certificate to defray the cost of CA has been submitted by the User Agency. As far as possible, a mixture of local indigenous species along fruit trees and

- 10% RET species of Raigarh District shall be planted and monoculture of any species may be avoided. The User agency shall make necessary facility/ construction in the area to meet the water requirement for plantation and for wild animals throughout the year;
- iv. 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;
- v. **NPV:**
- a. The State Government shall charge the Net Present Value (NPV) for the **2.978 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, letter No. 5-2/2006- FC dated 03/10/2006, letter No. 5-3/2007-FC dated 05/02/2009, letter No. 5-3/2011- FC(Vol-I) dated 06.01.2022 and letter No. 5-3/2011-FC(Vol-I) dated 22.03.2022 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;
- vi. User agency shall restrict the felling of trees to minimum number in the diverted forest land. 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;
- vii. 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>);
- viii. The State Government, Chhattisgarh/ Nodal Officer (FCA), Chhattisgarh shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2022 dated 28.06.2022;
- ix. 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 with involvement of Joint Forest Management Committees (JFMC's) and in consultation with local DFOs shall raise at least 1,000 seedlings of forestry species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local each years for 5 years. At least 50% of seedlings shall be planted in the vicinity of project area and

remaining 50% of seedlings shall be distributed among villagers as per choice of villagers. The concerned JFMC's shall maintain record of plantation/ seedling distribution to villagers;

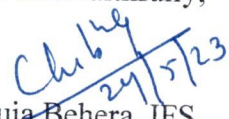
- x. The trees having bird nests shall not be felled without written permission from the DCF concern, both in forest as well as non-forest land;
- xi. Bird diverters shall be installed at suitable intervals throughout the transmission line in consultation with the State Government, and also as per the directions issued by the Hon'ble Supreme Court from time to time;
- xii. The 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. A copy of the same shall be submitted along with Stage- I compliance report;
- xiii. Width of right of way for the transmission line shall be limited to **27m**. The minimum clearance between conductors and trees shall be **4.0 m**.
- xiv. The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014 and by the Hon'ble Supreme Court from time to time;
- xv. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xvi. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvii. No labour camp shall be established on the forest land;
- xviii. 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;
- xix. 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;
- xx. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxi. 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;
- xxii. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxiii. The forest land proposed for diversion, shall under no circumstances, be transferred to any other agencies, department or any person without prior approval of Govt. of India;
- xxiv. 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 and other relevant rules/ orders in this regard;

xxv. 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;

xxvi. 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, v (a & b), vi, ix, x, xi, xii, 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.

Yours faithfully,


Chaturbhuja Behera, IFS,
Inspector General of Forests.

Copy to:-

1. The Inspector General of Forests (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003.
2. The PCCF (HoFF), Government of Chhattisgarh, Aranya Bhawan, Sector-19, Nava Raipur, C.G
3. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh, Aryan Bhawan, Nava Raipur, Chhattisgarh.
4. User agency.
5. Guard file


Chaturbhuja Behera, IFS,
Inspector General of Forests.