



भारत सरकार  
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE  
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**BY SPEED POST**

F.No.4-KLB 1188/2019-BAN/1238  
Dated the 26<sup>th</sup> November, 2019

To

The Principal Secretary,  
Government of Kerala,  
Forests & Wildlife (C) Department,  
Secretariat, Thiruvananthapuram,  
Kerala, PIN – 695 001.

Subject: Diversion of 0.95 ha. of forest land in Kunjithanny village in Munnar Division, Idukki District for the implementation of Upper Sengulam Small Hydro Electric Project in favour of Kerala State Electricity Board (KSEB).

Sir,

I am directed to refer to the State Government's letter No.C3/06/2019/F&WLD dated 16/02/2019 and 03/09/2019 seeking prior approval of the Central Government under Section'2' of the Forest (Conservation) Act, 1980 for the above project.

The proposal was examined by the Regional Empowered Committee constituted under sub-rule (1) of rule 4A of the Forest (Conservation) Rules, 2003 in its meeting held on 17/10/2019.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Regional Empowered Committee, the Central Government hereby conveys its in-principle approval (**Stage-I**) under Section'2' of Forest (Conservation) Act, 1980 for diversion of 0.95 ha. of forest land in Kunjithanny village in Munnar Division, Idukki District for the implementation of Upper Sengulam Small Hydro Electric Project in favour of Kerala State Electricity Board (KSEB), subject to fulfillment of the following conditions:-

1. The legal status of forest land shall remain unchanged.
2. The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer before Stage-II approval.
3. The State Government shall charge the Net Present Value for 0.95 ha. of forest area to be diverted under this proposal from the user agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995.
4. Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in




future, shall be charged by the State Government from the user agency. The user agency shall furnish an undertaking to this effect.

5. A detailed Catchment Area Treatment (CAT) Plan, shall be prepared as prescribed in para 9.2 of the guidelines issued under Forest (Conservation) Act, 1980 and furnished to Regional Office. The cost of implementation of CAT Plan shall be deposited by the User Agency.
6. All the funds received from the user agency under the project shall be transferred /deposited to CAMPA fund only through (<https://parivesh.nic.in/>).
7. The layout plan of the proposal shall not be changed without prior approval of Central Government.
8. No labour camp shall be established in the forest land.
9. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
10. The forest area shall be used for the purpose for which it is granted. The total forest area utilized for the project shall not exceed 0.95 ha.
11. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
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 the project life, whichever is less.
13. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
14. Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.

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 dated 29/01/2018. The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, Guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of the compliance report on the above conditions, the proposal will be considered for final approval. This in-principle approval shall be valid for a period of 5 years. The forest land shall not be transferred to the User Agency prior to the issue of final approval.

Yours sincerely,



(R. Padmawathe)

Assistant Inspector General of Forests (Central)

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26/11/2019




Copy to:-

1. The Director General of Forests & Special Secretary to Govt. of India, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Agni Wing, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Forests Deptt, Government of Kerala, 'Vanalakshmi', 1<sup>st</sup> Floor, Forest Headquarters, Vazhuthacaud, Thiruvananthapuram-695 014, Kerala.
3. The Additional Principal Chief Conservator of Forests (Special Afforestation) & Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Government of Kerala, 'Vanalakshmi', 1<sup>st</sup> Floor, Forest Headquarters, Vazhuthacaud, Thiruvananthapuram, PIN- 695 014, Kerala.
4. The Chief Engineer (Civil -I&P), Kerala State Electricity Board Ltd, O/o Chief Engineer, Civil, Investigation & Planning, 2<sup>nd</sup> Floor, Vyhduathi Bhavanam, Pattom, Thiruvananthapuram -695 004. Kerala.
5. Guard file.



(R. Padmawathe)  
Assistant Inspector General of Forests (Central)

O/c

  
29/11/2012