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TS4

**ABSTRACT**

Forests - Dindigul Forest Division - Diversion of 0.301 ha. of forest land in Sirumalai West Forest Block-I and Bif- IV of Reserved Land of Dindigul Forest Division for OHT Electricity Service by erection of 22 KV Underground cable along the road from Agasthiyapuram to Thenmalai in Thenmalai habitation, Sirumalai, Dindigul in favour of the Superintending Engineer, TANGEDCO, Dindigul.- under section 2 of Forest (Conservation) Act, 1980 - Orders - Issued.

**Environment and Forests (FR.10) Department**

G.O.(Ms) No.150

Dated :30.12.2015

மன்மத, மார்கழி -14

திருவள்ளூர் ஆண்டு, 2046

Read :

1. From the Deputy Conservator of Forests (Central), Government of India, Ministry of Environment and Forests, Letter F.No.11.9/98/FC, dated 03.01.2005 and 13.02.2014.
2. From the Principal Chief Conservator of Forests Letter No. TS4/24325/2015, dated 11.12.2015 and dated 21.12.2015.

**ORDER :**

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In his letters second read above, the Principal Chief Conservator of Forests has stated that the Superintending Engineer, TANGEDCO, Dindigul Electricity Distribution Circle, Dindigul has furnished online application under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.2712 ha of forest land of Sirumalai Reserved Forests of Dindigul Division of Dindigul Circle. The User Agency has uploaded the proposal in the prescribed format of Form A - Part I - under Section 2 of the Forest (Conservation) Act, 1980 for diversion of fresh forest area in the Online Submission and Monitoring of Forests Clearances Proposal (OSMFCP) portal. The User Agency has proposed forest area diversion for a period of year as 25 years. The User Agency has furnished the necessary details / undertakings along with the proposal.

2. The Principal Chief Conservator of Forests has also stated that the District Collector has certified that the above proposal is required for diversion as there is no other alternate route available. The User Agency has furnished the following undertaking certificates :-

- (i) The User Agency department is ready to pay the Compensatory afforestation cost 7 to 10 year's maintenance as fixed by the Forest Department.
- (ii) The- User Agency department is prepared to pay the lease rent as fixed by the Forest Department for the area 0.2712 ha to the diverted land for the above project.
- (iii) The User Agency Department is ready to pay the value of cost of trees to be felled while implementing the project as fixed by the Forest Department.

- (iv) The User Agency department is prepared to pay the net present value as fixed by the forest department for the area 0.2712 ha of land to be diverted for the above project.
- (v) Any other condition and amount is fixed, the User Agency Department is ready to pay the forest department.
- (vi) Forest Rights Act, 2006 Certificate issued by the District Collector of Dindigul on 02.09.2015 has been uploaded in the proposal.
- (vii) Undertaking to deposit additional amount if any suggested as amended owing to the change in planting technique, enhancement in the FSR etc., demanded subsequently for Raising Compensatory Afforestation and maintenance of Compensatory Afforestation.
- (viii) Undertaking to bear the additional Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.
- (ix) Undertaking to bear the cost along with any escalation for exploitation of trees in the forest land to be diverted to the project and cost of Compensatory Afforestation as fixed by the Forest Department.
- (x) Undertaking to pay the cost towards lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted of the above project.
- (xi) Certificate to effect that no violation of the provision of Forest (Conservation) Act, 1980 occurred has been furnished.

3. The Principal Chief Conservator of Forests has further reported that the user agency has stated that the Project is benefiting to the public for more than 300 families at Thenmalai (Uradi) habitations in Sirumaiai village in Dindigul District. The User Agency has certified that an area of 0.2712 ha. of forest reserve land in Sirumalai required for TANGEDCO is minimum for the above work. After getting additional details from the User Agency, the proposal was forwarded to the District Forest Officer, Dindigul Forest Division, Dindigul. After field inspection, the District Forest Officer, Dindigul Division and the Conservator of Forests, Dindigul Circle have forwarded the proposal. The District Forest Officer, Dindigul Division has reported that the proposed site has been inspected by him on 12.10.2015 along with the Forest Range Officer, Sirumalai and the TANGEDCO officials and the proposals have been uploaded in the Forest Clearance web portal. The District Forest Officer, Dindigul Division has recommended the proposal in the Part II format proposal. The proposed site was once again inspected by the District Forest Officer along with the Conservator of Forests, Dindigul Circle, Dindigul Sirumalai Range staff and Superintending Engineer, TANGEDCO, Dindigul on 31.10.2015. The Conservator of Forests in his site inspection report dated 31.10.2015 has stated as follows :-

'As per the proposal of the user agency, the 2 bits of cable length proposed for laying is 618 m and 2094 m. During site inspection, the length of the 1<sup>st</sup> bit was found to be 844 metre (Starting GPS reading N 10.22204: E 077.98066 – Ending GPS reading : N 10.21506 E 77.98285) TANGEDCO has proposed laying of underground cable along the left margin of existing road. During site inspection, at a distance of 593 metre (GPS reading N 10.21724 E 77.98266) from the starting point, presence of continuous rocky terrain was observed on the left- side of the road. The feasibility regarding laying of

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underground cable in the rocky area was discussed with Executive Engineer, TANGEDCO, The Executive Engineer has proposed that the cable would be taken across the road. and laid for the remaining distance along the right margin of existing road. The length of the 2<sup>nd</sup> bit was found to be 2160 metre ( Starting GPS' reading N 10.19780 E 077.98174 - Ending GPS reading N 10.18708 E 77.995552) TANGEDCO has proposed laying of underground cable along the right margin of the existing road. The total distance for laying of cable comes to 3010 metres. The Executive Engineer has informed that the underground cable would be laid by digging a 1 metre wide trench in the proposed site. Accordingly, the total forest area required for laying underground cable comes to 3010 m<sup>2</sup> (3010 m x 1m width) (0.301 ha). No tree growth was observed in the area proposed for trenching and laying of cable. The District Forest Officer, Dindigul was instructed to erect permanent boundary markers at the beginning and end point of each bit.

4. The Principal Chief Conservator of Forests has stated that the Conservator of Forests, Dindigul Circle has recommended the proposal in the Part III format proposal and uploaded the same along with his site inspection report. The District Forest Officer in his letter dated 02.11.2015 has reported that due to the change of alignment and area, no felling of trees is involved. He has recommended to consider the area for diversion of Forest land as 0.301 ha in Sirumalai West Forest Block-I and Bit-IV of Reserved Land erection of 22 KV Under Ground cable.

5. The Principal Chief Conservator of Forests has further stated that the User Agency i.e., Superintending Engineer, TANGEDCO, Dindigul has also agreed for laying of underground cable along the right side of the road. Further, he has stated that 'During the joint field inspection with the Conservator of Forests, Dindigul and the District Forest Officer, Dindigul on 31.10.2015, it has been ascertained that the forest land to be diverted was 0.301 ha instead of already proposed 0.2712 Ha. Hence the proposal for diversion of 0.301 Ha. forest land to TANGEDCO for erection of 22KV underground cable to energise one number Overhead Tank service connection to Thenmalai habitation may be approved at the earliest. The User Agency has also certified that his department is undertaking to pay the net present value and additional lease rent, etc as fixed' by the forest department towards this diversion of 0.301 ha of forest land. The Principal Chief Conservator of Forests has stated that the Additional Principal Chief Conservator of Forests (FCA) Nodal Officer, Forest (Conservation) Act, 1980 has duly recommended the proposal in Part-IV format.

6. The Principal Chief Conservator of Forests in his letter dated 21.12.2015 has stated that the proposal for diversion of 0.301 ha. of forest land for erection of 22 KV Underground cable on the road from Agasthiyapuram to Thenmalai in Thenmalai habitation, Sirumalai, Dindigul in which the said forest land is less than 1.00 ha. and no felling of trees is involved. He has therefore requested the State Government to approve the proposal of the Superintending Engineer, TANGEDCO, Dindigul for diversion of 0.301 ha of forest land in Sirumalai West Forest Block -I and Bit- IV of Reserved Land of Dindigul Forest Division for OHT Electricity Service by erection of 22 KV Underground cable along the road from Agasthiyapuram to Thenmalai in Thenmalai habitation, Sirumalai, Dindigul.

7. The Government examined the proposal of the Principal Chief Conservator of Forests in detail in light of the guidelines issued by Government of India, Ministry of Environment, Forests and Climate Change from time to time in the letters first read above and accordingly under the delegation vide reference 1 cited accord approval to the proposal for diversion of 0.301 ha of forest land in Sirumalai West Forest Block-I and Bit- IV of Reserved Land of Dindigul Forest Division for OHT Electricity Service by erection of 22 KV Underground cable along the road from

Agasthiyapuram to Thenmalai in Thenmalai habitation, Sirumalai, Dindigul for a period of 25 years in favour of the Superintending Engineer, TANGEDCO, Dindigul, under Forest (Conservation) Act, 1980, subject to the following conditions:-

- i) The legal status of the land shall remain unchanged and shall remain as Reserved Forest.
- ii) No tree should be felled in carrying out of this work.
- iii) Raising of Compensatory Afforestation need not be insisted as per the guidelines issued by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide Letter F.No.11-68/2014-FC(pt.), dated 11.07.2014.
- iv) The depth and width of right of way in the instant project shall be followed as per the revised guidelines of Government of India, Ministry of Environment, Forests and Climate Change vide their Letter F.No.7-25/2012-FC, dated 05.05.2014 and Letter F.No.11-09/98-FC, dated 07.09.2015 for laying of transmission line through Forest Areas.
- v) The User agency should pay Net Present Value of the forest land to be diverted under this project as per the orders of the Hon'ble Supreme Court of India, Dated:28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IAs in WP(C) No.202/1995 and the guidelines issued by Ministry of Environment and Forests from time to time.
- vi) 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 the effect.
- vii) The funds from the User Agency towards Compensatory Afforestation and Net Present Value under this project shall be deposited either in SB A/c.No.SBO1025227-CAF Tamil Nadu, Corporation Bank, CGO Complex, Lodhi Road, New Delhi-110003 (RTGS/IFSC No. CORP 0000371) or in SB A/c. No.344902010105433 - Tamil Nadu CAMPA, Union Bank of India, Sundar Nagar, New Delhi – 110 003 (RTGS/IFSC No.UBINO534498). The details of deposition of funds including inter-alia the DD Nos. & date, Amount, the Bank on which drawn and the date of deposition in the designated Bank shall also be furnished.
- viii) The User Agency shall be responsible for any loss to Flora and Fauna in the surroundings and shall take all possible measures to conserve the same.
- ix) The Forest land shall not be used for any other purpose other than that specified in the proposal.
- x) The lease rent should be realized from the User Agency as per G.O.Ms.No.272, Environment and Forest (FR.XIII) Department, Dated 15.04.1991.
- xi) The District Forest Officer may impose any other condition in the interest of conservation/protection and development of forests.

8. The Principal Chief Conservator of Forests is requested to incorporate any other suitable conditions which are necessary for the above said diversion of forest land. The Principal Chief Conservator of Forests is also requested to take action accordingly and send a report to Government in due course.

(BY ORDER OF THE GOVERNOR)

HANS RAJ VERMA  
PRINCIPAL SECRETARY TO GOVERNMENT

To

✓ The Principal Chief Conservator of Forests  
(Head of the Department-FAC), Chennai-15.  
The Deputy Conservator of Forests (Central), Government of India,  
Ministry of Environment, Forests and Climate Change,  
Regional Office (South Eastern Zone), 1<sup>st</sup> & 2<sup>nd</sup> Floor,  
HEPC Building, No.34, Cathedral Garden Road,  
Nungambakkam, Chennai – 600 034.  
The Inspector General of Forests,  
Government of India,  
Ministry of Environment, Forests and Climate Change,  
Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road,  
New Delhi - 110 003.

Copy to:-

The Additional Principal Chief Conservator of Forests (FC Act),  
Chennai-15.  
The District Collector, Dindigul District.  
The Conservator of Forests, Dindigul Circle, Dindigul.  
The District Forest Officer, Dindigul Division, Dindigul.  
The Superintending Engineer,  
TANGEDCO,  
Dindigul Electricity Distribution Circle,  
Dindigul  
SF/SCs.

/ Forwarded by order /

S. Kantaraj Urs  
Section Officer 4/1/16  
4/1/2015