

I/40246/2023



भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE

एकीकृत क्षेत्रीय कार्यालय, गांधीनगर/ Integrated Regional Office,
Gandhinagar



ए वींग- 407 एवं 409, "अरण्य भवन", सी.एच.-3 सर्किल के समीप, सेक्टर-10ए, गांधीनगर-382010 / A wing- 407 &
409, "ARANYA BHAWAN", Near CH-3 Circle, Sector-10A, Gandhi Nagar-382010
Email: iro.gandhingr-mefcc@gov.in

दिनांक: 28th मार्च, 2023

To

अपर मुख्य सचिव (वन)/The Additional Chief Secretary (Forests)

गुजरात सरकार/Govt. of Gujarat

ब्लॉक नं. 14, आठवां तल, न्यू सचिवालय

Block No. 14, 8th Floor, New Sachivalaya

गांधीनगर, गुजरात/Gandhinagar, Gujarat.

(Online Proposal No: FP/GJ/MIN/42424/2019)

Sub: Diversion of 3.0684 ha Protected Forest land for lignite mining on SH-166 Kosamba-Velachha-Mosali-Jhanhav road in Magnrol Taluka in favour of Chief General Manager (Mines), Gujarat Industries Power Company Limited in Surat District of Gujarat.

Sir,

This refers to letter No. FCA-1020/6-01/20/SF-187/F dated 07.11.2020 and letter of even no. dated 15.10.2022 of the State Govt. of Gujarat on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

The proposal was duly considered and approved by Government of India for issuance of In-Principle approval. Therefore, the undersigned, on the behalf of Government of India, conveys **In-Principle/Stage-I Approval** for diversion of 3.0684 ha Protected Forest land for lignite mining on SH-166 Kosamba-Velachha-Mosali-Jhanhav road in Magnrol Taluka in favour of Chief General Manager (Mines), Gujarat Industries Power Company Limited in Surat District of Gujarat subject to the following general and standard conditions:-

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

1. 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.
2. The State Government shall charge the Net Present Value (NPV) for the **3.0684 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-

[Signature]
28/03/2023

I/40246/2023

2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 and **revision of NPV vide Ministry letter No. 5-3/2011-FC(Vol-1) dated 06.01.2022** in this regard.

3. The non-forest land proposed for CA shall be transferred and mutated in favour of State Forest Department.
4. The non-forest land which is transferred and mutated in favour of State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section- 4 or Protected Forest under Section- 29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act prior to Final/Stage-II approval.
5. 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.
6. The complete compliance of the FRA, 2006 shall be submitted in the prescribed form of certificate by the concerned District Collector along with all the necessary enclosures.
7. The User Agency shall ensure maintenance and demarcation of safety zone (7.5 meter strip along the inner boundary of the mining lease area) and its protection by erecting adequate number of 4 feet high RC boundary pillars inscribed with DGPS Coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.
8. The boundary of the diverted forest land, mining lease area and safety zone shall be suitably demarcated on ground at the project cost, as per the direction of concerned Divisional Forest Officer.
9. The Environmental Clearance under Environment (Protection) Act, 1986 shall be submitted before Final/Stage-II approval.
10. The KML file of the area to be diverted and the CA areas shall be uploaded on the e-Green watch portal with all requisite details, before issuing working permission towards linear projects or submitting compliance report for seeking Final/Stage-II approval, as the case may be.
11. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.

B: Conditions which needs 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 Final/Stage-II approval:

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over to the User Agency only after required non-forest land for the project is handed over to the User Agency.
3. Compensatory afforestation shall be taken up by the Forest Department over 3.0684 ha non-forest land at Survey No. 196, 198pt., Village- Shah, Taluka- Magrol, District- Surat and 3.00 ha degraded forest land at Survey No. 108 (Pt.), Taluka- Mangrol, District- Surat of Gujarat at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and mono-culture of any species may be avoided.
4. User agency shall restrict the felling of trees to 255 trees/minimum numbers in the diverted forest land and the trees shall be felled under the strict

 28/12/2023

I/40246/2023

- supervision of the State Forest Department and cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The period of diversion of the said forest land shall be co-terminus with the period of mining lease granted under the Mines & Minerals (Development & Regulating) Act, 1957 or Rules framed there under.
 6. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forest in the surrounding area.
 7. No damage to the flora and fauna of the adjoining area shall be caused.
 8. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 9. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 10. No labour camp shall be established on the forest land.
 11. 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.
 12. 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.
 13. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 14. The forest land shall not be used for any purpose other than that specified in the project proposal.
 15. 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.
 16. The User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government and Integrated Regional Office, Gandhinagar by the end of March every year.
 17. The User Agency shall comply with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
 18. 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.
 19. 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.
 20. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for Final/Stage-II approval under Section-2 of the Forest (Conservation) Act, 1980. The User Agency shall take up the work as per the guidelines in force and after ensuring that all necessary clearances for the entire stretch are in place. Working permission, if any issued, shall be intimated to IRO, Gandhinagar. Transfer of forest land shall not be effected till Final/Stage-II approval is granted by the Central Government in this regard.


28/03/2023

I/40246/2023

Further, it may also be noted that this **In-principle/Stage-I** approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this In-principle approval shall be revoked after **five (05) years**.

Sincerely,


(Shrawan Kumar Verma)

DIG & RO, IRO Gandhinagar

Copy to:

1. The Inspector General of Forests (Central), ROHQ Division, Ministry of Environment Forest and Climate Change, Indira paryavaran Bhawan, Jor Bagh Road, New Delhi- 110003.
2. The APCCF & Nodal Officer (FCA), Aranya Bhawan, Sector- 10A, Gandhinagar, Gujarat.
3. The Deputy Conservator of Forests, Surat Forest Division, Surat, Gujarat.
4. The Chief General Manager (Mines), Gujarat Industries Power Company Limited, Surat, Gujarat.
5. Guard File.