

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003
Dated: As per E-sign

To,

The Principal Secretary (Forests),
Government of Bihar,
Patna.

Subject: Proposal for Ex-post facto approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.015 ha of forest land for approach access for establishment of retail on the side of Gaya-Sherghati Road, Khata No. 02, Plot No. 647, Thana No.703, Thana- Gurua, Mauza- Samda of M/s NX100 Pacific Biofuel Pvt. Ltd. by Shri Ajit Kumar in Gaya district of Bihar State (Online No. FP/BR/Approach/152066/2022) – regarding.

Madam/Sir,

I am directed to refer to the Government of Bihar's letter No. Van Bhumi-67/2023- 82(E)/P.V.J.P. dated 09.02.2024 on the above subject seeking ex-post facto approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful examination and recommendation of the proposal by the Advisory Committee, constituted under Section-3 of the said Act, '*in-principle*' approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was granted vide this Ministry's letter of even number dated 14.02.2025 subject to fulfillment of certain conditions.

In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Bihar vide letter No. Van Bhumi-67/2023-2373/P.V.J.P. dated 15.05.2025, **Final approval** of the Central Government is hereby granted under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.015 ha of forest land for approach access for establishment of retail outlet on the side of Gaya-Sherghati Road, Khata No. 02, Plot No. 647, Thana No.703, Thana- Gurua, Mauza- Samda of M/s NX100 Pacific Biofuel Pvt. Ltd. by Shri Ajit Kumar in Gaya District of Bihar subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land will remain unchanged;
- ii. The State Government shall ensure that compensatory afforestation, i.e. plantation of 100 tress, shall be carried out by the State Forest Department;
- iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if

- applicable;
- iv. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency, as per the orders dated 28.03.2008, 24.04.2008 and 09.05.2008 passed by the Hon'ble Supreme Court of India in Writ Petition (Civil) No. 202/1995 and the guidelines given under para 3 of the Chapter -3 of the Consolidate Guidelines and Clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 published by the Ministry on 29.12.2023, the user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 - v. The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the e-Green watch portal of FSI, **before handling over forest land to the user agency**;
 - vi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act; 1986; if required;
 - vii. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes;
 - viii. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable;
 - ix. Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;
 - x. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
 - xi. No labour camp shall be established on the forest land and the User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 - xii. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
 - xiii. The forest land shall not be used for any purpose other than that specified in the proposal;
 - xiv. The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
 - xv. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - xvi. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 - xvii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
 - xviii. The forest land proposed to be diverted shall under no circumstances be

- transferred to any other agency, department or person without prior approval of the Central Government;
- xix. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
 - xx. The User Agency shall implement the R & R Plan, if applicable, as per the R & R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R & R Plan will be monitored by the State Government/Regional Office of MoEF&CC;
 - xxi. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
 - xxii. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
 - xxiii. The user agency shall comply 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;
 - xxiv. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023;
 - xxv. The State Government and user agency shall ensure compliance to all conditions stipulated in the 'in-principle' approval letter of even no. dated 14.02.2025 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, for the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006;
 - xxvi. As per Sub-rule 7 of Rule 11 of Van (Sanrakshan Evam Samvardhan) Rules, 2023 the State Govt. after receiving the 'Final' approval of the Central Government under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), shall issue order for diversion of forest land.

Yours sincerely,

Sd/-

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Digitally signed by
Suneet Bhardwaj
Date: 16-06-2025
11:15:03

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Bihar, Patna;
2. The Dy. DGF (Central), Regional Office, MoEF&CC, Ranchi;
3. The Nodal Officer, Department of Forest, Government of Bihar, Patna.
4. User Agency;
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.