



भारत सरकार/Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, भुवनेश्वर/ Regional Office, Bhubaneswar
उप-कार्यालय, कोलकाता/ Sub-Office, Kolkata
IB-198, Sector – III, Salt Lake City, Kolkata-700106
Phone-033-2335-0902, E-mail: iro.kolkata-mefcc@gov.in



No.FP/WBB109/2020-BHU /311

Date: 6th September 2024

To,

The Addl. Chief Secretary,
Department of Forests,
Government of West Bengal,
Aranya Bhawan, Block-LA, 10-A, Sector – III,
Salt Lake City, Kolkata – 700106.

Sub: Final (Stage-II) approval of Central Government under 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 0.9294 ha of forest land in favour of North-East Frontier Railway for construction of T-4 Audit Portal and access road in connection with Sivok-Rangpo New BG Line under Kurseong Forest Division of West Bengal – reg.

Sir,

I am directed to refer to the letter No.754-For/O/L/10T-02/2020 dated 30.06.2024, wherein prior approval of Ministry of Environment, Forest and Climate Change for non-forestry use of 0.9294 ha of forest land in favour of North-East Frontier Railway for construction of T-4 Audit Portal and access road in connection with Sivok-Rangpo New BG Line under Kurseong Forest Division of West Bengal, was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After due consideration of the proposal of the State Government, the 'in-principle' approval of the Central Government for diversion of the said forest land was accorded vide Ministry's letter of even number dated 31.07.2020 subject to fulfillment of certain conditions. The State Government of West Bengal on dated 13.08.2024 has furnished compliance report in respect of the relevant conditions stipulated in the in-principle approval for grant of final approval.

In this connection, on the basis of the compliance report under reference, the **final approval** of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is hereby accorded for non-forestry use of 0.9294 ha of forest land in favour of North-East Frontier Railway for construction of T-4 Audit Portal and access road in connection with Sivok-Rangpo New BG Line under Kurseong Forest Division of West Bengal, subject to the following conditions and stipulations:-

- (1) Legal status of the forest land diverted shall remain unchanged.
- (2) **Compensatory afforestation:** Compensatory afforestation shall be taken up by the Forest Department over 1.86 ha. degraded forest land

(Dhobijhora Block under Kurseong Range of Kurseong Forest Division) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species must be avoided.

- (3) **The KML files of the area to be diverted and the CA area shall be uploaded on the e-Green watch portal before issue of final approval by the State Government of West Bengal.**
- (4) The State Forest Department shall implement suitable measures to prevent soil erosion as the proposed area is vulnerable to soil erosion at the cost provided by the User Agency.
- (5) The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC, GoI in this regard.
- (6) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, if required, as per the directions of the concerned Divisional Forest Officers.
- (7) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (8) Wherever possible and technically feasible, the User Agency shall in consultation with State Forest Department undertake appropriate afforestation/ vegetation enrichment measures all around the site related to the area diverted under this approval, at the project cost.
- (9) The layout plan of the proposed diversion of the forest land shall not be changed without prior approval of Ministry of Environment, Forest and Climate Change.
- (10)a) The User Agency will not take up any activity during construction of project or afterwards which will directly affect the wildlife or its movement.
b) The User Agency shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
c) Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.
d) No labour camp shall be established inside the forest land.
e) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (11)a) The diverted forest land shall not be used for any purpose other than that specified in the project proposal.

b) The period of diversion under this approval shall be co-terminus with the period of the project life.

c) The diverted forest land shall under no circumstances be transferred to any other agencies, department, or person without prior approval of the Ministry of Environment, Forest and Climate Change.

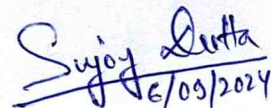
(12) The User Agency and the State Government shall ensure compliance to provisions of all the Acts, Rules, Regulations, Guidelines, Hon'ble Court Order(s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time in force, as applicable to the project.

(13) 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.

(14) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests and wildlife.

As has been mentioned at Para-2 of the Stage-II approval, this approval for diversion of forest land is subject to the fulfillment of stipulated conditions mentioned in this approval letter. Therefore, in the event of non-compliance of any of the conditions laid out in this approval letter, the Regional Office of the Ministry of Environment, Forest & Climate Change may withdraw the said approval for diversion of the forest land and stop the non-forest activity being carried out in the forest land besides initiating the legal action as per provisions of Forest (Conservation) Act, 1980.

Yours sincerely,

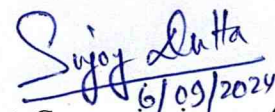

6/09/2024

(Sujoy Dutta)

Assistant Commissioner (F)

Copy to:-

1. The DIGF (ROHQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
2. The APCCF cum Nodal Officer (FCA), Department of Forests, Government of West Bengal, Aranya Bhawan, Salt Lake City, Kolkata, 700106.
3. The Divisional Forest Officer, Kurseong Forest Division, West Bengal.
4. The Dy. Chief Engineer (Construction), North East Frontier Railway, New Jalpaiguri - 734101.
5. Guard file.


6/09/2024

Assistant Commissioner (F)