



राजस्थान सरकार
वन विभाग

कार्यालय उप वन संरक्षक, कोटा

(सिवलि लाईन्स, नयापुरा कोटा ई-मेल-dcf.kota.forest@rajasthan.gov.in)



क्रमांक:-एफ ()उवसं/तक./2024/5727-29

दिनांक: 12-10-2024

निमित्त:-

सचिव,
भामाशाह कृषि उपज मण्डी समिति,
कोटा।

विषय:- भामाशाह कृषि उपज मण्डी विस्तार वन भूमि प्रत्यावर्तन प्रस्ताव
FP/RJ/OTHERS/20036/2016 में राज्य सरकार द्वारा जारी EDS बाबत।

संदर्भ:- (1) विशिष्ट शासन सचिव, वन विभाग, राजस्थान सरकार का पत्र RajKaj
Ref No. 11274904 दिनांक 21.10.2024
(2) प्र.मु.व.सं. एवं नोडल अधिकारी एफ.सी.ए., राजस्थान का पत्रांक 2709
दिनांक 09.10.2024

उपरोक्त विषयान्तर्गत लेख है कि कोटा बाईपास (NH 76) के निर्माण में प्रत्यावर्तित की गई 111.637 हेक्टर वन भूमि के संबंध में माननीय सर्वोच्च न्यायालय द्वारा गठित Central Empowered Committee की अनुशंसा रिपोर्ट में वर्णित अनुशंसा क्रमांक 8 एवं 9 की अनुपालना में भारत सरकार से जारी हुई सैद्धांतिक स्वीकृति F-No-8-13/2006-FC दिनांक 06-07-2006 में अधिरोपित शर्त संख्या XIV एवं XV के क्रम में प्र.मु. व.सं. एवं नोडल अधिकारी एफ.सी.ए., राजस्थान द्वारा संदर्भित पत्र (2) के माध्यम से प्रस्तावित प्रत्यावर्तन क्षेत्रफल में से mandatory green belt क्षेत्र को हटाकर कुल 35.5 है० वन भूमि प्रत्यावर्तन की अनुशंसा की गयी है, जिसमें पूर्व में अतिक्रमित निर्मित 24.07 है० क्षेत्रफल सम्मिलित है।

इस क्रम में विशिष्ट शासन सचिव, वन विभाग, राजस्थान सरकार ने संदर्भित पत्र (1) द्वारा कार्यकारी अभिकरण से प्रत्यावर्तन क्षेत्रफल कम होने की स्थिति में उक्त project की feasibility पर टिप्पणी चाही है। अतः उक्तानुसार अपनी टिप्पणी तत्काल इस कार्यालय को प्रेषित करना सुनिश्चित करें।

(अपूर्व कृष्ण श्रीवास्तव)
उप वन संरक्षक, कोटा

क्रमांक:-एफ ()उवसं/तक./2024/5727-29

दिनांक: 12-10-2024

प्रतिलिपि -

- (1) श्रीमान नोडल अधिकारी एवं प्रधान मुख्य वन संरक्षक, एफ.सी.ए., राजस्थान को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।
- (2) श्रीमान मुख्य वन संरक्षक, कोटा को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

उप वन संरक्षक, कोटा

Signature valid



Digitally signed by Apoorva Krishna
Srivastava
Designation : Deputy Conservator Of
Forest
Date: 2024.11.12 15:50:20 IST
Reason: Approved

राजस्थान सरकार
वन विभाग

क्रमांक: प. 1 (29) वन / 2023

जयपुर, दिनांक:-

प्रधान मुख्य वन संरक्षक
एवं नोडल अधिकारी एफसीए
राजस्थान, जयपुर।

विषय:- Diversion of 96 ha. of forest land for Extention of
BHAMASHAH KRISHI UPAJ MANDI SAMITI, KOTA
(Proposal No. - FP/RJ/Others/20036/2016)

संदर्भ:- आपका पत्रांक एफ. 14(105 / 10)2016 / एफसीए / प्रमुखसं / 2709
दिनांक 09.10.2024

महोदय,

उपरोक्त विषयान्तर्गत संदर्भित प्रस्ताव के क्रम में निम्न सूचना तत्काल
भिजवाने का श्रम करावे :-

1. Since the area proposed by UA got reduced. comments from UA is needed
this regarding the feasibility of the project in the reduced area.
2. In reply of EDS, CEC report is mentioned. please attach the details of the CEC
report. also attach the demand of exemption of some patch in the green belt as
mentioned in CCFs eds reply and its complete details.

भवदीय

(बीजो जॉय)
विशिष्ट शासन सचिव,

Document certified by BIJO JOY
<Joybijo@gmail.com>

Digitally Signed by Bijo Joy
Designation: Special

Secretary to Government
Date :21-10-2024 11:54:20

कार्यालय पता:- वन विभाग कार्यालय , कमरा नम्बर 8324 , उत्तरी पश्चिमी
दूरभाष संख्या- 0141-2227762 Mail ID ads.forest@rajasthan.gov

कार्यालय प्रधान मुख्य वन संरक्षक (वन बल प्रमुख) राजस्थान,

अरण्य भवन, झालाना संस्थानिक क्षेत्र, जयपुर-302004

क्रमांक: एफ 14(105/10)2016/एफसीए/प्रमुखसं/ 2709

दिनांक 09/10/24

विशिष्ट शासन सचिव,
वन, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय,
राजस्थान सरकार,
शासन सचिवालय, जयपुर

विषय:—भामाशाह कृषि उपज मंडी ^{विस्तार} ~~10Lrkj~~ वन भूमि प्रत्यावर्तन प्रकरण मे वन, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा जारी EDS दिनांक 19.06.2023 बाबत।

संदर्भ:— भारत सरकार, वन, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय, द्वारा जारी ई0डी0एस0 दिनांक 19.06.2023.

महोदय,

उपरोक्त विषयान्तर्गत निवेदन है कि भामाशाह कृषि उपज मंडी विस्तार हेतु वन भूमि प्रत्यावर्तन प्रकरण में मुख्य वन संरक्षक, कोटा के पत्रांक पत्रांक 5318 दिनांक 23-06-2024 से प्राप्त हुई है उसके आधार पर बिन्दुवार प्रत्युत्तर निम्नानुसार प्रेषित है:—

S. No.	Observation	Compliance
1	The proposed diversion of forest land is for a non-site-specific project. As per DSS analysis, it is noticed that non-forest land is available near the proposed forest land for diversion. A copy of the Map is enclosed for ready reference. Therefore, the State Govt. shall submit justification for not locating the project in non-forest areas and explore the available non-forest land for the project.	The land was allotted to Bhamashah Mandi between the years 1991 to 1993 which included forest as well as non-forest land. As per factual report of DCF 24.06 ha forest area has already been occupied by the Mandi. In reply to this query UA has not given any option of non-forest land adjoining to this area. This proposal pertains to the extension of already existing Bhamashah Krishi Upaj Mandi situated on 24.07 ha forest land and its extension in the adjoining forest area. As per UA report dated 03.09.2024, the combined land parcel of existing Krishi mandi (24.06 ha forest land) and the proposed forest diversion site is

		surrounded by Indraprastha Industrial area towards North, Railway line towards East, NH76 towards South-East side and Forest Land towards South West.
2	In the recommendations of the Nodal Officer and the State Government, it has been mentioned that the proposal may be accepted for approval subject to the condition that the Hon'ble Supreme Court has given direction in the FCA proposal Development of NH 76 East West Corridor in Kota District (Final sanctioned on 6.7.2007) to maintain green belt on both the sides of the Kota bypass up to 1 km. In this regard an unconditional recommendation is required from the State Government.	It is not under the control of this department to make changes in the Hon'ble Supreme Court direction in the FCA proposal development of NH 76 East West Corridor in Kota District (final approval 6.7.2007) to maintain green belt on the both sides of the Kota Bypass up to 1 Km. Therefore, un conditional recommendation cannot be given in this case. However, out of 96 ha. forest area applied for diversion by the User Agency, 60.50 ha forest area falls under 1 km green belt as recommended by CEC. So, it is recommended that only 35.50 ha forest area may be diverted.
3	The State Government shall clarify as to how the Govt. of India can relax the condition imposed by the Hon'ble Court order dated 08.12.2006. The clarification along with the certified copies of the CEC recommendation dated 30.11.2006, Hon'ble Supreme Court Order dated 08.12.2006 and all other relevant details pertaining to the project shall be furnished.	It is not under the control of this department to make changes in the Hon'ble Supreme Court direction in the FCA proposal development of NH 76 East West Corridor in Kota District (final approval 6.7.2007) to maintain green belt on the both sides of the Kota Bypass up to 1 Km. Therefore, un conditional recommendation cannot be given in this case. However, out of 96 ha. forest area applied for diversion by the User Agency, 60.50 ha forest area falls under 1 km green belt as recommended by CEC. So it is being recommended that only 35.50 ha forest area may be diverted. Relevant papers are being attached.
4	The detail of existing area of Krishi Upaj Mandi along with legal status of the said 8-18/2023-FC I/46193/2023 land is not available	As per reply of User Agency the existing area of Krishi Upaj Mandi was allotted by RIICO in Indraprastha Industrial Area Kota. between 1991 to 1993 allotment

	which shall be furnished.	letter are attached at Serial No. 12 of Part-I. The present proposal includes 24.07 ha. forest which is under their possession and other non forest area allotted to them.
5	The State Govt. shall provide a NOC from National Highway Authority of India (NHAI) for the area of NHAI proposed to be utilized in the instant proposal.	A letter from NHAI Dated 16-08-2023 has been uploaded by User Agency at Serial No. 53 of Part-I.
6	The State Government shall clarify as to why the conditions stipulated in FC approval letter No.8-13/2006-FC dated 06.07.2007 have not been complied even after completion of more than 15 years. It shall also confirm whether any request for modification in stipulated conditions in the approval dated 06.07.2007 was made earlier to Central Govt., if so, the details in this regard shall be provided. If not, then the justification for informing at this belated stage that the land is not suitable for plantation/green belt development shall be submitted. The person/official responsible for not complying with the direction of Hon'ble Court shall also be furnished.	The compliance of condition dated 6.7.2007 is being taken up in phase manner by getting funds under CAMPA APO. The work started from 2012 onwards. No request for modification of condition was sent earlier to the Central Government. Since now it is being recommended 60.5 ha. land be excluded and permission granted for 35.5 ha. there is no need for modification.
7	As per the DSS analysis and the examination of the KML file, the proposed CA land is overlapping with the CA land of approved project i.e. Navnera Barrage FP/RJ/IRRIG/ 35905/ 2018. Therefore, the correct KML of CA land shall be uploaded on PARIVESH for examination and analysis.	Overlapped CA-NFL has been revised. Revised non forest land details have been updated in point no L of the part I.

8	The KML file of the DFL proposed for accommodating the balance seedlings has not been uploaded on PARIVESH. The same needs to be uploaded for further examination	96 ha. non forest land and 192 ha. forest land is identified for planting of 96000 plants. KML file of DFL has been uploaded in point no L of the part I.
9	Violation has been reported over an area of 24.06 ha, however the detailed Action Taken Report and the present status of same has not been provided, which shall be submitted. It has been mentioned that an FIR was lodged in the year 1996 but no action appears to have been taken further by the State Govt. The reasons/justification for the same shall be submitted. The official responsible for violation and action taken against them shall also be furnished	The FIR number 56-09 dated 19-09-1996 in the said violation registered under Rajasthan Forest Act 1953 has been disposed by compounding of Rs. 1,00,000/- dated 24-01-2022. Information is being sought from CCF Kota regarding official responsible for violation.
10	As per the available KML file, the area under violation is 27 ha whereas the State Government has reported the same as 24.06 ha. The same shall be verified and factual position be submitted.	A joint survey was conducted on 30-12-2021 in presence of Range Forest Officer, Mandi Secretary, and the Revenue team in which the total area under violation was calculated to be 24.06 ha. as per on revenue record, which was verified by the forest surveyor and concerning halka patwari of the Revenue Department. Report uploaded at point no 28 of additional information of part I.
11	As per DSS analysis, the Umedganj Bird sanctuary is located at a distance of 2.96 Km from the proposed forest land for diversion. The Status of ESZ and comments of CWLW in this regard shall be furnished.	DCF Wildlife Kota has submitted that Ummedganj Bird Sanctuary is a Conservation Reserve and under Wildlife Protection Act 1972, no Eco Sensitive Zone is mandated for Conservation Reserves. copy uploaded at S.N. 52 of additional information of part I.
12	As per DSS analysis (copy enclosed), certain anomalies have been observed in component wise detail given in the proposal and the	Component wise KML has been uploaded by User Agency at S.N. C of the part I.

	area as per the KML file. Therefore, the correct KML file as per proposed component wise utilization of forest land shall be uploaded on PARIVESH.	
13	Satellite imagery shows the presence of built-up area, mined out area etc. within the proposed forest land for diversion. This needs clarification.	DCF Kota has replied that there have been problems of illegal mining in the past at the site that is proposed for diversion. Regular deterrent action are being taken by the department in this regard.
14	As per DSS analysis, a Nallah is flowing through middle of the proposed forest land for diversion. Further, no protection measures for the Nallah have been suggested in the proposal. Therefore, comments of the Water Resource 8-18/2023-FC I/46193/2023 Department of the State on the efficacy of water discharge needs submission.	In compliance, the Executive Engineer, Water Resource department vide letter 1386-87 dated 14-08-2023 has issued NOC based on condition that the cross-sectional area of the Nallah should not be changed and a protection wall be constructed on either side. Mandi secretary has submitted an undertaking in this regard. Copy attached at s.n. 54 of additional information of the part I.
15	A transmission line is passing through the land proposed for diversion. Therefore, a copy of approval under the FCA, 1980 for the said transmission line along	The Superintendent Engineer, Rajasthan Rajya Vidyut Prasaran Nigam Limited vide letter 323 dated 24-07-2024 has informed that the said 132 KV Sakatpura-Sangod Transmission Line was completed by 21-01-1976, and hence it is a matter that predates FCA 1980. Copy uploaded at s.n. 68 of additional information.

सलमन : उपरोक्तानुसार

भवदीया,

(शिखा मेहरा)

प्रधान मुख्य वन संरक्षक,
एवं नोडल अधिकारी एफसीए,
राजस्थान, जयपुर

क्रमांक: एफ 14(105/10)2016/एफसीए/प्रमुवसं

दिनांक

प्रतिलिपि:-निम्नांकित को उक्तानुसार भारत सरकार के पत्र की प्रति सहित सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. मुख्य वन संरक्षक, कोटा।
2. उप वन संरक्षक, कोटा।
3. कृषि उपज मंडी, समिति कोटा, सेक्रेटरी कृषि उपज मंडी समिति अनंतपुरा कोटा राजस्थान-324005।

संलग्न:- उक्तानुसार।

(दिनेश कुमार गुप्ता)
उप वन संरक्षक (एफ.सी.ए.)
अरण्य भवन, जयपुर

3/6

F.No.8-13/2006-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110 003
Dated: 6th July, 2007

To,

The Principal Secretary (Forests)
Government of Rajasthan
Jaipur, Rajasthan

Sub: Diversion of 111.637 ha of forest land (95.048 ha in Kota Forest Division and 16.589 ha in National Ghariyal Sanctuary) for construction of a bypass to Kota City under National Highway-76 Section of East West Corridor in favour of National Highway Authority of India

Sir,

I am directed to refer to your Letter no. P01 (22) Forest / 2002 dated 19.01.2006 on the above mentioned subject, wherein prior approval of the Central Government for the diversion of 111.637 ha. of forest land (95.048 ha in Kota Forest Division and 16.589 ha in National Ghariyal Sanctuary) for construction of a bypass to Kota City under National Highway-76 Section of East West Corridor in favour of National Highway Authority of India is sought, in accordance with Section 2 of the Forest (Conservation) Act, 1980. The said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section 3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Rajasthan and on the basis of the recommendations of the Forest Advisory Committee, the Central government hereby agrees **in principle for the diversion of 111.637 ha. of forest land** (95.048 ha in Kota Forest Division and 16.589 ha in National Ghariyal Sanctuary) for the construction of a bypass to Kota City under National Highway-76 Section of East West Corridor in favour of National Highway Authority of India, subject to the fulfillment of the following conditions.

- 21/6
22/7
9/8/07
26/7
2/8/07
ACPP
- I. Compensatory Afforestation shall be raised and maintained over double the degraded forest land, i.e., 223.274 ha (190.096 ha + 33.178 ha) at the cost of the user agency. The cost of Compensatory Afforestation shall be transferred to the State Forest Department by the user agency.
 - II. The State Government shall charge the Net Present Value of the forest area diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002 and 01.08.2003 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letters No. 5-1/1998-FC (Pt. II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03.10.2006 in this regard.
 - III. 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.
 - IV. All the above funds received from the User Agency under the project shall be transferred to in Account No. CA 1581 of Corporation Bank, Block-11, CGO Complex, Phase-I, Lodhi Road, New Delhi-110003.
 - V. The mitigative measures recommended by the Standing Committee of NBWL shall be taken up by the User Agency concurrently with the construction of the project. **The User Agency shall deposit Rs. 25.72 crores for undertaking the various mitigative measures recommended by the Standing Committee of the NBWL.** As per the Hon'ble Supreme Court's order dated 08.12.2006 this amount of Rs. 25.72 crores shall be deposited with the Central Empowered Committee (CEC). The CEC shall keep the amount in a separate bank account and release it to the Rajasthan Forest Department for concurrent implementation of the mitigative measures.
 - VI. The finalization and implementation of specific items of works as part of the mitigative measures will be monitored by a Committee consisting of the representatives of the Ministry of Environment and Forests, PCCF, Rajasthan and the CWLW of Rajasthan. The expenditure would be audited by the Accountant General, Rajasthan.
 - VII. The User Agency shall provide Cable Stayed Bridge with channels for collecting surface run-off on either side, so that the river is not intruded.
- 1/2

- VIII. The User Agency shall provide a noise barrier on the bridge and 400 m. on either side of the Chambal River.
- IX. Stone masonry wall of 2.5 m high alongwith one meter fence shall be provided on either side to act as a barrier between the human settlement and wildlife.
- X. No construction workshop shall be set up upto 2 kms of sanctuary area, and wherever possible pre-fabricated structures be erected.
- XI. No labour camps shall be situated in the forest area. The User Agency shall provide fuel- wood, preferably alternate fuel to the labourers working at the site to avoid damage/felling of trees.
- XII. Wherever blasting is essential, it shall be controlled and the latest method of slow tunnel blasting be followed.
- XIII. Silence zone shall be declared well before and after the sanctuary upto a considerable distance. Adequate signages be displayed for the purpose.
- ✓ XIV. The area falling between Kota-Jhalawar road and Chambal River shall be preserved as a green belt to the Kota city. Similarly, the forest land existing north of the bypass between Kota-Jhalawar road and Chambal River shall also be preserved as a green belt to the Kota city.
- ✓ XV. The cost of permanent fencing and developing the green belt upto one kilometer of the bypass road on forest land shall be included in the cost of bypass project apart from the Compensatory Afforestation and other costs.
- ✓ XVI. The cost of permanent fencing along the Kota-Rawatbhata road and the Kota Jawahar Sagar road for a distance of 5 kms shall be included in the project cost to ensure that no encroachments take place.
- XVII. Rapid assessment of the status of the wildlife from Kota Barrage to Jawahar Sagar Dam shall be undertaken by the Forest Department, Rajasthan in consultation with the Wildlife Institute of India prior to the construction phase and after the construction phase so that necessary monitoring and timely corrective measures can be adopted. The cost in this regard should be borne by the User Agency.
- XVIII. The Forest Department, Rajasthan shall include approximately 1000 ha of the forest land available in Mashalpura Block-A for inclusion in the Darra Wildlife Sanctuary to enhance its effectiveness for wildlife conservation.
- ✓ XIX. The 902 ha forest area as detailed in Alignment No. 2 by-pass, shall be developed as an urban managed area for the purpose of wildlife conservation and environmental education.
- XX. All other conditions stipulated by the State Government of Rajasthan while forwarding the above proposal to the Central Government, and conditions stipulated by the Central Empowered Committee in their recommendations dated 20.11.2006, as approved by the Hon'ble Supreme Court in its Order dated 8.12.2006, in IA No. 1626-1627 in Writ Petition (C) 202 of 1995, shall be adhered to by the User Agency.

3. After receipt of the compliance report on the fulfillment of the above mentioned conditions No.(I) to (XX) of Para 2 above from the State Government, formal approval will be issued in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully

(A. K. Joshi)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief conservator of Forests, Government of Rajasthan, Jaipur
2. Member Secretary, Central Empowered Committee (CEC), New Delhi
3. The Nodal Officer, Forest Department, Government of Rajasthan, Jaipur
4. The Chief Conservator of Forest, Regional Office, Lucknow.
5. The Regional Office (H. Q.), New Delhi.
6. User Agency i.e National Highway Authority of India.
7. Monitoring Cell, Ministry of Environment and Forests
8. Guard File.

(A .K. Joshi)

Assistant Inspector General of Forests