

**कार्यालय : प्रधान मुख्य वन संरक्षक-सह-कार्यकारी निदेशक,
बंजर भूमि विकास बोर्ड, झारखंड, राँची।**

वन भवन, डोरण्डा, राँची, झारखंड, पिन-834002, Email : pccf-ednodal@gov.in

पत्रांक- 573

राँची, दिनांक- 01/6/2023

सेवा में,

अपर मुख्य सचिव,
वन, पर्यावरण एवं जलवायु परिवर्तन विभाग,
झारखण्ड सरकार, राँची।

विषय :- सी0सी0एल0 के नार्थ उरीमारी रेलवे साईडिंग परियोजना हेतु कुल 11.11 हे0 (हजारीबाग पश्चिमी वन प्रमण्डल अंतर्गत 8.27 हे0 एवं रामगढ़ वन प्रमण्डल अंतर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव के संबंध में।

प्रसंग :-

1. भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची का पत्र संख्या-FP/JH/OTHERS/34881/2018/955, दिनांक 01.03.2023
2. क्षेत्रीय मुख्य वन संरक्षक, बोकारो का पत्रांक 969 दिनांक 03.05.2023
3. क्षेत्रीय मुख्य वन संरक्षक, हजारीबाग का पत्रांक 1286 दिनांक 19.05.2023

महाशय,

उपर्युक्त विषयक संदर्भ में सूचित करना है कि भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची के प्रासंगिक पत्र-1 द्वारा सी0सी0एल0 की नार्थ उरीमारी रेलवे साईडिंग परियोजना हेतु कुल 11.11 हे0 (हजारीबाग पश्चिमी वन प्रमण्डल अंतर्गत 8.27 हे0 एवं रामगढ़ वन प्रमण्डल अंतर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव में तीन बिन्दुओं पर पृच्छा की गयी है, जिसका निराकरण प्रतिवेदन क्षेत्रीय मुख्य वन संरक्षक, बोकारो के पत्रांक 969 दिनांक 03.05.2023 एवं क्षेत्रीय मुख्य वन संरक्षक, हजारीबाग के पत्रांक 1286 दिनांक 19.05.2023 द्वारा प्राप्त हुआ है।

भारत सरकार, एकीकृत क्षेत्रीय कार्यालय, राँची के उक्त पृच्छा संख्या-1 एवं 2 का निराकरण प्रतिवेदन क्षेत्रीय मुख्य वन संरक्षक, बोकारो द्वारा निम्नवत् प्रतिवेदित है :-

Sl. No	Query raised by IRO	Information provided by UA	Comments of DFO, Ramgarh
1	2	3	4
1	The proposal involves violation over GMJJ land which is not under jurisdiction or management/ ownership of state forest department. Revenue department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to central government or should	In the forest clearance proposal regarding diversion of 11.11 ha forest land in favour of CCL for construction of North Urimari Siding, 2.84 ha land lies in Ramgarh district. The said GMJJ land (2.84 ha) under violation is a part of leasehold area (664.40 ha) of Sayal D Project which was acquired by Central Government under CBA Act 1957. As per sub-section 1 of section 11 of CBA Act 1957 as quoted below: " 11. Power of Central Government to direct vesting of land or rights in a Government Company —(1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose,	The said GMJJ land (2.84 Ha) under violation is a part of lease hold area of Sayal D project, acquired by Central Government under CBA Act 1957. The said GMJJ land was vested to government company (CCL) as per notification published in Gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965. Hence, right over such land vested in CCL after date of notification. The non-compliance of Forest (Conservation) Act, 1980 and guidelines issued under the Act happened over above acquired GMJJ land in 2018, but no case was filed as the land was under administrative control of CCL and/or revenue authorities. Till then there was no Act/guideline enumerating the penal provisions over GMJJ land acquired

Sl. No	Query raised by IRO	Information provided by UA	Comments of DFO, Ramgarh
1	2	3	4
	clearly specify the penal provisions to be undertaken along with recommendation of the department having jurisdiction on the land.	<p><i>direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction".</i></p> <p>The said GMJJ land was vested to Government Company(CCL) as per notification published in part II section 3 sub-section (ii) of the gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965 (Annexure 3).Hence, rights over such land vests in CCL after the said notification.</p> <p>Honourable Supreme court issued a verdict about GMJJ land in T.N Godavarman Thirumulkhpad Vs Union of India and others on 12.12.1996, in which it declared GMJJ land to be deemed forest land. Violation was recorded in GMJJ land in the year 2018 in the inspection of the then DFO Ramgarh. However, till then there was no Act/guideline enumerating the penal provisions of state government over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.</p> <p>On 17.12.2019, a letter was issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/स0भू0विविध-250/2018 4908(5)/रा0 झारखण्ड सरकार to DC of every district, in which it was directed that the Government company must pay 80% of the value of acquired GMJJ land under CBA act 1957, to the State Government. Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said</p>	<p>under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.</p> <p>In light of letter issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/स0भू0विविध-250/2018 4908(5)/रा0 झारखण्ड सरकार to DC of every district, in which it was directed that <u>the Government company must pay 80% of the value of acquired GMJJ land under CBA Act 1957, to the State Government.</u> Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, <u>payment was done by CCL to the state government on 30.09.2021.</u> Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stood against CCL from the Revenue Department, Govt. of Jharkhand.</p> <p>Also, as per section 25 of CBA Act 1957, as quoted below: "25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. (2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith</p>

Sl. No	Query raised by IRO	Information provided by UA	Comments of DFO, Ramgarh
1	2	3	4
		<p>GMJJ land by state officials, payment was done by CCL to the state government on 30.09.2021. Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stand against CCL from the Revenue Department, Govt. of Jharkhand.</p> <p>Also, as per section 25 of CBA Act 1957, as quoted below:</p> <p>“25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.</p> <p>(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder”.</p> <p>In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith. Thus, Penal provisions from State Government should not stand against CCL.</p>	<p><i>done or intended to be done in pursuance of this Act or any rule or order made thereunder”.</i></p> <p>In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith.</p> <p>Thus, considering above scenario and existing legal provisions, penal action was not taken by revenue authorities.</p>
2	The committee opined that a detailed report in the may be submitted by the State Forest Department regarding the extant proposal.	<p>Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land.</p>	<p>Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from Revenue authorities of State Government. Only, the necessary provisions of Forest Conservation act</p>

Sl. No	Query raised by IRO	Information provided by UA	Comments of DFO, Ramgarh
1	2	3	4
		Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said violation is appropriate.	1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land and plantation, against the said violation is appropriate.

साथ ही भारत सरकार, एकीकृत क्षेत्रीय कार्यालय के प्रसंगाधिन पत्र के पृच्छा संख्या-3 के आलोक में क्षेत्रीय मुख्य वन संरक्षक, हजारीबाग के पत्रांक 1286 दिनांक 19.05.2023 द्वारा निराकरण निम्नवत् प्रतिवेदित किया गया है :-

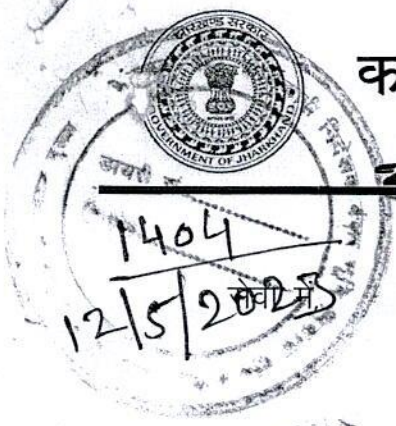
S. No.	Query raised by IRO	Comments of DFO, Hazaribagh West
3	As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal, while the current submitted area for CA is only 22.44 ha.	The 10 times penal CA DFL area हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत मौजा-दुमुहानीनीमाटांड, थाना-बरकट्टा, थाना नं0-03 के प्लॉट नं0-76, 79, 86, 30, 70, 37, 38, 12, 17, 19, 21, 24 एवं 26 रकबा 111.10 हे0 चयनित किया गया है। चयनित क्षतिपूरक वनरोपण भूमि का Geo-reference Map अनु0-A के रूप में, Toposheet Map अनु0-B के रूप में, वन प्रमंडल पदाधिकारी द्वारा निर्गत उपयुक्तता प्रमाण अनु0-C के रूप में, दस वर्षीय प्राक्कलन अनु0-D के रूप में, प्रयोक्ता अभिकरण द्वारा Penal CA & NPV जमा करने संबंधी वचनबद्धता अनुलग्नक-E के रूप में एवं KML file (CD) अनु0-F के रूप में संलग्न है।

अतः उपरोक्त दोनों वन प्रमंडल से संबंधित प्राप्त निराकरण प्रतिवेदन की तीन-तीन प्रतियाँ इस पत्र के साथ संलग्न कर अग्रतर कार्रवाई हेतु भेजा जा रहा है।

संचिका पर प्रधान मुख्य वन संरक्षक (HoFF), झारखण्ड का अनुमोदन प्राप्त है।

अनु0:-यथोक्त।

विश्वासभाजन
31.05.2023
प्रधान मुख्य वन संरक्षक-सह-कार्यकारी निदेशक
बंजर भूमि विकास बोर्ड, झारखण्ड, राँची।
31.5



कार्यालय : क्षेत्रीय मुख्य वन संरक्षक, बोकारो ।

VAN BHAWAN, PURULIA ROAD, CHAS, BOKARO - 827013

06542-26544

Email - rccf-bokaro@gov.in/bokarorccf@gmail.com

पत्रांक : 969

दिनांक : 03/05/2023

प्रधान मुख्य वन संरक्षक

—सह—

कार्यकारी निदेशक,
बंजर भूमि विकास बोर्ड,
झारखण्ड, राँची।

विषय :- सी0सी0एल0 के नार्थ उरीमारी रेलवे साईडिंग परियोजना हेतु कुल 11.11 हे0 (हजारीबाग पश्चिमी वन प्रमण्डल अंतर्गत 8.27 हे0 एवं रामगढ़ वन प्रमण्डल अंतर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव के संबंध में।

प्रसंग :- 1. भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची का पत्र संख्या-FP/JH/OTHERS/34881/2018/955, दिनांक 01.03.2023,
2. आपका ज्ञापांक 293 दिनांक 20.03.2023

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के संदर्भ में सूचित करना है कि भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची के प्रासंगिक पत्र द्वारा विषयगत वनभूमि अपयोजन के प्रस्ताव के क्रम में कुल 3 बिन्दुओं पर पृच्छा करते हुए मंतव्य सहित निराकरण प्रतिवेदन यथाशीघ्र उपलब्ध कराने का निर्देश दिया गया है। उक्त निर्देश के आलोक में वन संरक्षक, प्रादेशिक अंचल, बोकारो के पत्रांक 485 दिनांक 03.05.2023 द्वारा रामगढ़ वन प्रमण्डल से प्राप्त पृच्छित बिन्दुओं का निराकरण प्रतिवेदन समर्पित किया गया है, जो निम्नवत् है :-

Sl. No	Information Sought	Information provided by UA	DFO Remarks
1	2	3	4
1	The proposal involves violation over GMJJ land which is not under jurisdiction or management/ ownership of state forest department. Revenue department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to central government or should clearly specify the penal provisions to be	In the forest clearance proposal regarding diversion of 11.11 ha forest land in favour of CCL for construction of North Urimari Siding, 2.84 ha land lies in Ramgarh district. The said GMJJ land (2.84 ha) under violation is a part of leasehold area (664.40 ha) of Sayal D Project which was acquired by Central Government under CBA Act 1957. As per sub-section 1 of section 11 of CBA Act 1957 as quoted below: “ 11. Power of Central Government to direct vesting of land or rights in a Government Company —(1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government	The said GMJJ land (2.84 Ha) under violation is a part of lease hold area of Sayal D project, acquired by Central Government under CBA Act 1957. The said GMJJ land was vested to government company (CCL) as per notification published in Gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965. Hence, right over such land vested in CCL after date of notification. The non-compliance of Forest (Conservation) Act, 1980 and guidelines issued under the Act happened over above acquired GMJJ land in 2018, but no case was filed as the land was under administrative control of CCL and/or revenue authorities. Till then there was no Act/guideline enumerating the penal

Sl. No	Information Sought	Information provided by UA	DFO Remarks
1	2	3	4
	undertaken along with recommendation of the department having jurisdiction on the land.	<p><i>may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction".</i></p> <p>The said GMJJ land was vested to Government Company(CCL) as per notification published in part II section 3 sub-section (ii) of the gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965 (Annexure 3). Hence, rights over such land vests in CCL after the said notification.</p> <p>Honourable Supreme court issued a verdict about GMJJ land in T.N Godavarman Thirumulkhpad Vs Union of India and others on 12.12.1996, in which it declared GMJJ land to be deemed forest land. Violation was recorded in GMJJ land in the year 2018 in the inspection of the then DFO Ramgarh. However, till then there was no Act/guideline enumerating the penal provisions of state government over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.</p> <p>On 17.12.2019, a letter was issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/संभू.विधि-250/2018 4908(5)/रा.झारखण्ड सरकार to DC of every district, in which it was directed that the Government company must pay 80% of the value of acquired GMJJ land under CBA act 1957, to the State Government. Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, payment was done by CCL to the state government on 30.09.2021. Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal</p>	<p>provisions over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.</p> <p>In light of letter issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/संभू.विधि-250/2018 4908(5)/रा.झारखण्ड सरकार to DC of every district, in which it was directed that <u>the Government company must pay 80% of the value of acquired GMJJ land under CBA Act 1957, to the State Government.</u> Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, <u>payment was done by CCL to the state government on 30.09.2021.</u> Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stood against CCL from the Revenue Department, Govt. of Jharkhand.</p> <p>Also, as per section 25 of CBA Act 1957, as quoted below: "25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. (2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder".</p> <p>In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith.</p> <p>Thus, considering above scenario</p>

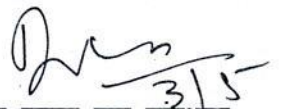
Sl. No	Information Sought	Information provided by UA	DFO Remarks
1	2	3	4
		<p>provisions stand against CCL from the Revenue Department, Govt. of Jharkhand.</p> <p>Also, as per section 25 of CBA Act 1957, as quoted below:</p> <p>"25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.</p> <p>(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder".</p> <p>In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith. Thus, Penal provisions from State Government should not stand against CCL.</p>	<p>and existing legal provisions, penal action was not taken by revenue authorities.</p>
2	The committee opined that a detailed report in the may be submitted by the State Forest Department regarding the extant proposal.	<p>Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said violation is appropriate.</p>	<p>Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from Revenue authorities of State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land.</p> <p>Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land and plantation, against the said violation is appropriate.</p>
3	As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal, while the current submitted area for CA is only 22.44 ha.	<p>The penal CA DFL area has been identified by DFO, Hazaribagh (W) for 111.10 Ha which is 10 times of the forest land involved in the proposal. Also, it has been asked to submit Geo-reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA in respect</p>	<p>The User Agency has provided CA DFL land of 22.44 Ha in Hazaribagh (W) and Ramgarh which has already been uploaded in part -II of the online application.</p> <p>Additionally, as per recommendation of SFD, penal CA DFL of 10 times of the area involved in the project, DFL area of 111.10 Ha</p>

Sl. No	Information Sought	Information provided by UA	DFO Remarks																																										
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		<p>of 11.11 Ha Stage-I FC of Forest land in favour of North Urimari Railway Siding. In this regard, please find enclosed herewith the relevant documents mentioned below:</p> <table><tr><th>S.No</th><th>Documents</th><th>Attachments</th></tr><tr><td>1.</td><td>Geo-reference Map</td><td>Annexure A</td></tr><tr><td>2.</td><td>Toposheet Map</td><td>Annexure B</td></tr><tr><td>3.</td><td>KML File</td><td>CD</td></tr><tr><td>4.</td><td>CA Suitability Certificate</td><td>Annexure C</td></tr><tr><td>5.</td><td>CA Estimate</td><td>Annexure D</td></tr><tr><td>6.</td><td>Undertaking regarding CA and Additional NPV payment</td><td>Annexure E</td></tr></table>	S.No	Documents	Attachments	1.	Geo-reference Map	Annexure A	2.	Toposheet Map	Annexure B	3.	KML File	CD	4.	CA Suitability Certificate	Annexure C	5.	CA Estimate	Annexure D	6.	Undertaking regarding CA and Additional NPV payment	Annexure E	<p>has been identified in territory of DFO, Hazaribagh (W).</p> <p>Thus, Geo-reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA/NPV has been submitted. In this regard, please find enclosed herewith the relevant documents mentioned below:</p> <table><tr><th>S.No</th><th>Documents</th><th>Attachments</th></tr><tr><td>1.</td><td>Geo-reference Map</td><td>Annexure A</td></tr><tr><td>2.</td><td>Toposheet Map</td><td>Annexure B</td></tr><tr><td>3.</td><td>KML File</td><td>CD</td></tr><tr><td>4.</td><td>CA Suitability Certificate</td><td>Annexure C</td></tr><tr><td>5.</td><td>CA Estimate</td><td>Annexure D</td></tr><tr><td>6.</td><td>Undertaking regarding CA and Additional NPV payment</td><td>Annexure E</td></tr></table>	S.No	Documents	Attachments	1.	Geo-reference Map	Annexure A	2.	Toposheet Map	Annexure B	3.	KML File	CD	4.	CA Suitability Certificate	Annexure C	5.	CA Estimate	Annexure D	6.	Undertaking regarding CA and Additional NPV payment	Annexure E
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अतः प्राप्त निराकरण प्रतिवेदन की पाँच प्रतियाँ इस पत्र के साथ संलग्न अग्रसारित करते हुए अनुरोध है कि आवश्यक अग्रतर कार्रवाई करने की कृपा की जाय।

अनु०- यथोक्त।

विश्वासभाजन,


क्षेत्रीय मुख्य वन संरक्षक,
बोकारो।
03/05



कार्यालय : वन संरक्षक, प्रादेशिक अंचल, बोकारो।

वन भवन, ब्लॉक-‘ए’ पुरुलिया रोड़, चास, बोकारो-827013
Email – cf-bokaro@gov.in, bokarocf@gmail.com, cfbokaro@rediffmail.com मो० - 8987790301



पत्रांक : 485,

दिनांक : 03.05.2023

सेवा में,

क्षेत्रीय मुख्य वन संरक्षक,
बोकारो।

विषय :-

सी०सी०एल० के नार्थ उरीमारी रेलवे साईडिंग परियोजना हेतु कुल 11.11 हे० (हजारीबाग पश्चिमी वन प्रमण्डल अंतर्गत 8.27 हे० एवं रामगढ़ वन प्रमण्डल अंतर्गत 2.84 हे०) वनभूमि अपयोजन प्रस्ताव के संबंध में।

भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची का पत्र संख्या-FP/JH/OTHERS/34881/2018/955, दिनांक 01.03.2023, प्रधान मुख्य वन संरक्षक-सह-कार्यकारी निदेशक, बंजर भूमि विकास बोर्ड, झारखण्ड, राँची का ज्ञापांक 293 दिनांक 20.03.2023 एवं भवदीय का कार्यालय ज्ञापांक 683 दिनांक 27.03.2023।



3/5

उपर्युक्त विषय के संबंध में सूचित करना है कि भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची के प्रासंगिक पत्र द्वारा विषयगत वनभूमि अपयोजन के प्रस्ताव के क्रम में कुल 3 बिन्दुओं पर पृच्छा करते हुए मंतव्य सहित निराकरण प्रतिवेदन यथाशीघ्र उपलब्ध कराने का निर्देश दिया गया है। उक्त दिये गये निर्देश के आलोक में वन प्रमण्डल पदाधिकारी, रामगढ़ वन प्रमण्डल के पत्रांक 796 दिनांक 29.04.2023 के द्वारा पृच्छित बिन्दुओं का निराकरण प्रतिवेदन समर्पित किया गया है, जो निम्नवत् है :-

Sl. No	Information Sought	Information provided by UA	DFO Remarks
1	2	3	4
1	The proposal involves violation over GMJJ land which is not under jurisdiction or management/ ownership of state forest department. Revenue department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore,	In the forest clearance proposal regarding diversion of 11.11 ha forest land in favour of CCL for construction of North Urimari Siding, 2.84 ha land lies in Ramgarh district. The said GMJJ land (2.84 ha) under violation is a part of leasehold area (664.40 ha) of Sayal D Project which was acquired by Central Government under CBA Act 1957. As per sub-section 1 of section 11 of CBA Act 1957 as quoted below: “ 11. Power of Central Government	The said GMJJ land (2.84 Ha) under violation is a part of lease hold area of Sayal D project, acquired by Central Government under CBA Act 1957. The said GMJJ land was vested to government company (CCL) as per notification published in Gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965. Hence, right over such land vested in CCL after date of notification. The non-compliance of Forest

Sl. No.	Information Sought	Information provided by UA	DFO Remarks
1	2	3	4
	either such violation be compounded appropriately by state government before	<i>to direct vesting of land or rights in a Government Company —(1) Notwithstanding anything contained in section 10, the Central Government</i>	(Conservation) Act, 1980 and guidelines issued under the Act happened over above acquired GMJJ land in 2018, but no case was filed as
	forwarding the proposal to central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having jurisdiction on the land.	<i>may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction".</i> The said GMJJ land was vested to Government Company(CCL) as per notification published in part II section 3 sub-section (ii) of the gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965 (Annexure 3).Hence, rights over such land vests in CCL after the said notification. Honourable Supreme court issued a verdict about GMJJ land in T.N Godavarman Thirumulkhpad Vs Union of India and others on 12.12.1996, in which it declared GMJJ land to be deemed forest land. Violation was recorded in GMJJ land in the year 2018 in the inspection of the then DFO Ramgarh. However, till then there was no Act/guideline enumerating the penal provisions of state government over GMJJ land acquired under CBA Act	the land was under administrative control of CCL and/or revenue authorities. Till then there was no Act/guideline enumerating the penal provisions over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980. In light of letter issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/स०भू०विविध-250/2018 4908(5)/रा०झारखण्ड सरकार to DC of every district, in which it was directed that <u>the Government company must pay 80% of the value of acquired GMJJ land under CBA Act 1957, to the State Government.</u> Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, <u>payment was done by CCL to the state government on 30.09.2021.</u> Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as

Sl. No	Information Sought	Information provided by UA	DFO Remarks
1	2	3	4
		1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.	per details mentioned above no penal provisions stood against CCL from the Revenue Department, Govt. of Jharkhand.
		<p>On 17.12.2019, a letter was issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/स०भू०विविध-250/2018</p> <p>4908(5)/रा०झारखण्ड सरकार to DC of every district, in which it was directed that the Government company must pay 80% of the value of acquired GMJJ land under CBA act 1957, to the State Government. Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, payment was done by CCL to the state government on 30.09.2021. Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stand against CCL from the Revenue Department, Govt. of Jharkhand.</p> <p>Also, as per section 25 of CBA Act 1957, as quoted below:</p> <p>“25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good</p>	<p>Also, as per section 25 of CBA Act 1957, as quoted below:</p> <p>“25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.</p> <p>(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder”.</p> <p>In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith.</p> <p>Thus, considering above scenario and existing legal provisions, penal action was not taken by revenue authorities.</p>

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Sl No	Information Sought	Information provided by UA	DFO Remarks
1	2	3	4
		<p><i>faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.</i></p> <p><i>(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder".</i></p> <p>In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith. Thus, Penal provisions from State Government should not stand against CCL.</p>	
2	The committee opined that a detailed report in the may be submitted by the State Forest Department regarding the extant proposal.	<p>Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said violation is appropriate.</p>	<p>Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from Revenue authorities of State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land.</p> <p>Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land and plantation, against the said violation is appropriate.</p>
3	As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal, while the current submitted area for CA is only 22.44 ha.	<p>The penal CA DFL area has been identified by DFO, Hazaribagh (W) for 111.10 Ha which is 10 times of the forest land involved in the proposal. Also, it has been asked to submit Geo-reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA in respect of 11.11 Ha Stage-I FC of Forest land in favour of North Urimari Railway Siding. In this regard, please find enclosed herewith the relevant documents mentioned below:</p>	<p>The User Agency has provided CA DFL land of 22.44 Ha in Hazaribagh (W) and Ramgarh which has already been uploaded in part -II of the online application.</p> <p>Additionally, as per recommendation of SFD, penal CA DFL of 10 times of the area involved in the project, DFL area of 111.10 Ha has been identified in territory of DFO, Hazaribagh (W).</p> <p>Thus, Geo-reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate</p>

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अतः प्राप्त निराकरण प्रतिवेदन की छः प्रतियाँ इस पत्र के साथ संलग्न अग्रसारित करते हुए अनुरोध है कि आवश्यक अग्रतर कार्रवाई करने की कृपा की जाय।

अनु० :- यथोक्त।

विश्वासभाजन

[Signature]
03-5-23

वन संरक्षक,

प्रादेशिक अंचल, बोकारो।



213

**OFFICE OF THE DIVISIONAL FOREST OFFICER,
RAMGARH FOREST DIVISION RAMGARH**

(Near BRL Gate, Ranchi Road, PO-Marar, District-Ramgarh, Pin-829117)

Email id - dfo-ramgarh@gov.in

Mobile No-8987790306

Letter No- 796 Date:- 29/04/2023

To,

Conservator of Forest,
Territorial Circle, Bokaro

Subject:- Regarding submission of reply to queries raised by MoEF&CC, Integrated Regional Office, Ranchi in respect to diversion of 11.11 Ha of forest land (Under Hazaribagh west Forest Division- 8.27 ha and Ramgarh Forest Division 2.84 ha) in favour of M/s CCL for construction of North Urimari railway siding.

Reference:- 1. MoEF&CC, Integrated Regional Office, Ranchi letter no FP/JH/OTHERS/34881/2018/955 dated 01.03.2023
2. Principal Chief Conservator of Forests-cum Nodal Officer, Ranchi Letter No-308 dated 21.03.2023
3. Regional Chief Conservator of Forests, Bokaro memo no- 683 dated 27-03-2023

Sir,

In reference to the subject matter quoted above, reply & compliances have been submitted by User Agency and discussions were held with Revenue Authorities. The required specific information in 7 copies is as follows -

Sl. No	Information Sought	Information provided by UA	DFO Remarks
1	The proposal involves violation over GMJJ land which is not under jurisdiction or management/ ownership of state forest department. Revenue department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to	In the forest clearance proposal regarding diversion of 11.11 ha forest land in favour of CCL for construction of North Urimari Siding, 2.84 ha land lies in Ramgarh district. The said GMJJ land (2.84 ha) under violation is a part of leasehold area (664.40 ha) of Sayal D Project which was acquired by Central Government under CBA Act 1957. As per sub-section 1 of section 11 of CBA Act 1957 as quoted below: " 11. Power of Central Government to direct vesting of land or rights in a Government Company —(1) Notwithstanding anything contained in	The said GMJJ land (2.84 Ha) under violation is a part of lease hold area of Sayal D project, acquired by Central Government under CBA Act 1957. The said GMJJ land was vested to government company (CCL) as per notification published in Gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965. Hence, right over such land vested in CCL after date of notification. The non-compliance of Forest (Conservation) Act, 1980 and guidelines issued under the Act happened over above acquired GMJJ

Sl. No	Information Sought	Information provided by UA	DFO Remarks
	central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having jurisdiction on the land.	<p><i>section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction".</i></p> <p>The said GMJJ land was vested to Government Company(CCL) as per notification published in part II section 3 sub-section (ii) of the gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965 (Annexure 3). Hence, rights over such land vests in CCL after the said notification.</p> <p>Honourable Supreme court issued a verdict about GMJJ land in T.N Godavarman Thirumulkhpad Vs Union of India and others on 12.12.1996, in which it declared GMJJ land to be deemed forest land. Violation was recorded in GMJJ land in the year 2018 in the inspection of the then DFO Ramgarh. However, till then there was no Act/guideline enumerating the penal provisions of state government over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.</p> <p>On 17.12.2019, a letter was issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/संभू.विविध-250/2018 4908(5)/रा.झारखण्ड सरकार to DC of every district, in which it was</p>	<p>land in 2018, but no case was filed as the land was under administrative control of CCL and/or revenue authorities. Till then there was no Act/guideline enumerating the penal provisions over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.</p> <p>In light of letter issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/संभू.विविध-250/2018 4908(5)/रा.झारखण्ड सरकार to DC of every district, in which it was directed that <u>the Government company must pay 80% of the value of acquired GMJJ land under CBA Act 1957, to the State Government.</u> Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, <u>payment was done by CCL to the state government on 30.09.2021.</u> Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stood against CCL from the Revenue Department, Govt. of Jharkhand.</p>

Information Sought	Information provided by UA	DFO Remarks
	<p>directed that the Government company must pay 80% of the value of acquired GMJJ land under CBA act 1957, to the State Government. Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, payment was done by CCL to the state government on 30.09.2021. Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stand against CCL from the Revenue Department, Govt. of Jharkhand.</p> <p>Also, as per section 25 of CBA Act 1957, as quoted below:</p> <p><i>"25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.</i></p> <p><i>(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder".</i></p> <p>In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith. Thus, Penal provisions from State Government should not stand against CCL.</p>	<p>Also, as per section 25 of CBA Act 1957, as quoted below:</p> <p><i>"25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.</i></p> <p><i>(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder".</i></p> <p>In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith.</p> <p>Thus, considering above scenario and existing legal provisions, penal action was not taken by revenue authorities.</p>
2	The committee opined that a detailed report in the may be	Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land

Sl. No	Information Sought	Information provided by UA	DFO Remarks																																										
	submitted by the State Forest Department regarding the extant proposal.	acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said violation is appropriate.	violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from Revenue authorities of State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land and plantation, against the said violation is appropriate.																																										
3	As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal, while the current submitted area for CA is only 22.44 ha.	<p>The penal CA DFL area has been identified by DFO, Hazaribagh (W) for 111.10 Ha which is 10 times of the forest land involved in the proposal. Also, it has been asked to submit Geo-reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA in respect of 11.11 Ha Stage-I FC of Forest land in favour of North Urimari Railway Siding. In this regard, please find enclosed herewith the relevant documents mentioned below:</p> <table border="1"> <tr> <th>S.No</th><th>Documents</th><th>Attachments</th></tr> <tr> <td>1.</td><td>Geo-reference Map</td><td>Annexure A</td></tr> <tr> <td>2.</td><td>Toposheet Map</td><td>Annexure B</td></tr> <tr> <td>3.</td><td>KML File</td><td>CD</td></tr> <tr> <td>4.</td><td>CA Suitability Certificate</td><td>Annexure C</td></tr> <tr> <td>5.</td><td>CA Estimate</td><td>Annexure D</td></tr> <tr> <td>6.</td><td>Undertaking regarding CA and Additional NPV payment</td><td>Annexure E</td></tr> </table>	S.No	Documents	Attachments	1.	Geo-reference Map	Annexure A	2.	Toposheet Map	Annexure B	3.	KML File	CD	4.	CA Suitability Certificate	Annexure C	5.	CA Estimate	Annexure D	6.	Undertaking regarding CA and Additional NPV payment	Annexure E	<p>The User Agency has provided CA DFL land of 22.44 Ha in Hazaribagh (W) and Ramgarh which has already been uploaded in part -II of the online application.</p> <p>Additionally, as per recommendation of SFD, penal CA DFL of 10 times of the area involved in the project, DFL area of 111.10 Ha has been identified in territory of DFO, Hazaribagh (W).</p> <p>Thus, Geo-reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA/NPV has been submitted. In this regard, please find enclosed herewith the relevant documents mentioned below:</p> <table border="1"> <tr> <th>S.No</th><th>Documents</th><th>Attachments</th></tr> <tr> <td>1.</td><td>Geo-reference Map</td><td>Annexure A</td></tr> <tr> <td>2.</td><td>Toposheet Map</td><td>Annexure B</td></tr> <tr> <td>3.</td><td>KML File</td><td>CD</td></tr> <tr> <td>4.</td><td>CA Suitability Certificate</td><td>Annexure C</td></tr> <tr> <td>5.</td><td>CA Estimate</td><td>Annexure D</td></tr> <tr> <td>6.</td><td>Undertaking regarding CA and Additional NPV payment</td><td>Annexure E</td></tr> </table>	S.No	Documents	Attachments	1.	Geo-reference Map	Annexure A	2.	Toposheet Map	Annexure B	3.	KML File	CD	4.	CA Suitability Certificate	Annexure C	5.	CA Estimate	Annexure D	6.	Undertaking regarding CA and Additional NPV payment	Annexure E
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Yours Sincerely

[Signature]
29/4/23

Divisional Forest Officer,
Ramgarh



कार्यालय – क्षेत्रीय मुख्य वन संरक्षक, हजारीबाग।
वन भवन, हजारीबाग,

Ph. No. 06546-223962, Email- rccf-hazaribagh@gov.in

पत्रांक : 1286

दिनांक : 19.5.2023

सेवा में,

प्रधान मुख्य वन संरक्षक,

—सह—

कार्यकारी निदेशक, बंजरभूमि विकास बोर्ड,
झारखण्ड, रांची।

नितीश कुमार
विषय :-

सी0सी0एल0 की नार्थ उरीमारी रेलवे साइडिंग परियोजना 11.11 हे0 (हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत 8.27 हे0 एवं रामगढ़ वन प्रमंडल अन्तर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव के संबंध में।

प्रसंग:-

भवदीय ज्ञापांक 293 दिनांक 20.03.2023 तथा ज्ञापांक 308 दिनांक 21.03.2023

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के सन्दर्भ में सादर सूचित करना है कि विषयक परियोजना सी0सी0एल0 की नार्थ उरीमारी रेलवे साइडिंग परियोजना 11.11 हे0 (हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत 8.27 हे0 एवं रामगढ़ वन प्रमंडल अन्तर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव में भारत सरकार, एकीकृत क्षेत्रीय कार्यालय, रांची का पत्रांक FP/JH/Others/34881/2018/955 दिनांक 01.03.2023 द्वारा किये गये तीन बिन्दुओं पर पृच्छा की गई है। जिसका निराकरण प्रतिवेदन वन संरक्षक, प्रादेशिक अंचल, हजारीबाग के पत्रांक 1025 दिनांक 18.05.2023 एवं वन प्रमंडल पदाधिकारी, हजारीबाग पश्चिमी वन प्रमंडल के पत्रांक 2565 दिनांक 11.05.2023 से इस कार्यालय को प्राप्त हुआ है, जो कंडिकावार निम्नवत् है :-

Sl. No	Query	Compliance
1	The Proposal involves violation over GMJJ land which is not under jurisdiction or management/ownership of state forest department. Revenue Department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having the jurisdiction on the land.	उक्त पृच्छा रामगढ़ वन प्रमंडल से संबंधित है।
2	The Committee opined that a detailed report in the may be submitted by the State Forest Department regarding the extant proposal.	उक्त पृच्छा रामगढ़ वन प्रमंडल से संबंधित है।

3	As recommendation made by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal; while the current submitted area for CA is only 22.44 ha.	<p>The 10 times penal CA DFL area हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत मौजा-दुमुहानीनीमाटांड, थाना-बरकदूठा, थाना नं०-03 के प्लॉट नं०-76, 79, 86, 30, 70, 37, 38, 12, 17, 19, 21, 24 एवं 26 रकबा 111.10 हे० चयनित किया गया है।</p> <p>चयनित क्षतिपूरक वनरोपण भूमि का Geo-reference Map अनु०-A के रूप में, Toposheet Map अनु०-B के रूप में, वन प्रमंडल पदाधिकारी द्वारा निर्गत उपयुक्ता प्रमाण अनु०-C के रूप में, दस वर्षीय प्राक्कलन अनु०-D के रूप में, प्रयोक्ता अभिकरण द्वारा Penal CA & NPV जमा करने संबंधी वचनबद्धता अनुलग्नक-E के रूप में एवं KML file (CD) अनु०-F के रूप में संलग्न है।</p>
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वन प्रमंडल पदाधिकारी, हजारीबाग पश्चिमी वन प्रमंडल से प्राप्त निराकरण प्रतिवेदन सभी अनुलग्नकों सहित पांच प्रतियों में इस पत्र के साथ संलग्न कर अग्रेतर आवश्यक कार्रवाई हेतु समर्पित की जा रही है।

अनु:-यथोक्त।

आपका विश्वासी,

क्षेत्रीय मुख्य वन संरक्षक,
हजारीबाग।



कार्यालय : वन संरक्षक, प्रादेशिक अंचल, हजारीबाग

वन भवन-1, हजारीबाग 825301 (झारखण्ड)

Ph. & Fax (0) - 06546 -222393, Cell No. : 8987790202 E-mail: cf-hazaribagh@gov.in

पत्रांक 13-E-5-4/2019- 1025

दिनांक :- 18.05.2023

सेवा में,

क्षेत्रीय मुख्य वन संरक्षक,
हजारीबाग।

विषय :-

सी0सी0एल0 की नार्थ उरीमारी रेलवे साइडिंग परियोजना 11.11 हे0 (हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत 8.27 हे0 एवं रामगढ़ वन प्रमंडल अन्तर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव के संबंध में।

प्रसंग:-

प्रधान मुख्य वन संरक्षक-सह-कार्यकारी निदेशक, बंजर भूमि विकास बोर्ड, झारखण्ड, रांची का 293 दिनांक 20.03.2023, ज्ञापांक 308 दिनांक 21.03.2023 एवं आपका ज्ञापांक 807 दिनांक 23.03.2023

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के संबंध में वन प्रमंडल पदाधिकारी, हजारीबाग पश्चिमी वन प्रमंडल ने अपने पत्रांक 2565 दिनांक 11.05.2023 (छायाप्रति संलग्न) द्वारा विषयक परियोजना में भारत सरकार, एकीकृत क्षेत्रीय कार्यालय, रांची का पत्रांक FP/JH/Others/34881/2018/955 दिनांक 01.03.2023 द्वारा किये गये तीन बिन्दुओं पर पृच्छा का निराकरण प्रतिवेदन प्रयोक्ता अभिकरण से प्राप्त कर अपने मंतव्य सहित इस कार्यालय में समर्पित किया है, निराकरण प्रतिवेदन निम्नवत् है:-

Sl. No	Condition	Compliance
1	The Proposal involves violation over GMJJ land which is not under jurisdiction or management/ownership of state forest department. Revenue Department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having the jurisdiction on the land.	उक्त पृच्छा रामगढ़ वन प्रमंडल से संबंधित है।
2	The Committee opined that a detailed report in the may be submitted by the State Forest Department regarding the extant proposal.	उक्त पृच्छा रामगढ़ वन प्रमंडल से संबंधित है।
3	As recommendation made by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal; while the current	The 10 times penal CA DFL area हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत मौजा-दुमुहानीनीमाटांड, थाना-बरकटठा,

submitted area for CA is only 22.44 ha.	<p>थाना नं०-03 के प्लॉट नं०-76, 79, 86, 30, 70, 37, 38, 12, 17, 19, 21, 24 एवं 26 रकवा 111.10 हे० चयनित किया गया है।</p> <p>चयनित क्षतिपूरक वनरोपण भूमि का Geo-reference Map अनु०-A के रूप में, Toposheet Map अनु०-B के रूप में, वन प्रमंडल पदाधिकारी द्वारा निर्गत उपयुक्ता प्रमाण अनु०-C के रूप में, दस वर्षीय प्राक्कलन अनु०-D के रूप में, प्रयोक्ता अभिकरण द्वारा Penal CA & NPV जमा करने संबंधी वचनबद्धता अनुलग्नक-E के रूप में एवं KML file (CD) अनु०-F के रूप में संलग्न है।</p>
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अतः वन प्रमंडल पदाधिकारी, हजारीबाग पश्चिमी वन प्रमंडल से प्राप्त अनुपालन प्रतिवेदन की छः प्रति इस पत्र के साथ संलग्न कर भेजते हुए अनुरोध है कि अपने स्तर से अग्रेतर कार्रवाई करने की कृपा की जाय।

अनुलग्नक-यथोक्त।

राज्य/क्षेत्रीय मुख्य वन संरक्षक
हजारीबाग
प्राप्तांक 1447
दिनांक 19.5.23

आपका विश्वासी

वन संरक्षक
प्रादेशिक अंचल, हजारीबाग
18.05.23



कार्यालय – वन प्रमंडल पदाधिकारी,
हजारीबाग पश्चिमी वन प्रमंडल, वन भवन, हजारीबाग

☎ 06546-222339. Email- dfo.hazaribaghwest@rediffmail.com & dfo-hazaribaghwest@gov.in

पत्रांक : 2565

दिनांक: 11/05/23

सेवा में,

वन संरक्षक,
प्रादेशिक अंचल,
हजारीबाग ।

विषय:-- सी0सी0एल0 की नॉर्थ उरीमारी रेलवे साइडिंग परियोजना 11.11 हे0 (हजारीबाग पश्चिमी प्रमण्डल के अन्तर्गत 8.27 हे0) वन भूमि अपयोजन वन भूमि अपयोजन के संबंध में।

प्रसंग:-- आपका पत्रांक 624 दिनांक 29.03.2023 ।

महाराय,

उपरोक्त विषयक प्रसंगाधीन पत्र के संदर्भ में सूचित करना है कि भारत सरकार, एकीकृत क्षेत्रीय कार्यालय रांची का पत्रांक FP/JH/OTHERS/34881/2018/955 dated 01.03.2023 द्वारा तीन बिन्दुओं पर किये गये का पृच्छा का निराकरण प्रतिवेदन प्रयोक्ता अभिकरण ने पत्रांक 374 दिनांक 08.05.2023 द्वारा समर्पित किया गया है जो निम्नवत है :-

S. No.	Condition	Compliance	DFO Comment
1.	<i>The proposal involves violation over GMJJ land which is not under jurisdiction or management/ownership of state forest department. Revenue department of Jharkhand has jurisdiction over such land. however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having jurisdiction on the land.</i>	<p>In the forest clearance proposal regarding diversion of 11.11 ha forest land in favour of CCL for construction of North Urimari Siding, 2.84 ha land lies in Ramgarh district. The said GMJJ land (2.84 ha) under violation is a part of leasehold area (664.40 ha) of Sayal D Project which was acquired by Central Government under CBA Act 1957. As per sub-section 1 of section 11 of CBA Act 1957 as quoted below:</p> <p>“11. Power of Central Government to direct vesting of land or rights in a Government Company—(1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of</p>	उक्त पृच्छा रामगढ़ वन प्रमण्डल, रामगढ़ से संबंधित है।

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vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction".

The said GMJJ land was vested to Government Company(CCL) as per notification published in part II section 3 sub-section (ii) of the gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965. Hence, rights over such land vests in CCL after the said notification.

Honourable Supreme court issued a verdict about GMJJ land in T.N Godavarman Thirumulkhpad Vs Union of India and others on 12.12.1996, in which it declared GMJJ land to be deemed forest land. Violation was recorded in GMJJ land in the year 2018 in the inspection of the then DFO Ramgarh. However, till then there was no Act/guideline enumerating the penal provisions of state government over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.

On 17.12.2019, a letter was issued by Joint secretary, government of Jharkhand vide letter no. पत्राक-5/संभूविधि-250/2018

4908(5)/रांझारखण्डसरकार to DC of every district, in which it was directed that the Government company must pay 80% of the value of acquired GMJJ land under CBA act 1957, to the State Government. Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, payment was done by CCL to the state government on 30.09.2021. Intimation regarding the same was sent to the

	<p>concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stand against CCL from the Revenue Department, Govt. of Jharkhand.</p> <p>Also, as per section 25 of CBA Act 1957, as quoted below:</p> <p>"25. Protection of action taken in good faith-(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.</p> <p>(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder".</p> <p>In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith. Thus, Penal provisions from Revenue Department, Govt. of Jharkhand, should not stand against CCL.</p>	
2.	<p>The committee opined that a detailed report may be submitted by the State Forest Department regarding the extant proposal.</p> <p>Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said</p>	<p>उक्त पृच्छा रामगढ़ वन प्रमण्डल, रामगढ़ से संबंधित है।</p>

		violation is appropriate.																						
3.	As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal, while the current submitted area for CA is only 22.44 ha.	<p>The penal CA DFL area has been identified by DFO, Hazaribagh (W) for 111.10 Ha which is 10 times of the forest land involved in the proposal.</p> <p>Also, it has been asked to submit Geo-reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA in respect of 11.11 Ha Stage -I FC of Forest land in favour of North Urimari Railway Siding. In this regard, please find enclosed herewith the relevant documents mentioned below:</p> <table><tr><th>S. No.</th><th>Documents</th><th>Attachments</th></tr><tr><td>1.</td><td>Geo-reference Map</td><td>Annexure A</td></tr><tr><td>2.</td><td>Toposheet Map</td><td>Annexure B</td></tr><tr><td>3.</td><td>KML File</td><td>CD</td></tr><tr><td>4.</td><td>CA Suitability Certificate</td><td>Annexure C</td></tr><tr><td>5.</td><td>CA Estimate</td><td>Annexure D</td></tr><tr><td>6.</td><td>Undertaking regarding CA Payment</td><td>Annexure E</td></tr></table>	S. No.	Documents	Attachments	1.	Geo-reference Map	Annexure A	2.	Toposheet Map	Annexure B	3.	KML File	CD	4.	CA Suitability Certificate	Annexure C	5.	CA Estimate	Annexure D	6.	Undertaking regarding CA Payment	Annexure E	<p>Penal 10 times CA DFL Area मौजा-दुमुहानीनीमाटांड, थाना-बरकट्टा, थाना नं० - 03 के प्लॉट नं०- 76, 79, 86, 30, 70, 37, 38, 12, 17, 19, 21, 24, एवं 26, रकवा - 111.10 हे० चयनित की गई है। जो हजारीबाग पश्चिमी वन प्रमण्डल के अन्तर्गत प्रस्तावित हैं। इसका उपयुक्ता प्रमाण पत्र, दस वर्षीय प्राक्कलन एवं KML File तथा इस संदर्भ में प्रयोक्ता अभिकरण द्वारा Penal NPV & CA की रशि जमा करने की बचनबद्धता दी गई है। जो अनुलग्नक - A, B, C, D, E के रूप में संलग्न है।</p>
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अतः प्रायोक्ता अभिकरण द्वारा समर्पित निराकरण प्रतिवेदन परिवेश पोर्टल पर अपलोड करते हुए उनके द्वारा समर्पित अनुपालन प्रतिवेदन 07 प्रतियों में इस पत्र के साथ अग्रेतर कार्रवाई हेतु समर्पित की जा रही है।

अनुलग्नक:- यथोक्त।

आपका विश्वासी

[Signature]
वन प्रमंडल पदाधिकारी
हजारीबाग पश्चिमी वन प्रमंडल