



Jammu and Kashmir Forest Department
OFFICE OF THE DIVISIONAL FOREST OFFICER
RAMBAN FOREST DIVISION, RAMBAN

Tel/Fax-01998-266623, Email-dforamban1@gmail.com

The Conservator of Forests,
Chenab Circle, Doda

No. RFD/ FCA/22-23/7676

Dated: -13/12/2022

Subject:- Proposal for Diversion of 4.37 Ha of forest land for Construction of 132 KV D/C Ramban Sangaldan transmission line for providing power supply to Konkan Railway, District Ramban, UT of Jammu and Kashmir (Online Proposal No. FP/JK/TRANS/145320/2021) -reg.

Reference: - IRO MoEF& CC vide file No. File No:9-JKB-052/2022-Jammu October, 2022. Nodal Officer (FCA) No. PCCF/FCA/3383 /5006-09 Dated: - 27-10-2022

Sir,


On the subject cited above, it is submitted that the EDS has been raised by IRO MoEF& CC vide No. mentioned above. The detail of the reply is as under:-

S. No.	Query	Reply
1	Point 1	The Revised DGPS Map of project site has been uploaded by user agency in Part-I under Column C (iv).
2	Point 2	Pertains to Batote Forest Division.
3	Point 3	Impact Mitigation Plan for the wildlife mentioned under Part-II has been uploaded in Part-II under Additional Information Details at Serial No. 7
4	Point 4	The damage case No. 05 of 2022-23 has been booked against the User Agency and Executing Agency JK Engineer for violation of the Forest (Conservation) Act 1980 and Indian Forest Act, 1927 by Range Officer Gool and investigation is under progress. However the sanction for prosecution is required against the officials of the TLMD-III under section 197 of Cr.PC., 1973. The matter has been taken up with higher authorities vide this office No. RFD/FCA/22-23/7654-55 Dated:-13-12-2022 (Copy enclosed). Vide this office No. RFD/Damage/21-22/6024-28 Dated:-17-12-2021, Damage bill to the tune of Rs 11.60130 lacs was issued in favour of User Agency for violation of the conditions No. 10 of Government Order No. 290-FST OF 2019 Dated:-24-09-2019 under which 6.2721 ha of forest land has already been diverted under the erstwhile Forest Conservation Act, 1997. As far as the disciplinary action against concerned field officials is concerned, Range Officer Gool has submitted that no such negligence as part of Forest Officials is noticed, as the Forest Officials have taken proper cognizance of the violation committed by the User Agency and stopped the illegal land breaking of Forest Land. The concerned field staff also reported the matter to Range Officer Gool well in time as required under rules and ensured complete suspension/stoppage of any non-forestry activity on the Forest Land. Block Officer concerned also worked out the loss to forest property and submitted the assessment of damage so that the compensation of forest damage can be ensured by recovering penalty from the User Agency within the preview of Govt. Order issued under the provision of Jammu & Kashmir Forest Conservation Act, 1997.

Hence submitted for information and kind perusal at your end please.

Enclosed:-

Yours faithfully,


13.12.22
Dr. Rajan Singh (SFS)
Divisional Forest Officer
Ramban Forest Division
Ramban



Jammu and Kashmir Forest Department
OFFICE OF THE DIVISIONAL FOREST OFFICER
RAMBAN FOREST DIVISION, RAMBAN

Tel/Fax-01998-266623, Email-dforamban1@gmail.com

The Conservator of Forests,
Chenab Circle,
Doda

No. RFD/FCA/22-23/7654-55

Dated: - 12/12/2022

Subject:-Diversion of 4.37 ha forest land for Construction of 132 KV D/C Ramban-Sangaldan-Transmission line for providing power supply to Konkan Railway, UT of Jammu and Kashmir-regarding sanction for prosecution of the official of TLMD-III authorities for violation of IFA,1927 and FCA, 1980.

Reference:- IRO MoEF& CC vide file No. File No:9-JKB-052/2022-Jammu October, 2022.

Sir,

On the subject cited above, the following lines are submitted for your kind consideration: -

1. A proposal titled Construction of 132 KV D/C Ramban-Sangaldan-Transmission line for providing power supply to Konkan Railway-FP/JK/RAIL/45324/2020 was applied by the Transmission Line Maintenance Division-III Udhampur for diversion of 4.3713 ha area in Ramban and Batote Forest Divisions.
2. Whereas undersigned along with the Range Officer Gool, JE TLMD and forest officials visited the locations where the forest land is to be diverted for construction of the towers in Ramban Forest Division on dated:-**24-01-2021** and noticed some violations done by the User Agency before approval of the project and accordingly Range Officer Gool was asked to submit the details of the damage along with assessment and action taken report against the delinquent officials vide this office No. RFD/FCA/2020-21/35-35 Dated:-03-04-2021 **(Copy enclosed as Annexure-A)**.
3. Range Officer Gool vide No. 312/GR dated:-17-12-2021 and No. 532/GR Dated:-04-03-2021 **(Copy enclosed as Annexure-B & C)** submitted the details of damage done by User Agency along with assessment of the damage done by the User Agency and action taken against the User Agency. He submitted damage over an area of 0.159 ha forest land (Land breaking) along with damage to 150 saplings with penal NPV 11.60130 lacs in violation of the Government Order No. 290-FST OF 2019 Dated:-24-09-2019 conditions No. 10 **(Copy enclosed as Annexure-D)** under which 6.2721 ha of forest land has already been diverted under the erstwhile Forest Conservation Act, 1997.
4. Whereas vide No. RFD/Damage/21-22/6024-28 Dated:-17-12-2021, damage bill to the tune of Rs 11.60130 lacs was issued in favour of User Agency for violation of the conditions No. 10 of Government Order No. 290-FST OF 2019 Dated:-24-09-2019 **(Copy enclosed as Annexure-E)**.
5. Vide this office No. RFD/FCA/1342-44 Dated:-23-06-2022, the user Agency was asked to withdraw the proposal because of wrong category selection "Rail" instead of "Transmission Line". The User Agency again applied under fresh category with proposal No. FP/JK/TRANS/145320/2021 Dated:- 27-07-2021.
6. The case was submitted to Conservator of Forests Chenab Circle Doda through PARIVESH Portal. In addition to the normal NPV 43.10310 Lacs, additional NPV to the tune of Rs 11.60136 as penal NPV was raised for which undertaking has already been submitted by the User Agency **(Copy enclosed as Annexure-F)**.

8

7. EDS was raised by the IRO MoEF& CC vide file No. File No:9-JKB-052/2022-Jammu October, 2022. Point (iv) of the EDS is reproduced as under:-

“iv. There is violation reported by the DFO, Ramban. The State Govt. is required to verify if the violation was committed before applying for seeking the clearance under Forest Conservation Act, 1980. If the act of violation was done after applying for seeking approval under FC Act, this will fit into the case, where the proposal under FC Act is under consideration and forest land is diverted before grant of FC. Hence, the State Govt. will initiate disciplinary action against official concerned as per provision of 1.21 (ii)c and will prosecute the User agency for violation under local act of the State for unauthorised use of forest land without the permission of the State Authority as per 1.21 (ii)d of the Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines and clarifications), 2019 of MoEF & CC. A report for action taken needs to be submitted.”

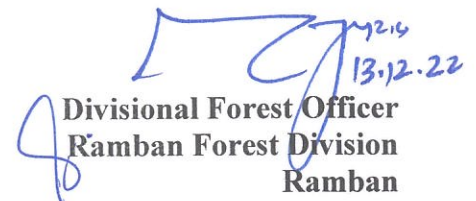
8. The Range Officer Gool vide this office No. RFD/6357 Dated:-27-10-2022 and RFD/FCA/6488 Dated:-04/05/2022 was asked to take immediate actions and submit the action taken report.
9. The Range Officer Gool vide his No.767/GR dated:-10/12/2022 (**Copy enclosed as Annexure-G**) submitted report that the damage case No. **05 of 2022-23** has been booked against the User Agency and Executing Agency JK Engineer for violation of the Forest (Conservation) Act 1980 and Indian Forest Act, 1927 and investigation is under progress. However he has submitted that the sanction for prosecution is required against the officials of the TLMD-III under section 197 of CrPC, 1973 the details of which is as under:-

S. No.	Name	Designation
1.	Shiv Kumar Anand	Executive Engineer TLMD-III
2.	Sanjeev Kumar Pathiania	Assistant Executive Engineer TLMD-III
3.	Kawaljeet Singh	Junior Engineer TLMD-III

As far as the disciplinary action against concerned field officials is concerned, Range Officer Gool has submitted that no such negligence as part of Forest Officials is noticed, as the Forest Officials have taken proper cognizance of the violation committed by the User Agency and stopped the illegal land breaking of Forest Land. The concerned field staff also reported the matter to Range Officer Gool well in time as required under rules and ensured complete suspension/stoppage of any non-forestry activity on the Forest Land. Block Officer concerned also worked out the loss to forest property and submitted the assessment of damage so that the compensation of forest damage can be ensured by recovering penalty from the User Agency within the preview of Govt. Order issued under the provision of Jammu & Kashmir Forest Conservation Act, 1997.

In this regard, it is submitted that the matter may kindly be taken up with higher authorities for sanction of prosecution against the officials of TLMD-III mentioned above in light of the section 197 of the code of the Criminal Procedure, 1973.

Yours faithfully


13.12.22
Divisional Forest Officer
Ramban Forest Division
Ramban

Copy submitted to **the Chief Conservator of Forests Jammu** for information and kind perusal.



Annexure-A

Jammu and Kashmir Forest Department
OFFICE OF THE DIVISIONAL FOREST OFFICER
RAMBAN FOREST DIVISION, RAMBAN
Tel/Fax-01998-266623,Email-dforamban@gmail.com

**Range Officer,
Gool**

No. RFD/FCA/20-21/ 35-36

Dated:- 03⁰⁴/03/2021

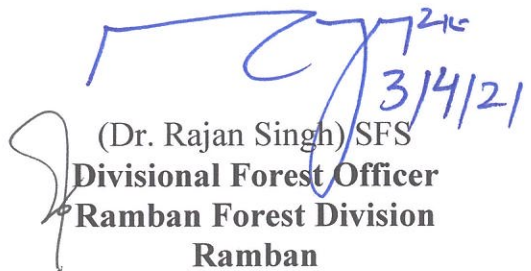
Subject:-Construction of 132 KV D/C Ramban-Sangaldan-Transmission line for providing power supply to Konkan Railway- FP/JK/RAIL/45324/2020-regarding conduction of inquiry.

Whereas undersigned along with the Range Officer Gool, JE TLMD and forest officials visited the locations where the forest land is to be diverted for construction of the towers in Ramban Forest Division on dated:24-01-2020 and noticed some violations done by the User Agency before approval of the project and accordingly you were asked to submit the details of the damage along with your assessment.

Whereas vide your office No. 532/GR Dated:04-03-2021, the details have been submitted the details of damage done by User Agency along with assessment. It has been reported damage of 0.159 ha area along with 150 saplings with NPV 11.60 lacs.

Whereas as per this office record, no reports have been received from any ground staff through your office regarding the damage done by the User Agency before approval of the project and action taken against the User Agency.

In this regard, you are directed to conducted a thorough inquiry and put up the details of the delinquent officials along who have failed to report damage and allowed the User Agency to start work without approval and also initiate the necessary legal actions against the User Agency. The report shall be submitted within 15 days.


(Dr. Rajan Singh) SFS
Divisional Forest Officer
Ramban Forest Division
Ramban

Copy submitted to the Conservator of Forests, Chenab Circle Doda for kind information.

OFFICE OF THE RANGE FOREST OFFICER, FOREST RANGE GOOL.

The Divisional Forest Officer,
Ramban Forest Division,
Ramban.

No:- 312/GR
Dated:- 17-12-2021

Sub:- Damage of forest property by means of illegal land breaking by JK Engineers during erection of transmission towers of 132 KV Ramban Sangaldan transmission line.

Ref:- This office letter No:- 532/GR Dated:- 04-03-2021.

Your office letter No:- RFD/FCA/20-21/35-36 Dated:-03-04-2021.

Sir,

In context of subject cited above, it is submitted as under:-

Whereas, as reported by Block officer Sangaldan, forest land falling under Co. No 43/Ar and 44/Ar stands diverted to power development for construction of 132KV Ramban Sangaldan Transmission Line.

Whereas, during course of erection of transmission line towers, illegal land breaking by user agency has been noticed on non diverted forest land thereby violating the terms and conditions of government orders governing diversion of forest land.

The details details of damage have been worked out as under:-

S.No.	Comptt.	Nature of Damage		Eco-Class	NPV/Rate	Amount
		Land breaking by heavy machinery	Area affected (In Ha)			
01	43/Ar	—	0.013	V	657000	8541.00
02	44/Ar	—	0.146	V	657000	95922.00
03		Damage to Plant Saplings	150 No's	—	77	11550.00
Total Cost of damage						116130.00
Total penalty liable to be imposed @ 10 times						1160130.00

Whereas, the user agency was directed for joint verification of damage caused to forest property so that the penalty liable to be imposed under rules can be worked out from defaulting user agency/Contractors viz JK Engineers.

Whereas the user agency has deliberately avoided undertaking joint verification of the forest land.

The officials of the user agency have failed to adopt due diligence as required under rules to avoid violation of forest laws.

In view of the above, it is submitted that penalty to the tune of rupees 1160130.00 may please be imposed against user agency for damaging forest property as the user agency has failed to convey its reservation regarding the penalty worked out by this office.

The information desired by your good office Vide No:- **RFD/FCA/2021/1345**
Dated 23-03-2021 is tabulated as under:-

1	Detail of Violations	Land breaking by heavy machinery and damage to plant saplings 150 No's
2	Area of forest land involved in violation	0.159 Ha
3	Name of persons involved in violation	1.KamalJeet Singh 2.Sanjeet Pathania,
4	Designation and address of persons responsible for violation	1.JE,TLMD III Udhampur 2. AEE,TLMD III Udhampur
5	Action taken against the persons responsible for violation	Fine penalty raised by Range Officer Gool Vide No:-532/GR Dated:- 04-03-2021

Yours faithfully,

O/HC
Put up the damage bill
[Signature]

[Signature]
Range Officer
Forest Range
Gool



OFFICE OF THE RANGE FOREST OFFICER,
FOREST RANGE GOOL.

NO: 532/GR
Dt: 04-03-2021

The Divisional Forest Officer,
Forest Division Ramban.

Sub: Damage of forest property by means of illegal land breaking by JK Engineers during erection of transmission line towers of 132 KV Ramban Sangaldan transmission line.

Sir,

On the subject cited above it is submitted that as reported by Block Officer Sangaldan forest land falling under compit. No 43/Ar. And 44/Ar stands diverted to Jammu Power Development Corporation Ltd. for construction of 132 Kv Ramban Sangaldan transmission line. During course of erection of transmission line towers illegal land breaking by user agency has been noticed on non diverted forest land thereby violating the terms and conditions of Govt. order governing diversion of forest land. The detail of damage has been workedout as under:

S.No	Compit.	Nature of damage	Eco class	NPV /Rate	Amount
		Land breaking by heavy machinery			
01	45	Area/No	V	657000	8541.00
02	44	Area/No	V	657000	95922.00
		Damage to plants		77	11550.00
		150 saplings			
Total cost of damage					116013.00
Total penalty liable to be imposed					11,60,150.00

Hence submitted with the request that user agency may please be directed for joint verification of damage caused to forest property so that the penalty liable to be imposed under the rules can be realized from defaulting user agency/contractor viz JK Engineers.

Yours faithfully,

~~Range Forest Officer
Forest Range Gool~~

~~Range Forest Officer
Forest Range Gool~~

1. Chief Engineer KRCL for information
2. Executive Engineer, HMD-III, Udhampur
3. Sub Divisional Police Officer for legal action regarding criminal trespass over forest land and damage of Govt. property





Government of Jammu and Kashmir
Forest, Environment & Ecology Department.
Civil Secretariat.

Subject: Diversion of 6.2721 Ha. of forest land for laying of 132 KV D/C Transmission Line from Ramban to Sangaldan in Mahore Forest Division by J&K PDD (For Konkan Railway).

Reference: i. Minutes of 113th Forest Advisory Committee (FAC) Meeting held on 11.03.2019 under the Chairmanship of Chief Secretary (Chairman FAC) issued by Chief Conservator of Forests/Nodal Officer vide No PCCF/FCA/2903/1451-70 dated 25.03.2019.
Cabinet Decision No. 125/14/2019 dated 07.06.2019 conveyed by the General Administration Department.
State Administrative Council Decision No. 189/19/2019 dated 30.07.2019 conveyed by General Administration Department

Government Order No:- 290 -FST of 2019

Dated:- 24 -09-2019

Sanction is hereby accorded to diversion of 6.2721 Ha. of forest land for laying of 132 KV D/C Transmission Line from Ramban to Sangaldan in Mahore Forest Division by J&K PDD (For Konkan Railway) with the following particulars and subject to the terms and conditions appearing herein after

Details of the Proposal:

- 1. User Agency/Applicant JK PDD
- 2. Location
 - Comptt : 07/Ar,43/Ar and 44/Ar
 - Range : Gool
 - Block : Sangaldan
 - Division : Mahore Forest Division
 - District : Ramban
- 3. Objective To provide power supply to proposed Grid Station of M/S Konkan Railway Corporation Limited (KRC) at Sangaldan

4. Salient Features of the project:

i	Total Length of the transmission line	17.58 Km
ii	Length of transmission line through Forest land	2323 Mtrs
iii	Width of corridor	27.00 Mtrs

no:- 2090-PT-31-12-2019
21/20/11
Nodal Officer
Mahore Forest Division
P.O. Dharmari

32/2/2019
12/11/19
18/08/19
17/08/19
0 (Per)
30/9/19

SKM: JAC(A)PA
For n.c. order
24/3/19
P 372
30/12/2019

B

IV	Forest land required for corridor	6.2721 Ha.
IV	Forest land required for 9 transmission towers with 18m X 18m specification	Area involved under tower is already included in area of corridor.
VI	Total No. of dumping sites on forest land	Nil, as User Agency undertaken that Mulba so excavated from construction of towers shall be reused in filling of tower locations.
VII	Total forest land required	6.2721 Ha.
VIII	Protection work	Not required

5 Number of Trees / Poles/ Saplings involved:

Species	Trees (30-40cm & above)	Poles (20-30cm & 10-20cm)	Saplings (0-10cm)	Total
Chir (<i>Pinus roxburghii</i>)	162	70	00	232
Broad Leaved: Kau(<i>Oleo cuspidata</i>) and Phalai (<i>Acacia modesta</i>)	28	00	00	28
Total	190	70	00	260

6. a Whether the forest land proposed to be used for non-forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or any area lying in severely eroded catchment.

No

b Whether the use of any forest land is for agriculture purposes or for the rehabilitation of displaced persons.

No

c Whether the Principal Chief Conservator of Forests had certified that it has considered all other alternatives and that no other alternative in circumstances are feasible and that the required area is the minimum needed for the purpose, and

Yes

d Whether the department or authority requisitioning forest land for non-forest uses undertakes to provide at its own cost acquisition of an equivalent area and afforestation thereof.

The User Agency requisitioning forest land for non-forest purpose has not undertaken to provide an equivalent area at its own cost of acquisition. It has however agreed to provide cost

B

of afforestation on double the forest area. Further it has also undertaken to pay the NPV as per the Hon'ble Supreme court directions.

7. Net Present Value of forest land involved:

Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount (Rs.)
07/Ar. 44/Ar	2.96731	Dense	V	8.45	25,07,377/-
43/Ar	3.3048	Very Dense	V	9.39	31,03,207/-
	6.2721		Total		56,10,584/-

8. Compensatory Afforestation for double the area i.e. 12.5442 Ha. @ Rs.1 Lac per Hectare Rs. 12,54,420/-

9. Compensation of trees/poles/saplings Rs. 11,93,041/-

The User Agency shall pay the amount summarized below to the Forest Department

S.No.	Component	Amount
i.	Net Present Value	Rs. 56,10,584/-
ii.	Compensatory Afforestation	Rs. 12,54,420/-
iii.	Compensation of trees	Rs. 11,93,041/-
	Total	Rs. 80,58,045/-

Terms and Conditions:-

1. The proprietary and legal status of forest land shall remain unchanged.
2. The User Agency and /or its contractors will not bring any forest area under their use, other than the actual area/activity approved by the Government for the instant proposal. Any laxity or deviation on this account by the User Agency or its contractors will attract penal provisions of the relevant Acts/legal provisions
3. The forest land shall be utilized only for the purpose for which it has been indented.
4. The forest land shall not be mortgaged, re-assigned, leased or sub-leased by user agency in any manner what so ever to any other agency.
5. The User Agency shall pay the amount summarized above to the Forest Department
6. The User Agency shall pay the additional amount of NPV, if so determined as per decision of the Hon'ble Supreme Court of India.

[Handwritten signature]

[Handwritten signature]

- (i) The extraction of the trees /poles/saplings shall be done by the State Forest Corporation/Divisional Forest Officer concerned on the basis of markings administratively approved by the Chief Conservator of Forests, Jammu. The marking for tree felling will be done in consultation with the user agency and effort shall be made to save maximum number of trees/poles/saplings. The cost of extraction shall be paid by the User Agency directly to the agency executing the extraction.
- (ii) The fundamental rule for marking of trees enumerated during processing of the proposals will be to save maximum number of trees without compromising with the construction and maintenance of the approved project structure and no trees/poles/saplings will be felled/cut/pruned/ lopped for purposes/project activities other than those approved/sanctioned.

Extraction shall be done as per guidelines prescribed by the Ministry of Environment and Forests vide its no. F.No. 7-25/2012-FC dated 5th May 2014, which has been formulated in consultation with the Central Electricity Authority. Extraction will be carried out in following steps:

- (i) *Marking list for felling of trees will be prepared by the local forest officer (DFO concerned) for the felling of trees coming in the alignment of foundation of towers and along the strip, as per requirement of the User Agency. Fundamental rule for the marking will be to save maximum number of trees without compromising with the construction and maintenance of the transmission line.*
- (ii) *Forest area required for foundation of the towers and three meter strip below each conductor bundle, which would be marked by the User Agency on the ground, will be cleared first. Trees on this area will be felled, but after stringing work is completed, natural regeneration will be allowed to come up. Felling/ pollarding/ pruning of trees will be done with the permission of the DFO concerned wherever necessary to maintain the electrical clearance. One outer strip will be left clear to permit maintenance of transmission line.*
- (iii) *During construction of transmission line, pollarding/ pruning of trees located outside the width (three mt) of the strips, whose branches/parts infringe with conductor string, shall be permitted to the extent necessary, as may be decided by local forest officer.*
- (iv) *Pruning of trees for taking construction/ stringing equipments through existing approach/ access routes in forest areas shall also be permitted to the extent necessary, as may be decided by local forest officer. Construction of new approach/ access route will however, require prior approval under the Act.*
- (v) *In the remaining width of right of way, trees will be felled or lopped to the extent required, for preventing electrical hazards by maintaining 4 meter of minimum clearance between conductor and trees.*

(vi) To avoid any hazard, felling/cutting/pruning of those trees which because of their height/ location may fall on conductors shall also be permitted, as may be decided by the local forest officer.

(vii) In the case of transmission lines to be constructed in hilly areas, where adequate clearance is already available, trees will not be cut except those minimum required to be cut for stringing of conductors.

8. Plantation of shrubs/bushes and small size tree species will be done all along the Transmission line on forest land. A separate project would be prepared by the Forest Department in consultation with the User Agency for the purpose which would be funded by the User Agency. Plantation will be done after the stringing of conductor has been completed.
9. The User Agency shall construct retaining walls/breast walls on forest land and take all necessary steps to check soil erosion which may result due to proposed construction.
10. Any damage done to the forest by the User Agency or its contractors shall be charged from the User Agency @ 10 times as per the revised standard rate of 2018 issued vide the Government Order No. 10-FST of 2018 dated 09.01.2018.
11. The forest land so allowed for use shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
12. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue before commissioning of the project including Geology and Mining Department.
13. The approval will remain valid for one year and in case the due amount against the project summarized above is not paid within the stipulated period i.e. from that date when user agency is asked to deposit the due amount, the approval shall be deemed to have been cancelled.
14. The User Agency shall ensure that there is no pollution of the river(s) passing by the transmission line or any road or other project related activity. Further conditions as prescribed by the Union Ministry of environment, Forests & Climate Change vide its No.F.No.7-25/2012-FC Dated 5th May 2014 and shall be strictly followed by the User Agency.

By order of the Government of Jammu and Kashmir.

Sd/-

(Manoj Kumar Dwivedi) IAS
Commissioner/Secretary to Government
Forest, Ecology & Environment Department.

No:- FST/Land/14/2019

Dated: 24.09.2019

Copy to the :-

1. Secretary to Government of India, MoEF&CC, New Delhi.
2. Commissioner/Secretary to Government, Power Development Department.
3. Pr. Chief Conservator of Forests, J&K, Srinagar.
4. Managing Director, SFC, J&K, Srinagar.
5. Chief Conservator of Forests, Jammu.
6. CCF/Nodal Officer, FCA, Office of PCCF, J&K, Srinagar.

- 7 Chief Engineer Power Development Department, Jammu
- 8 Director Archives Archeology & Museums, J&K, Srinagar
- 9 OSD to Hon'ble Advisor (K) for information of Hon'ble Advisor
- 10 Pvt Secy to the Chief Secretary (Chairman FAC)
- 11 Pvt Secy to Commr /Secretary to Government Forests Env & Ecology Department
- 12 Pvt Secy to Secretary(Technical) Forests, Env & Ecology Department
- 13 Government Order file (w 2.s c)/Stock file

Under Secretary to Government
 Forest, Ecology & Environment Department

Att.

Government of Jammu and Kashmir

Office of the Principal Chief Conservator of Forests, J&K

NO PCCF/CA 2120-IT-4594-98

Dated 19-10-2019

Copy of above forwarded for necessary action to the.

- 1 Chief Conservator of Forests, Jammu.
- 2 Conservator of Forests, West Circle, Rajouri.
- 3 Chief Engineer, System and Operation Wing, JKPDD, Jammu.
- 4 Divisional Forest Officer, Mahore Forest Division Mahore.

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

Damage bill No. 02 of 2021-22 in favour of Executive Engineer, TLMD-III Udhampur on account of illegal land breaking by JK Engineers while erection of transmission line towers of 132 KV, Ramban to Sangaldan Transmission line, sanctioned vide Govt. order No. 290-FST of 2019 dated 24-09-2019 as per Clause No. 10 of the sanction.

S.No.	User Agency	Location	Comptt. No.	Type of violation	Eco-Class	Area involved (in Ha)	NPV rate admissible per Ha. (in Rs)	Compensation @ 10 times (in Rs)	No. of saplings damaged / burried (in Nos)	Standard Rate (in Rs)	Compensation @ 10 times (in Lakhs)	Grand Total (in Rs.)
1	TLMD-III (JKPDC Ltd)	Haroge Battra	43/AR	Illegal land breaking	V	0.013	6,57,000	85,410	150	77	1,15,500	2,00,910
2		Haroge Battra	44/AR	Illegal land breaking	V	0.146	6,57,000	9,59,220	0	0	0	9,59,220
Total						0.159		10,44,630	150		1,15,500	11,60,130

No.RFD/Damage/21-22/6024-28 Dated :- 17/12/2021


Divisional Forest Officer
Ramban Forest Division
Ramban

Copy submitted to the :-

- 1 Chief Conservator of Forests, Jammu for favour of information.
- 2 Chief Conservator of Forests, Nodal Officer FCA O/o Pr. Chief Conservator of Forests, J&K Jammu for favour information.
- 3 Conservator of Foersts, Chenab circle, Doda for faovur of inforamation.
- 4 Executive Engineer, TLMD III Udhampur for information and n/action. The amount of damage bill raised as above be deposited immediately into the official account No. 0087010200000263 of Divisional Forest Officer Ramban
- 5 Copy to Range Officer, Gool for information and n/action. This is in reference to his damage bill No. 532/GR dated 04-03-2021 & No. 312/GR Dated:-17-12-2021



Divisional Forest Officer
Ramban Forest Division
Ramban

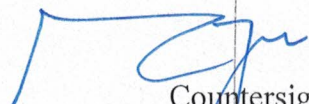
Full Title of the Project: Construction of 132 KV D/C Ramban Sangaldan Transmission Line for providing power supply to Konkan Railway
File No: FP/JK/TRANS/145320/2021
Date of Proposal: 27-07-2021

UNDERTAKING FOR PAYMENT OF NET PRESENT VALUE OF FOREST AREA

It is to certify that I/We **Sh. Shiv Kumar Anand, Executive Engineer TLMD 3 Udhampur** have applied for diversion of **4.37 ha (3.03 ha in Ramban Forest Division & 1.34 ha in Batote Forest Division)** of forest area for the purpose of **Construction of 132 kv D/C Ramban Sangaldan Transmission Line for providing power supply to Konkan Railway**. I/We, hereby undertake to pay the net present value (NPV) of the above forest land. I/We also hereby undertake to pay the additional amount of NPV, if so determined as per the decision of the Hon'ble Supreme Court, at a later date.

Place: Ramban
Date:06-12-2021


Signature of User Agency
Executive Engineer
Transmission Line Maintt. Div-III,
Office Seal
Udhampur


Countersigned
Divisional Forests Officer
Divisional Forest Officer
Office Seal
Ramban Forest Division
Ramban



Jammu and Kashmir Forest Department

OFFICE OF THE RANGE FOREST OFFICER

FOREST RANGE GOOL

☆☆☆☆☆☆

The Divisional Forest Officer,
Ramban Forest Division,
Ramban.

No. 767 /GR Dated:- 10 /12/2022

Subject:- Proposal for construction of 132 KV D/C Ramban-Sangaldan-Transmission line for providing power supply to Konkan Railway; violation of Forest Conservation Act 1980, requirement of proper sanction for persecution of the official of TLMD-III.

Sir,

On the subject cited above, the following lines are submitted for your kind consideration,

1. The Forest land measuring **6.2721** Ha of Forest land stand diverted to the User agency that TLMD-III for erection of **09** Nos of transmission line towers of 132 kv Transmission line in Gool Range as per preliminary Survey.
2. During the final and check survey **06** Nos of additional towers were required to be erected on Forest land measuring **3.03** Ha.
3. The Officials of User agency & Executive Agency i.e. JK Engineers started foundation work of additional towers of for which illegal land breaking was undertaken on non-diverted Forest land in Co. 43/Ar & Co.44/Ar without approval from the competent authority.
4. The concerned field Staff immediately took the cognizance of the violation committed by the User Agency & Executive Agency and stopped the illegal land breaking of Forest land. The concerned field staff also reported the matter to Range Office Gool well in time as required under rules, and ensured complete suspension/stoppage of any non-forestry activity on the Forest land. Block Officer concerned also worked out the loss to forest property and submitted the assessment of damage so that the compensation of forest damage can be ensured by recovering penalty from the User Agency within the pervue of Govt. Order issued under the provision of Jammu & Kashmir Forest Conservation Act governing the construction of 132 kv transmission line in Co. 43/Ar & 44/Ar. The Officials of User Agency were directed to place a fresh proposal for the additional forest land.
5. The User Agency moved proposal for diversion of additional Forest land measuring **3.03** Ha falling under Co. 43/Ar & 44/Ar for erection of additional towers on PARIVESH portal.
6. The concerned field staff visited the indented additional forest land so that the case of diversion of forest land can be processed under Forest Conservation Act-1980.
7. The field staff submitted the spot verification report wherein it was reported that the User Agency has proposed for diversion of additional Forest land measuring 3.03 Ha for construction of 06 Nos of Transmission line towers in Co. 43/Ar and 44/Ar.
8. During processing of the proposal for use of additional forest land the damage caused by the User Agency by means of illegal land breaking was mentioned under violation section and penalty amounting to rupees **1160130/=** raised in favour of Executive Engineer, TLMD-III Udhampur on account of illegal Land breaking along with the undertaking by the User Agency for payment of same was also submitted along with the case to the Conservator of the Forests,

Chenab Circle, Doda through PARIVESH Portal and finally the EDS was raised by the IRO MoEF& CC vide file No. File No: 9-JKB-052/2022-Jammu October, 2022. Point iv of the EDS is reproduced as under:-

“iv. There is violation reported by the DFO, Ramban. The State Govt. is required to verify if the violation was committed before applying for seeking the clearance under Forest Conservation Act, 1980. If the act of violation was done after applying for seeking approval under FC Act, this will fit into the case, where the proposal under FC Act is under consideration and forest land is diverted before grant of FC. Hence, the State Govt. will initiate disciplinary action against official concerned as per provision of 1.21 (ii)c and will Prosecute the User agency for violation under local act of the State for unauthorised use of forest land without the permission of the State Authority as per 1.21 (ii) d of the Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines and clarifications), 2019 of MoEF&CC. A report for action taken needs to be submitted.”

9. In compliance to instruction issued by your office vide No. RFD/6357 dated 27-10-2022 and RFD/FCA/6488 dated 04/05/2022 damage case has been booked against User agency and Officials of Executive Agency in Forest offence registered as Damage case No. **05 of 2022-23**, copy of Forest Offence report along with the proceeding of investigation enclosed herewith for your kind perusal. Investigation is still under progress for violation of Indian Forest act 1927 and Forest Conservation act 1980.

However, for framing of charges and filing of charge sheet before Criminal court as a part of prosecution is required against the officials of the TLMD-III under section 197 of CrPC, 1973 the details of which are as under:-

S.No.	Name	Designation
1.	Kawaljeet Singh	Junior Engineer TLMD-III
2.	Sanjeev Kumar Pathiania	Assistant Executive Engineer TLMD-III
3.	Shiv Kumar Anand	Executive Engineer TLMD-III

In this regard, it is submitted that the matter may kindly be taken up with higher authorities for sanction of prosecution against the officials of TLMD-III mentioned above in light of the section 197 of the code of the Criminal Procedure, 1973.

10. As for as disciplinary action against concerned field officials is concerned, it is submitted that Forest Officials have taken proper cognigence against the offence as mentioned in detail in Para 04(above), as such no negligence as part of Forest Officials is noticed.

Yours faithfully


1
Forest Range Officer
Forest Range
Gool