



Office of the Divisional Forest Officer, Chatra South Forest Division.

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Query raised by Government of India, Ministry of Environment, Forests & Climate Change, Regional Office Ranchi - No. FP/JH/TRANS/50112/2020(Pt)/604 Dated 11.10.2022 compliance conditions has been submitted by the User Agency (JUSNL, Hazaribagh), as below :-

Condition No.	Area of diverted of forest land	Description	Compliance by User Agency	DFO South Comments
1	2	3	4	5
1	53.2129 ha. (Chatra South-29.8774 ha.)	Duly Attested Part-II of Chatra South Forest Division of Form -A.	Not applicable.	The desired duly attested Part-II of Chatra South Forest Division of Form-A has been uploaded.
2		The KML file of Total Proposed forest land for diversion.	The CD with KML of the same is enclosed in 09 sets.	The desired KML File of total forest land diversion has been uploaded.
3		The KML of total alignment and alternative routes of transmission line.	The CD with KML of the same is enclosed in 09 sets.	The desired KML of total alignment and alternative routes of transmission line has been uploaded.
4		As per DSS analysis, it appears that proposed forest land for diversion has been violated by user Agency. If yes then it must be taken into Cognizance at the earliest and a complete action taken report against the perpetrators in this regard may be uploaded /submitted along with the explanation why the forest department could not assess the violation while processing the application.	Subjected line work has been awarded to agency M/s APSPL on 01.11.2018. After route alignment, agency informed that the out of 108 Locations, 49 Locations were laying in Dense Forest area whereas 59 locations were lying in Cultivating Land. Mistakes encountered by agency at locations those were on JJ Land Due to cultivated land, an inadvertent mistake encountered by agency i.e. out of 59 locations 14 Nos towers foundation under the jurisdiction of Forest Division Chatra South have been completed those are actually laying in JJ land. Prima facie has seen that the mentioned 14 location which are seen as in cultivating land and the land owners have claimed of Possession and the same have been verified by the Public representative (Mukhiya). Accordingly, the agency has done the construction work	The user agency has replied in the following words: "Subjected line work has been awarded to agency M/s APSPL on 01.11.2018. After route alignment, agency informed that the out of 108 Locations, 49 Locations were laying in Dense Forest area whereas 59 locations were lying in Cultivating Land. Mistakes encountered by agency at locations those were on JJ Land Due to cultivated land, an inadvertent mistake encountered by agency i.e. out of 59 locations 14 Nos towers foundation under the jurisdiction of Forest Division Chatra South have been completed those are actually laying in JJ land. Prima facie has seen that the mentioned 14 location which are seen as in cultivating land and the land owners have claimed of Possession and the same have been verified by the Public representative (Mukhiya). Accordingly, the agency has done the construction work and disbursed the compensation through cheque to the respective

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		<p>and disbursed the compensation through cheque to the respective beneficiary. Details can be seen As Annexure -A. Hard copy of Cheques are also being enclosed for the reference</p> <p>Since this transmission line is an important project for transmission of electricity within state of Jharkhand to connect proposed 132 /33 Kv Hunterganj GSS and 132/33 kV Chatra (Darha GSS to facilitate power within chatra district and for the development of nearby area/blocks.</p> <p>Also during construction work at these locations no cutting / damaging of any tree neither any loss of animal husbandry was encountered. At present no any stringing of conductor has been done by agency in JJ land.</p> <p>Now the total affected area of JJ land after Tower Foundation work under the forest Division (North) and Forest Division (South) are being Enclosed as Annexure-B</p> <p>Forest Division Chatra South-0.12731 Ha. (Tower Area)</p>	<p>beneficiary. Details can be seen As Annexure -A. Hard copy of Cheques are also being enclosed for the reference</p> <p>Since this transmission line is an important project for transmission of electricity within state of Jharkhand to connect proposed 132 /33 Kv Hunterganj GSS and 132/33 kV Chatra (Darha GSS to facilitate power within chatra district and for the development of nearby area/blocks.</p> <p>Also during construction work at these locations no cutting / damaging of any tree neither any loss of animal husbandry was encountered. At present no any stringing of conductor has been done by agency in JJ land.</p> <p>Now the total affected area of JJ land after Tower Foundation work under the forest Division (North) and Forest Division (South) are being Enclosed as Annexure-B</p> <p>Forest Division Chatra South-0.12731 Ha. (Tower Area)"</p> <p>The aforesaid reply of the user agency it appears that the User agency i.e. Jharkhand Urja Sancharan Nigam Limited has tried to shift the onus of responsibility to the work awardee company M/S APSPL, which is not acceptable as the burden of following up of the provisions of the Forest (Conservation) Act, 1980 is totally on the user agency and thus the reply in compliance by the user agency is totally misleading and distracting. Role of the user agency i.e. JUSNL need not to be elaborated and the officials of the JUSNL are the only responsible authority who have flouted and ignored the provision of FC Act while submitting the proposals. Instead of procurement of the approval, the JUSNL awarded the site work to a agency and the officials of the agency worked a lot upon the</p>
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deemed forest land for execution of the projects under the supervision, guidance and authority of the officials of JUSNL and the entire unauthorized work on the deemed forest land has been done by M/S APSPL at the behest of the officials of the JUSNL only and none the else.

To verify the facts as stated in the reply of the user agency, site inspection of the proposed forest land to be diverted was done on 10.01.2023 in the presence of JUSNL and M/S APSPL and it has been found the altogether 14 no. of towers either in the foundation stage or in standing stage has been made laid out or erected on the proposed site for diversion of which 2 towers have been found on forest land and the 12 (twelve) have been found on GMJJ land. The land of the construction site is mostly non agriculture land as it is uncultivated, unbroken and unplugged also. The forest land portion of the proposed land is quite adjacent to the GMJJ land, which therefore could not be earlier identified and noticed by the forest personal and when the illegal act of the user agency was came to notice, offense case have been registered against the men of the user agency and its agent. Out of 14 (Fourteen) towers so illegally constructed or under construction, 6 have been found in a very close proximity of the Darha Sub Grid of M/S JUSNL within a range of 500 meters. Only and of these 6 towers, few are just touching the boundary of Darha Sub Grid and therefore the plea of misidentification, mislocation, mistake and encounter of agriculture land at these 14 illegally erected towers is not at all acceptable.

The user agency vide


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				<p>DFO Letter No. 2829 Dated 23.11.2022 xerox copy of which is enclosed have been asked to submit an explanation and the user agency (JUSNL) vide its Letter No. 640 dated 13.12.2022 further has issued a show cause to its construction agency, the xerox copy of the same is also enclosed for perusal as to show the ignorant and negligent approach of M/S JUSNL in this case of violation. After the proposed site of violation was inspected, it became very clear that altogether 14 no. of towers (02 foundation level + 12 erection levels have been made illegally on the proposed site prior to all kind of approval by any forest authority out of 88 no. of total towers to be constructed upon the proposed site for diversion and therefore taking into the factor of areas so violated proportionally, 14 (Area-0.12731 Ha.) forest land may be brought under violative category for imposition of penalty to the user agency in this case since the area is dense, large and the reality of KML file did not provide sufficient clarity, therefore this violation could not be assessed while processing the application.</p> <p>On the basis of direction of CF, Chatra vide letter no. 144 dated 23.02.2023 joint inspection was done on 08.04.2023 along with DFO Chatra North & JUSNL officials. On inspection, it was found 14 towers were found to be constructed out of which 2 were on notified forest & 12 on Jungle Jhari Land. The area of FC Act violation was found out to be 0.12731 ha. only. Inspection team didn't find any stringing operation in the erected towers of forest land. Penal NPV & Penal CA may be imposed for violation of FC Act by the user agency.</p>
5		Two Cost benefit analysis are uploaded which is ambiguous.	Corrected Cost Benefit analysis enclosed.	Now a single cost benefit analysis

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7			has been uploaded by the user agency and the same may be accepted.
6	Undertaking in respect of CWLW recommendation by user agency as well as draft framework for mitigative measures /plans too should be submitted alongside.	Undertaking in respect of CWLW and Draft frame Work for mitigate measures is enclosed.	The user agency has submitted the desired undertaking in respect of CWLW recommendations. A draft framework for mitigative measure/plans too have been submitted alongwith, which may be accepted, though this submitted framework may be accepted as a guiding tool only and many other provision of components of works like wildlife rescue vehicle gajmitra, crop guard, graineries, etc may be included in the specific wildlife conservation and mitigation plan to be prepared and implemented at the time of compliance of the Stage-I/in principle conditions compliance. Apart from this many aspects of an ideal wild life mitigative works by the user agency, which may be supplied and mentioned in the actual or specific wildlife management/mitigative plan later on.

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