

TAMILNADU FOREST DEPARTMENT

From
Dr. H. Malleshappa, IFS.,
Principal Chief Conservator of Forests,
(Head of Department),
PanagalMaaligai, Saidapet,
Chennai - 600 015.

To
The Principal Secretary to Government,
Environment and Forests Department,
Secretariat,
Chennai 600 009.

C.No.TS4/ 24793/2018, Dated: 26.02.2019.

Sir,

Sub: Forests - Forest (Conservation) Act, 1980 – Tirunelveli Circle / Thoothukudi Forest Division - Proposal for diversion of 0.08 ha of forest land for 20 MGD Closed circuit Scheme for Water supply scheme to Thermal Power Project, SIPCOT complex, Heavy water plant and other industries in Thoothukudi District for drinking and industrial purpose - Online proposal sent by the User Agency - Regarding.

- Ref: 1. Principal Chief Conservator of Forests Ref.No.TS4/24793/2018 dated 23.01.2019.
2. Government letter No. 20575/FR-10/2018-1, Dated: 01.02.2019.
3. Chief Conservator of Forests, Tirunelveli ref. No. D/5353/2017, dt. 21.02.2019.
4. District Forest Officer, Thoothukudi C.No. D/3522/2018, dt. 20.02.2019.

With reference to Government letter cited, I wish to state that the replies to the queries are furnished below.

Sl. No.	Details called for by the Government	Reply by the PCCF
1.	Why the NGT case No. 128 of 2917 relating to this issue is not reported.	While forwarding the Forest (Conservation) Act, 1980 proposal, the District Forest Officer inadvertently not mentioned the case pending in the NGT. Now the District Forest Officer, Thoothukudi now furnished the details of action taken report on the NGT case. A copy of the District Forest Officer letter referred is enclosed.
2.	With reference to Sl.No.1 of the reply furnished may be stated whether the PCCF has accepted the explanation furnished by the TWAD board	The TWAD board authorities have furnished detailed explanation under which the violation was occurred (ie.) excess forest land utilized for the Water supply scheme. Considering the details of Water Supply narrated and approved in G.O. Ms.No.1211, dt: 20.07.1972, the explanation furnished by the TWAD Board is accepted. However, for the violation occurred under Forest (Conservation) Act, 1980, now the

		District Forest Officer has imposed penalty based on Government of India guidelines.
3.	With reference to Sl.No.2 of the reply furnished it is mentioned that the genuine details of utilization of Tamirabarani water as per G.O.Ms.No.18 E&F (FR.10) Dept dated 07.03.2008 was called for, however the TWAD board has reported that the Government of Tamil Nadu has already issued order vide GO.Ms.No.1211 dt. 20.07.1972 and based on which the TWAD board is supplying Tamirabarani Water to industries as allocated in GO genuinely. Hence, the Principal Chief Conservator of Forests may offer specific comments in this regard.	<p>Considering the Water Supply Project details narrated in G.O. Ms. No. 1211, dt: 20.07.1972 the TWAD board has obtained approval under the Forest (Conservation) Act, 1980.</p> <p>However, in the Forest (Conservation) Act approval, diversion of forest land was allowed for drinking water purpose only. The User Agency has failed to report the usage of water for Industrial purpose. Thus they violated the orders issued in the approval of Forest (Conservation) Act, 1980.</p> <p>For the reported violations, based on Government of India guidelines, penalty has already been imposed by the District Forest Officer and the amount has also been credited in the State CAMPA Account by the TWAD Board.</p> <p>Hence the water usage reported by the TWAD Board to the Industries is accepted.</p>
4.	With reference to Sl.No.4 when it has been reported that the User Agency has been reported that the User Agency has deposited Rs.1,97,468/- as penalty amount in CAMPA account why the violation was not uploaded in Part II of Form A of Forest (Conservation) Act, 1980 .	The District Forest officer, Thoothukudi has reported that, while uploading Part II of Form A, violation by the User Agency (TWAD Board) in the project area has not been uploaded by mistake. Now the District Forest Officer has uploaded the details about violations in the project area and revised Part II of Form A furnished.

Revised Part II and Part III uploaded by the District Forest Officer and Chief Conservator of Forests is enclosed. Part IV of Nodal officer recommendation has already been furnished to the Government on 22.10.2018.

Yours faithfully

[Handwritten Signature]
26/10/2019

for Principal Chief Conservator of Forests
(Head of Department)

[Handwritten Signature]
26/10/2019

TAMIL NADU FOREST DEPARTMENT

From

Thiru. Dinkar Kumar, I.F.S.,
Chief Conservator of Forests,
Tirunelveli Circle,
Tirunelveli -7.

To

The Principal Chief Conservator of Forests
(Head of Department),
Chennai - 15.

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C.No. D / 5353/ 2017 dated: 21.02.2019

Sir,

Sub:- FOREST - Diversion of Forest Land for Non Forest purpose - proposal under Forest (Conservation) Act, 1980 - Tamil Nadu Water supply & Drainage Board - proposed to construction of in tank well along with pumproom and footbridge in Reserved Land - S.No. 600 of Srivaikundam village in Srivaikundam Range - providing water supply to the industries and also for drinking purpose - proposal submission of - additional details called for - submission of - regarding.

- Ref:-
- 1) Principal Chief Conservator of Forests (HOD),
Chennai Ref.No. TS4 / 24793/2018, dated: 22.10.2018.
 - 2) Govt.Lr.No.20575/FR.10/2018-1 E & F Dept dated 19.11.2018.
 - 3) Principal Chief Conservator of Forests (HOD),
Chennai Ref.No. TS4 / 24793/2018, dated: 03.12.2018.
 - 4) District Forest Officer, Thoothukudi Division Ref.No. D /
3522/2018, dated: 17.12.2019.
 - 5) Chief Conservator of Forests, Tirunelveli Ref.No.D/5353/2017 dated
02.01.2019 and 18.01.2019.
 - 6) Govt.Lr.No.20575/FR.10/2018-1 E & F Dept dated 01.02.19.
 - 7) District Forest Officer, Thoothukudi Division Ref.No. D /
3522/2018, dated: 20.02.2019.

With mentioned above, I submit that, as informed in Government Letter 6th cited, the District Forest Officer, Thoothukudi Division have been instructed to submit essential details on the points raised. The District Forest Officer Thoothukudi Division in his reference 7th cited has submitted detailed report and also he has uploaded the violation in Part II of Form A of Forest (Conservation) Act 1980. This is submitted for necessary further action.

Encl: As above.

Yours faithfully,
Sd/- Dinkar Kumar,
Chief Conservator of Forests,
Tirunelveli Circle,
Tirunelveli.

/t.c.b.o/

[Signature]
Senior Draughting Officer.
21/2/19

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TAMILNADU FOREST DEPARTMENT

From

Thiru.K.Thirumal I.F.S.,
District Forest Officer (a/c),
Thoothukudi Division,
Collectorate Campus,
Thoothukudi - 628 101.

To

The Principal Chief Conservator of
Forests, (Head of Department)
Chennai - 15

C.No: D/3522/2018 Dated: 20.2.2019

Sir,

Sub : Forests - Diversion of Forest land for Non Forest purpose
- proposal under Forest Conservation Act 1980 - Tamil
Nadu Water supply Board proposed to construction of In
tank well along with pumphoom and Footbridge in Reserve
land survey No. 600 of Srivaikundam village in
Srivaikundam Range of Thoothukudi Division - Proposal
submission - essential details called for - submission of -
regarding.



- Ref:-
1. Government LrNo. 20575/FR10/2018-1, dated 19.11.2018
 2. Principal Chief Conservator of Forest, (Head of Department) Chennai lr No. TS4/24793/2018 dt 03.12.2018
 3. District Forest Officer, Thoothukudi ref. No: D/2016-17 dated 03.08.17, 05.10.17, 06.10.17, 06.10.17
 4. Government LrNo. 20575/FR10/2018-6, dated 01.02.2019
 5. Principal Chief Conservator of Forest, (Head of Department) Chennai lr No. TS4/24793/2018 dt 07.02.2019
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I submit my reply as called by the Principal Chief Conservator of Forest, Chennai reference 5th cited as flowers.

I. Why the NGT case No.128 of 2017 relating to this issue is not reported

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The application No. 128 of 2017 filed by Thiru S. Joel Advocate, Thoothukudi before National Green Tribunal, New Delhi and in the above case the Inspector General of Forests MoEF and CC, New Delhi is the 1st respondent, the Secretary to Govt E&F Dept Chennai is the 2nd respondent

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and the Principal Chief Conservator of Forests, Chennai, the Additional Principal Chief Conservator of Forests (Central), the District Collector, Thoothukudi, District Forest Officer, Thoothukudi Division, the SE. PWD and the EE Urban Division, Thoothukudi are the respondents. As instructed in Principal Chief Conservator of Forests No.WR3/24188/2017 dated 27.06.2017 the District Forest Officer Thoothukudi Division has been taken for preparation of detailed draft counter affidavit in consultation with the Special Government Pleader, High Court, Madras. The detailed report had already been submitted to the Principal Chief Conservator of Forests in this office No.D/2016/2017 dated 03.08.2017 and the same was submitted by the Conservator of Forests Tirunelveli Ref.No.D/5353/2017 dated 03.08.2017. Also the matter have been brought to the Principal Secretary to the Government, E&F Chennai in No.WR3/24188/2017 dated 21.07.2017. The above said matter have been dealt in Government Lr.No.10895/FR10/2017-6 E & F Dept dated 11.09.2017. Meanwhile the above case has been transferred to the National Green Tribunal Principal Bench, New Delhi from Hon'ble National Green Tribunal Southern Bench Chennai. Reply affidavit have been filed by the Secretary to Government E & F Chennai. As per the Govt Lr.No.10895/FR10/2017-10 E&F Dept dated 10.04.2018, for the above case hearing on 17.04.2018, the District Forest Officer Thoothukudi Division was attended the National Green Tribunal on 17.04.2018 along with Standing Council. On 28.11.2018 Judgment was issued the same. In the Judgment the Hon'ble court directed that the TWAD Board to forthwith prohibit the use of the water drawn against the Forest Clearance for 0.055 ha which admittedly had been granted only for the purpose of drinking water making it quite clear that any other order passed by this tribunal earlier contrary to this shall stand hereby superseded. In addition to that Hon'ble Supreme Court of India, New Delhi, Civil Appeal No. 11935 of 2018 has issued the final order dt 04.2012019. It is submitted for kind information.

2. Whether the Principal Chief Conservator of Forest has accepted the explanation furnished by the Tamil Nadu Water Supply and Drainage Board:

As ordered in the Hon'ble court the user agency has uploaded the online proposal seeking prior approval of Central Government for the additional reserved land area requirement of 0.055 Ha for construction of well, control, foot bridge in S.No.600 of Srivaikundam village. The proposal furnished by the user agency has submitted to Principal Chief Conservator of Forest, Chennai on 10.01.2019 duly with the required recommendation.

Also penalty for the violation an amount of Rs.1,97,468/ have been collected from the user agency as per FC Act guide line on 06.12.2018. Hence the excess area taken by the TWAD board may accept.

3 .Specific comments on the G.O.Ms.No.1211, dated 20.07.1972 by the Principal Chief Conservator of Forest, Chennai

The TWAD Board has stated the additional supporting evidence on the 20MGD case. in the Government Order

a) Tuticorin Fertilizer Project of Southern Petro-Chemical Industrial Corporation Ltd	- 9MGD
b) Soda ash, Ammonium chloride plant of Tuticorin Alkali Chemicals Ltd., Joint Sector venture	- 2MGD
c) Heavy Water Project of Department of Atomic Energy, Govt. Of India	- 1.6MGD
d) Thermal Power Station of Tamilnadu Electricity Board	- 1.33MGD
e) PVC Project of Plastic Resinc Chemicals Ltd	- 3 MGD
f) Ilmenite Project of Dharangadhara Chemicals works	- 1.5MGD
Total	18.43

Based on that they have climbed further period it will continue then the proposal may be considered.

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4) Why the violation was not uploaded in Part II of Form A of Forest (Conservation) Act, 1980:

Now the details of violation has been pointed out in the Part II of Form A of Forest (Conservation) Act, 1980 and name of person has also pointed out . but by mistake the penalty amount Rs. 1,97,468/- has not pointed out in the Part II. Now it has been pointed out in the Part II of Form A of Forest (Conservation) Act, 1980.

2. The violation of the project will lead to erosion of river bund. There is no endangered fauna and flora. The site is about 2.8 metre above Thamiraparani river bed. The area is already developed. It was ascertained that the construction was done during 2008 to 2010 and no tree was felled during construction. In overall including now proposed 0.055 ha, the requirement of the forest area for this project is within one ha (0.080 Ha) and hence the proposal may be considered.

Yours faithfully,
Sd/-K.Thirumal,
District Forest Officer(A/c),
Thoothukudi

Encl: As above

// True Copy // By order //

20.2.19

Superintendent

20/2/19