



सत्यमेव जयते

Government of India/ भारत सरकार
Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय
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No. 5-WBC092/2016-BHU

22nd June, 2016

To

The Principal Secretary,
Forest Department (Forest Branch),
Govt. of West Bengal,
Aranya Bhawan, (1st Floor)
Block-LA-10A, Sector-III, Salt Lake City,
KOLKATA – 700 098.

Sub:- Diversion of 16.39 ha of forest land in favour of Power Grid Corporation of India Ltd. for construction of 400 KV Punatsangchu-I to Alipurduar transmission line through Buxa Tiger Reserve.

Sir,

I am directed to refer to State Govt. letter No.599-For/O/L/10T-06/2016 dated 08.03.2016, No.1159 dated 05.05.2016 and No.1234 dated 13.05.2016 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest(Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee held on 14.06.2016, the Ministry of Environment, Forest & Climate Change hereby conveys 'in-principle' approval for diversion of 16.39 ha of forest land in favour of Power Grid Corporation of India Ltd. for construction of 400 KV Punatsangchu-I to Alipurduar transmission line through Buxa Tiger Reserve, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.
- (iii) At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- (iv) Compensatory afforestation over 33.00 ha of degraded forest land identified in South Rydak Range of Buxa Tiger Reserve (East) against the area of forest land proposed to be diverted shall be raised and maintained by the State Forest Department at the cost of the user-agency.
- (v) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation for 10 years, at the current wage rate, to the State Forest Department.

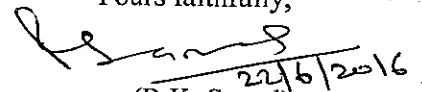
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- (vi) All the funds received from the user agency under the project shall be transferred to the ad-hoc CAMPA in the concerned Saving Bank Account of Ad-hoc CAMPA in Corporation Bank, CGO Complex, Lodhi Road, New Delhi-110003.
- (vii) All clearances with regard to Buxa Tiger Reserve shall be obtained. In this connection, the Hon'ble Supreme Court Order dated 05.10.2015 in WP (C) No.202/1995 and other applicable orders, if any, shall be complied as proposed by REC.
- (viii) The user agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No.7-25/2012-FC dated 05.05.2014 and 19.11.2014.
- (ix) The user agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line, and provide funds for execution of the said scheme by the State Forest Department.
- (x) The boundary of the forest land being diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from pillar to pillar and submit DGPS map along with soft copy in shape file.
- (xi) The State Forest Department/UA shall submit the DGPS map of 33.00 ha of degraded forest land identified in South Rydak Range of Buxa Tiger Reserve (East)) as proposed for CA, giving the forward and backward bearing of each demarcation pillar and distance between them.
- (xii) No labour camp shall be established on the forest land.
- (xiii) The user agency shall provide alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.
- (xiv) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xv) Earth or any material shall neither be brought from nor the debris resulting during construction be disposed of in the adjoining forest area by the user agency.
- (xvi) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without prior approval of the Ministry of Environment, Forest & Climate Change.
- (xviii) The conditions stipulated by the NBWL (36th Meeting) and communicated by Ministry vide letter No.6-147/2015-WL (36th Meeting) dated 13.11.2015 shall be complied by the State Govt./User Agency.
- (xix) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013, in support thereof.

- (xx) Any other conditions that Ministry of Environment, Forest & Climate Change may stipulate, from time to time, in the interest of conservation, protection and development of forests and wildlife shall be complied by the user agency.
- (xxi) The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the report on compliance to the conditions stipulated above, from the State Government of West Bengal, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. **Transfer of forest land to user agency should not be effected by the State Government of West Bengal till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forests & Climate Change.** However, the State Govt., if it so desires, may allow the user agency for commencement of work as per Ministry guideline issued vide letter No.11-306/2014-FC (pt.) dated 28.08.2015.

Yours faithfully,


(R.K. Samal)
22/6/2016

Conservator of Forests (Central)

Copy to:-

1. The Inspector General of Forests (FC), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Director, ROHQ, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
3. The Principal Chief Conservator of Forests, Aranya Bhawan, LA-10A, Sector-III, 4th to 6th Floor, Salt Lake City, Kolkata – 700 098.
4. The Addl. PCCF & Nodal Officer (FCA), O/o The Principal Chief Conservator of Forests, Aranya Bhawan, LA-10A, Sector-III, 4th to 6th Floor, Salt Lake City, Kolkata – 700 098.
5. The Deputy Field Director, Buxa Tiger Reserve (East), Alipurduar, West Bengal.
6. The Addl. General Manager, Power Grid Corporation of India Ltd., Vidyut Nagar, P.O: Satellite Township, Siliguri, Dist: Jalpaiguri-734015, West Bengal.
7. Guard File.

Conservator of Forests (Central)