



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण एवं वन मंत्रालय
MINISTRY OF ENVIRONMENT & FORESTS

क्षेत्रीय कार्यालय पश्चिम क्षेत्र
Regional Office, Western Region,

"केन्द्रीय पर्यावरण भवन"
"Kendriya Paryavaran Bhavan"
लिंक रोड नं-3, Link Road No. 3
E-5, रविशंकर नगर/Ravi Shankar Nagar,
भोपाल (म.प्र.)/Bhopal-462016 (M.P.)
फोन-0755-2466525, 2463102 (Fax), 2465496
अणुडाक /E-mail: apccfbhopal@gmail.com

No: 6-GJC 047/2012-BHO/ 792

dt 07/04/2014

To,

The Principal Secretary,
Govt. of Gujarat,
Environment and Forest Department,
Sardar Patel Bhawan,
Block No. 14/8, Gandhinagar -382010.

Sub: Diversion of 38.71 ha Reserved and Unclassed Forest land for setting up 300 MW Power Plant at Hazira in favour of Essar Steel (Hazira) Limited in Surat District of Gujarat.

Sir,

I am to invite reference to your letter No.FCA-1012/3-18/(12)/S.F-44/F dated 24/07/2012 and APCCF, Land, Gujarat State letter No. FCA/29/A/354/13-14 dated 26/09/2013 on the subject cited, seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the undersigned on behalf of the Central Government is directed to convey in-principle approval for diversion of 38.71 ha Reserved and Unclassed Forest land for setting up 300 MW Power Plant at Hazira in favour of Essar Steel (Hazira) Limited in Surat district subject to the following conditions:-

- 1.. Legal status of the forest land shall remain unchanged.
- 2 (a) Compensatory afforestation shall be taken up by the Forest Department over 124.40 ha non-forest land (Three times of demanded area) [Survey No. 314 pt. 8, 9, 10, 13, 14, 20, 22, 26, 27, & 28, Village- Andho, Tal- Bhuj, District- Kachchh] at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
- (b) The non forest land shall be transferred and mutated in favour of Forest Department.
- (c) The land where Compensatory Afforestation is to be taken up shall be notified as Reserved Forest.
- 3.. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars on the CA land shall be deposited in advance with the Forest Department by the project authority. Compensatory afforestation scheme shall be for 10 years at the cost of user agency.

Contd....2

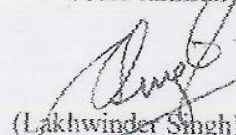
4. (a). The State Government shall charge the "Net Present Value"(NPV) for the 38.71 ha of forest land to be diverted under the proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008 and 09/05/2008 in IA-566 in W.P. (Civil) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No.5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
- (b) Additional amount of NPV of diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency, which shall furnish an undertaking to this effect.
5. All the funds received from the User Agency under the project shall be transferred to the Ad-hoc Compensatory Afforestation Fund Management & Planning Agency (CAMPA) in the Savings Bank A/c No. SB 01025208 Corporation Bank, Lodhi Complex, New Delhi 110 003.
6. a) The User Agency will defray the cost of removal of 6009 trees in the forest land proposed for diversion. However only the required and minimum number of trees will be felled.
b) The amount of money paid by User Agency for the felling of trees will be deposited in the Adhoc-CAMPA New Delhi.
7. Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made there under and as amended from time to time regarding use of fly ash shall be fully complied with.
8. Muck disposal, if required, shall be taken up as per the scheme approved by the Forest Department.
9. Required soil conservation measures should be taken up by the user agency for which fund should be provided as per the current rate of works.
10. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
11. No labour camp shall be established on the forest land.
12. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.

13. The User Agency shall ensure that because of this project, no damage is caused to the Wildlife available in the area.
14. Any other condition that the Ministry of Environment & Forests may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
15. The User Agency shall submit annual self compliance report in respect of the above conditions to the State Government and to the Regional Office, Bhopal regularly.
16. The User Agency and the State Government shall ensure compliance of provisions of the all Acts, rules, regulations and guidelines for the time being in force as applicable to the project.
17. Provisions of all relevant Acts and rules made thereunder and guidelines applicable to the project shall be strictly followed.
18. The forest land shall not be used for any purpose other than what is specified in the project proposal.
19. Any other condition, which the Ministry of Environment & Forests may stipulate for conservation of flora and fauna as and when necessity arises.

After receipt of compliance report on fulfilment of the condition Nos 2(b), 3, 4, 5 and 6(b) from the State Government, proposal will be considered for final approval under Section - 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to the User Agency shall not be issued by the State Government till formal approval order for diversion of forest land is issued by the Regional Office, MoEF, Bhopal.

Yours faithfully

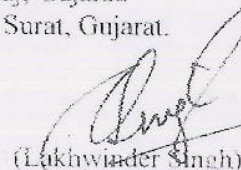


(Lakhwinder Singh)

Addl. Principal Chief Conservator of Forests (Central)

Copy to :-

- 1.. Director (ROHQ), Ministry of Environment & Forests, Room No. 516, CGO Complex, Lodhi Road, New Delhi.
2. The Addl. Principal Chief Conservator of Forest and Nodal Officer (Forest Conservation) Act, Aranya Bhavan, Block No. A/3, Near "Ch" Circle, Opposite St. Xaviers High School, Sector-10A, Gandhinagar (Gujarat).
3. Dy. Conservator of Forests, Forest Division Vyara, District- Surat, Gujarat.
4. Dy. Conservator of Forests, Forest Division Kachehh East Division, Bhuj, Gujarat.
- ✓ 5. The Essar Steel (Hazira) Limited, 27 K.M. Surat, Hazira Road, District- Surat, Gujarat.
- 6.. Order File.



(Lakhwinder Singh)

Addl. Principal Chief Conservator of Forests (Central)

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/WRIT PETITION (PIL) NO. 34 of 2021

BIREN RAMESHCHANDRA PADHYA

Versus

UNION OF INDIA

Appearance:

ABHISST K THAKER(7010) for the Applicant(s) No. 1

for the Opponent(s) No. 1,3,4,5,6

MS. M.L.SHAH, LEARNED GP ASSISATED BY MR. CHINTAN DAVE,

LEARNED AGP for the Opponent(s) No. 2

CORAM: HONOURABLE MR. JUSTICE J.B.PARDIWALA

and

HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 22/02/2021

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE J.B.PARDIWALA)

1. We have heard Mr. P.C.Kavina, the learned Senior Counsel assisted by Mr. Abhisst K. Thakkar, the learned counsel appearing for the writ-applicant.

2. This is a Public Interest Litigation. The writ-applicant, an NRI, has brought to our notice that certain mandatory conditions, which the respondent No. 6 was obliged to fulfill as imposed in the order passed by the Ministry of Environment and Forest dated 08.06.2013 (Annexure-B to this writ-application page No. 25) have not been complied with or rather flouted.

3. The conditions imposed are as under:-

1. The legal status of the forest land shall remain unchanged.
2. (a) Compensatory afforestation shall be taken up by the Forest Department over 20.76 ha non-forest land Survey No. 258/3/P, 23,24,33,38,39P, village Sanada, Taluka: Palitana, District: Bhavnagar at the cost of the User Agency.
(b) The non forest land shall be transferred and mutated in favour of the Forest Department.
(c) The non-forest land shall be notified as Reserved Forest.

3. The Penal compensatory afforestation over 41.52 ha. Of degraded forest land compartment/Survey No. 219. Forest Division-Vyara, Village Kanji, Taluka- Songadh, District: Tapi will be raised at the cost of User Agency.
4. The cost of compensatory afforestation and Penal afforestation shall be deposited in advance at prevailing wage rates with the Forest Department by the User Agency.
5. a) The User Agency will provide 110 ha. of non-forest land in "Lion Corridor" area , suitable as Lion habitat in Village Sanada, Taluka: Palitana, District: Bhavnagar.
- b) The non-forest land shall be transferred and mutated in favour of the Forest Department.
- c) The non-forest land shall be notified as Reserved Forest.
6. As a CSR the User Agency will deposit 2.5 times of the market value prevailing in 2006 for the area in "Lion Conservation Society."
7. a) The State Government shall charge the "Net Present Value" (NPV) for the 20.76 ha. of forest land to be diverted under the proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008 and 09/05/2008 in IA-566 in W.P. (Civil) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03.10.2006 and 5-3/2007 dated 05/02/2009 in this regard.
- b) Additional amount of NPV of diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency, which shall furnish an undertaking to this effect.
8. All the funds received from User Agency under the project shall be transferred to the Ad-hoc Compensatory Afforestation Fund Management & Planning Agency (CAMPA) in Saving Bank A/c No. (CAF Gujarat) SB01025208 Corporation Bank, Lodhi Complex, New Delhi 110-003.
9. The User Agency will obtain clearance under the provisions of ST & OTFE (Recognition of Forest Rights) Act, 2006 as may be applicable, before the final approval. A certificate to the effect that all claims and rights over the proposed forest land have been settled will be forwarded to this office by the State-Government before the final approval.
10. a) Demarcation of the area shall be done on ground at the project cost using four feet high RCC pillars with Serial Numbers, forward and back bearing and distance from pillar to pillar.
- b) At the cost of User Agency, the area of compensatory afforestation will also be fenced, if demanded by the State Forest Department.
11. No tree felling will be allowed.
12. The forest land shall not be used for any purpose other than what is specified in the project proposal.
13. All statutory Acts and rules made thereunder applicable to the project proposal.
14. Any other condition, which the Central Government may stipulate.

4. We also heard Ms. Manisha Lavkumar Shah, the learned Government Pleader assisted by Mr. Chintan Dave, the learned Assistant Government Pleader.

5. At this stage, Mr. Chintan Dave, the learned Assistant Government Pleader brought to our notice that one Public Interest Litigation with respect to the very same respondent No. 6 and also with respect to the same allotment of forest land is pending before the Court of the Hon'ble The Chief Justice. It is brought to our notice that, the said litigation has something to do with the mutation of entry in the revenue record pursuant to the allotment of land by the government in favour of the respondent No.6.

6. Request made is that both the petitions to be heard together.

7. Such request may be made before the Hon'ble the Chief Justice. It is for the Hon'ble the Chief Justice to decide whether both the petitions should be clubbed & heard by one court or otherwise.

8. Let **NOTICE be issued** to the respondents returnable on **16.03.2021**. The respondents be served directly through Email. Regular direct service is also permitted.

Sd/-
(J. B. PARDIWALA, J)

Sd/-
(ILESH J. VORA, J)

VISHAL MISHRA



Government of Gujarat
Forest & Environment Department

Block No. 14, 8th Floor, New Sachivalaya, Gandhinagar, Gujarat- 382010, 079-23251065, Fax: 079-23252156.

No. FCA-1012/7-01/12/SF-60/F

Date:

To

7-5 MAR 2021

✓ **The Addl. Principal Chief Conservator of Forests (Central)**

Ministry of Environment & Forest,
Regional Office, Western Region,
Kendriya Paryavaran Bhavan,
Link Road No.3, E-5, Arera Colony,
BHOPAL (M.P.)-462016.

Subject: Diversion of 38.71 ha reserved and unclassed forest land for setting up 300 MW power plant at Hazira in favour of Essar Steel (Hazira) Limited in Surat district of Gujarat.

Sir,

Please refer to your letter F. No. 6-GJC-047/2012-BHO/792 dated 07.04.2014 on the subject cited above and it is informed that:-

Sr. No.	Condition	Compliance
1	Legal status of the diverted forest land shall remain unchanged.	The User Agency has Agreed
2	Compensatory afforestation: a) Compensatory afforestation shall be taken up by the Forest Department over 124.00 ha. non-forest land (three times of demanded area) {Survey no. 314 pt., 8,9, 10, 13, 14, 20, 22, 26, 27 & 28, Village-Andho, Taluka-Bhuj, Dist-Kutch. As far as possible, a mixture of local indigenous species shall be planted and	The User Agency has deposited an amount of Rs. 3,54,91,656/- towards the cost of Compensatory Afforestation in the CAMPA fund. The User Agency will deposit the additional amount of CA due to wage difference.

	monoculture of any species shall be avoided.	
	a) The non-forest land shall be transferred and mutated in favour of Forest Department.	The required non forest land has been transferred to forest department and has been mutated in favour of the Forest Department.
	b) The land where Compensatory Afforestation is to be taken up shall be notified as Reserved Forest.	Noted
3	The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.	The User Agency has deposited an amount of Rs.3,54,91,656/- towards the cost of Compensatory Afforestation in the CAMPA fund. The User Agency will deposit the additional amount towards CA, due to wage rate revision, as per prevailing wage rates.
4	NPV : a) The State Government shall charge the Net Present Value (NPV) for the 38.71 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24/04/2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.11) dated 18.09.2003, as	The User Agency has already deposited an amount of Rs.2,42,32,460 /- towards the cost of Net Present Value in the CAMPA fund.

	well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 and chapter 3 of FCA Handbook, 2019 in this regard.	
	b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.	The User Agency has already given the undertaking in this regard.
5	All the funds received from the user agency under the project shall be transferred to Ad-hoc CAMPA fund in Saving Bank A/C No. SB 01025208 of Corporation Bank, Lodhi Complex, New Delhi-110003.	Funds from the user agency has been transferred online to the CAMPA fund through e-portal.
6	(a) The User agency will defray the cost of removal of 6009 trees in the forest land proposed for diversion. However only the required and minimum number of trees will be felled.	The User Agency has agreed
	(b) The amount of money paid by user agency for the felling of trees will be deposited in the Adhoc-CAMPA New Delhi.	The User Agency has agreed
7	Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act,	Environmental Clearance is not required in the above proposal.

Required due to
dumping slag.
It may be hazardous
chemical, debris, evidence
area of

	1986 and Environment (Protection) Rules, 1986 made there under and as amended from time to time regarding use of fly ash shall be fully complied with.	
8	Muck disposal, if required, shall be taken up as per the scheme approved by the Forest Department.	The User Agency has agreed
9	Required soil conservation measures should be taken up by the user agency for which fund should be provided as per the current rate of works.	The User Agency has agreed
10	The boundary of the diverted forest land shall be demarcated on ground at the project cost by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.	The User Agency has agreed
11	No labour camp shall be establishment on the forest land.	The User Agency has agreed
12	The user agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.	The User Agency has agreed
13	The user agency shall ensure that because of this project no damage is caused to the Wildlife available in the area.	The User Agency has agreed
14	Any other condition that the Ministry of Environment & Forests may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife	The User Agency has agreed
15	The user agency shall submit annual self compliance of report in respect of the above conditions to the state Government and to the Regional Office, Bhopal regularly.	The User Agency has agreed

16	The user agency and the state Government shall ensure compliance of provisions of the all Acts, rules, regulations and guidelines for the time being in force as applicable to the project.	The User Agency has agreed
17	provisions of all relevant Acts and rules made thereunder and guideline applicable to the project shall be strictly followed.	The User Agency has agreed
18	The forest land shall not be used for any purpose other than what is specified in the project proposal.	The User Agency has agreed
19	Any other condition, which the Ministry of Environment & Forest may stipulate for conservation of flora and fauna as and when necessity arises.	The User Agency has agreed

In view of above and since the conditions of In-principle approval have already been complied with, it is requested to issue a formal approval.

Yours Faithfully,



(S. J. Pandit)

Additional Secretary

Forest & Environment Department

% Encl. As above.

copy to:-

1. Nodal officer (FCA), Pr. Chief Conservator of Forest's Office, Gujarat State, 'Aranya Bhavan' Sector-10/A, Gandhinagar.
2. Select File

From: Biren Padhya
Permanently Residing at: 13-145, Shanti Apartment,
Naranpura, Ahmedabad
At present residing at:
79-55, 264TH Street, Glen oaks
NY-11004.USA

To,
Shri Bibashkumar Thakur, IFS
Deputy Director General of Forest,
Ministry of Environment, Forest and Climate Change
Regional Office (West Zone)
E-5, Kendriya Paryavaran Bhavan,
E-5, Arera Colony, Link Road - 3,
Raishankar Nagar,
Bhopal - 462016

Subject: Encroachment in 38.71 Hectares + 27.02 Hectares + 20.76 Ha Forest
Land by M/s Arcelor Mittal Nippon Steel (AMNS).at Hazira, District Surat,
Gujarat State.

Dear Sir,

Since you are the regional representative of MOEF responsible for Gujarat state we wish to highlight the following glaring irregularities which are being ignored by the local forest office regarding compliance to the provisions of the Forest Conservation Act with regard to the forest land provided to Arcelor Mittal Nippon Steel Limited (AMNS):

It is in this view of the matter pertinent to mention that looking to the said aspect and to prevent further violation of green laws by Arcelor Mittal Nippon Steel Limited including slag dumping on the forest land, I write to you stating that no further land be allotted to the said company which is categorized as Forest land without following the due procedure of law including the provisions of the Forest Conservation Act, 1960.

I further wish to state that the conditions in the earlier in-principle approval are also liable to be cancelled in view of the non fulfillment of the conditions.

The facts in brief:-

A. 38.71 Hectare Forest Land

1. In-principle approval for 38.71 Hectares forest land was granted for 300 Hectare Power Plant which was granted on 7th April 2014. It is mandatory that final approval for Diversion of forest land is obtained within 5 years.
2. It is clear that on the date of the admission of petition the following conditions of the In-principle approval have not been complied with:
 - a. Compensatory forest land admeasuring 124.40 Hectares (three times of demanded area) in survey number 314 pt, 8, 9, 10,, 13, 14, 20, 22, 26, 27 & 28, in Village Aandho, Taluka:-Bhuj, District – Kutch has not been given to the Forest Department. Thereby Conditions no. 2(a) , 2(b), 2 (c) have not been fulfilled.
 - b. Condition number 18 of the in principle approval states that "*The forest land shall not be used for any purpose other than what is specified in the project proposal*" fact is that the forest land is being used as a waste dump which very clearly violates Condition number 18.
3. THAT AMNS has been dumping hazardous – Electric Arc Furnace (EAF) Slag in the said forest land. We have a situation where a forest area which was meant to be 'Carbon Sink' for this region being used as a 'Waste Dump'. Recent pictures of the dump site are attached for your ready reference.
4. On account of forest land being used as a 'Waste Dump' there is clear cut violation of condition number 18 of in-principle approval dated 7th April 2014.

Looking at the foregoing, in-principle approval for 38.71 Ha forest land needs to be withdrawn forthwith and proceedings under the forest conservation act need to be initiated against the directors of AMNS.

B. 27.02 Hectare Forest Land

1. In-principle approval for 27.02 hectares forest land was granted for construction of Raw Material facilities and utilities which was granted on 13th July 2015. It is mandatory that final approval for diversion of forest land is obtained within 5 years.
2. It is clear that on the date of the admission of petition Compensatory forest land admeasuring 82.0 hectares in survey number 314 paiki in Village Andhau, Taluka:-Bhuj, District – Kutch has not been given to to the Forest Department. Thereby Conditions no. 2(a) , 2(b), 2 (c) have not been fulfilled.

3. Condition number 12 of the in-principle approval states that "*The forest land shall not be used for any purpose other than that specified in the project proposal*" fact is that the forest land is already being used as a waste dump which very clearly violates Condition number 18.
4. Further, we understand AMNS has been utilizing the 27.02 Ha forest land for dumping waste which is of Hazardous nature.

Such flagrant violation of the Forest Conservation Act needs to be struck down by immediate cancellation and withdrawal of the in-principle approval for diversion of forest land.

C. 20.76 Hectare Forest Land

1. In-principle approval for 20.76 hectares forest land was granted for construction of housing accommodation and allied employees infrastructure facilities which was granted on 08 June 2013. It is mandatory that final approval for diversion of forest land is obtained within 5 years.
2. On this particular forest land the housing accommodation and infrastructure facilities have been already built and are in usage currently which was the reason for levy of penal afforestation and provision of handover of five times compensatory afforestation land in lion corridor.
3. Compensatory afforestation land admeasuring 20.76 ha non-forest land in survey no. 258/3/P, 23, 24,33,38, 39P in village Sanala, Taluka:Palitana, District Bhavnagar has not been mutated in favour of the forest department in spite of elapse of more than 7 years time. Conditions number 2(a), 2(b), and 2(c) have therefore not been fulfilled.
4. 110 Hectares of suitable forest land in Lion Corridor area in village Sanada, TalukaPalitana, District – Bhavnagar has not been given to forest department. This has resulted in conditions number 5 a), 5 b) and 5 c) have not been fulfilled.

We urge you to forthwith revoke and cancel all the three captioned approvals and levy fine equivalent to the market value of the land in question to demonstrate the fact that forest laws of the land could not be flouted with impunity by corporations to further their private agenda.

Kindly inquire into the same and do the needful if the violations are found to be true.

I also beg to inform you that I have filed a PIL no. 34/2021 in the Hon'ble High Court of Gujarat being no.34/2021 for the said issue and the Hon'ble Court has been pleased to issue Notice. A copy of the petition and the order therein are also annexed for your kind reference.

Thanking you

Biren Padhya



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST
AND CLIMATE CHANGE

एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
"केंद्रीय पर्यावरण भवन"
"Kendriya Paryavaran Bhavan"
लिंक रोड नं०-3 Link Road No. 3, E-5,
एशिश्वर नगर/Ravi Shankar Nagar,
भोपाल (मध्य प्रदेश) Bhopal-462016 (M.P.)
Ph. 0755-2469707, 2466525
फैक्स नं०/Fax No. 0755-2463102
e-mail: row2.bpl-mef@nic.in

No. 6-GJC047/2012-BHO/ 049

Date: 16/03/2021

To,

The Additional Chief Secretary (Forests)
Govt. of Gujarat
Sachivalaya, Gandhinagar,
Gujarat.

Sub: Diversion of 38.71 ha Reserved and Un-classed Forest land for setting up 300 MW Power Plant at Hazira in favour of Essar Steel (Hazira) Limited in Surat District of Gujarat.

- Ref. 1) This office In-Principle approval letter No. 6-GJC047/2012-BHO/792 dated 07.04.2014.
2) Govt. of Gujarat letter No. FCA-1012/7-01/12/SF-60/F dated 05.03.2021.
3) Online transaction status of CA, NPV levies (vide e-portal) dated 17.12.2016 & offline dated 16.03.2021.

Sir,

I am directed to invite a reference to Govt. of Gujarat letter No. FCA-1012/3-18/(12)/S.F-44/F dated 24.07.2012 on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed In-principle for diversion of the above forest land for the purpose mentioned, subject to the fulfillment of all the conditions stipulated therein.

The State Government vide letter (2) referred above reported compliance on the fulfillment of the said conditions of the In-principle approval order.

Therefore, the undersigned is hereby directed to convey formal approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 38.71 ha Reserved and Un-classed Forest land for setting up 300 MW Power Plant at Hazira in favour of Essar Steel (Hazira) Limited in Surat District of Gujarat subject to the following terms and conditions:-

Specific Conditions:

1. Legal status of the forest land shall remain unchanged.
2. Forest land shall be handed over only after required non-forest land for the project is handed by the user agency.
3. **Compensatory afforestation :**
 - a) Compensatory Afforestation shall be taken up by the Forest Department over **121.40 ha non-forest land** at Compartment No. 314/pt, 8, 9, 10, 13, 14, 20, 22, 26, 27 & 28 Village-Andhau, Taluka-Bhuj, District-Kutch, Madhya Pradesh at the cost of the User Agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

[Handwritten Signature]

- b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
 - c) Total No. of sapling to be planted shall be not less than 2,02,252 nos. (121.40 ha x 1666) in CA land. The composition of saplings (number of species-wise) to be planted in the CA land shall be as per APCCF(L), Govt. of Gujarat letter No. FCA/31/A/982-83/2020-21 dated 12.03.2021 and as per National Forest Policy and record shall be kept.
 - d) The standard size sapling (minimum height & minimum collar girth and maximum sturdiness quotient species wise) as approved by the State Govt. shall be planted in the selected CA land as per State Govt. of Gujarat letter No. APCCF(L), Govt. of Gujarat letter No. FCA/31/A/982-83/2020-21 dated 12.03.2021.
 - e) The height and collar girth (species wise) shall be measured & recorded at the time of plantation and in November of plantation year. Further, data of height, collar girth and survival percentage (species wise) twice a year (April & November month) shall be recorded & records shall be maintained.
 - f) All the live stumps and pollards having girth at ground level ≤ 90 cm and having coppicing properties present in this CA area shall be dressed from the ground level and girth-wise record shall be kept.
 - g) The CA plantation shall be taken place before end of 2022 monsoon.
4. User agency shall restrict the felling of trees up to **6009 numbers** in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the user agency with the State Forest Department.
 5. The KML files of diverted area and CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to plantation work.

General Conditions:


1. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
2. **The user agency shall maintain green belt (33%) within the allotted area as per the directions of the concerned Divisional Forest Officer.**
3. No labour camp shall be established on the forest land.
4. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
5. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
6. The forest land shall not be used for any purpose other than that specified in the project proposal.
7. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.

38.71 ha
Essar Steel

[Signature]

8. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
9. The user agency shall adhere to all rules, regulations, guidelines & acts enforced by State Govt. and Central Govt. for the proposal.
10. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Government shall ensure compliance of all the above conditions.
11. The layout plan of the proposal shall not be changed without prior approval of Central Government.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulation, guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
15. All the conditions stipulated in Stage-I/In-principle approval shall be strictly complied.
16. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per MoEF&CC Guideline F.No. 11-42/2017-FC dt 29/01/2018 and Para 1.21 of FCA Handbook, 2019.
17. The six monthly Compliance Report for all the conditions stipulated in this Stage-II approval every year on 1st January and 1st July shall be uploaded on e.portal by the State Govt and submitted to this office also.
18. In case of non-compliance of any of the above conditions, the concerned Divisional Forest officer shall report through the State Govt. to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980 on 25.10.1992.

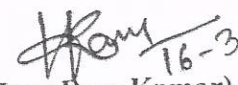
This has been issued with the approval of the Competent Authority.


(Hare Ram Kumar)
Technical Officer (Forestry)

Copy to :-

1. The PCCF & HoFF, Aranya Bhavan, "CH" Circle, Opposite St. Xaviars High School, Sector-10A, Gandhinagar (Gujarat).
2. The Addl. Director General of Forests (FC), Govt. of India, Ministry of Environment and Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi - 110003.
3. The APCCF(L) and NO (FCA), Aranya Bhavan, Gandhinagar (Gujarat).
4. The Dy. Conservator of Forest, Social Forestry Division-Vyara, District-Surat, Gujarat.
5. The Dy. Conservator of Forest, Forest Division Kachchh East Division, Bhuj, Gujarat.
6. The Essar Steel (Hazira) Limited, 27 K.M. Surat, Hazira Road, District-Surat, Gujarat.
7. Order file.

38.71 ha
Essar Steel


(Hare Ram Kumar)
Technical Officer (Forestry)

SUNDAY TIMES OF INDIA, AHMEDABAD
MARCH 7, 2021

TIMES CITY

Mittal meets PM, to invest ₹45k cr-₹65k cr

Kapil Dave & timesgroup.com

Gandhinagar: World's largest steel manufacturer, Luxembourg-based Arcelor Mittal Group is likely to further invest in Gujarat in the coming days at multiple locations. Indian-origin promoter of the company and chairman, L N Mittal, met Prime Minister Narendra Modi at Kevadia on Saturday.

Mittal also met chief minister Vijay Rupani in Ahmedabad. State government officials present in the meeting said the steel company, which took over Essar Steel plant in Hazira some time ago, intends to double the production capacity of its plant in Gujarat besides making fresh investments in the state. The Ar-

celor-Mittal group has pledged fresh investment in Gujarat of between Rs 45,000 and Rs 65,000 crore.

Manoj Das, additional chief secretary (ACS) at chief minister's office (CMO) and in-charge ACS, industry & mines department who accompanied CM Vijay Rupani during the meeting with Mittal said, "L N Mittal apprised the CM about the group's plan to double its production capacity in Gujarat and make fresh investments in specialized steel."

"The group has informed that its fresh investment will be between Rs 45,000 crore to Rs 65,000 crore. We have assured them the best support in realising the business plan and providing incentives under our new industrial

TOI



L N Mittal at the Soli, Kevadia

policy in the last two years alone, FDI inflow in Gujarat has increased manifold. Mittal bringing in fresh FDI into

Gujarat will further give a boost to the state's development," Das added.

When contacted, a company official while confirming Mittal's meeting with PM Modi and the Gujarat CM, refused to divulge any further details.

Mittal visited the Statue of Unity (SoU) at Kevadia and other development projects before meeting the PM and CM. The state government also invited Mittal to the next Vibrant Gujarat summit, briefing him about the business opportunities in the state.

L N Mittal, sources said, discussed the issues of his company's dispute with Rulas-promoted Essar Group. However, the state government is said to have informed that as the matter is sub-judice, the company can pursue the matter in the court of law.

'Holistic defence'

► Continued from P1

The PM also made it clear that the "reforms agenda" in the defence arena will be firmly taken forward.

As was reported by TOI earlier, two new unified tri-service commands in the shape of the "functional" Air Defence Command and the "geographical" Maritime Theatre Command will be set up this year. There should be "a holistic approach" focused on "breaking down civil-military silos," the PM said, advising the Army, Navy and IAF "to rid themselves of legacy systems and practices".



Government of Gujarat
Forest & Environment Department

Block No. 14, 8th Floor, New Sachivalaya, Gandhinagar, Gujarat- 382010, 079-23251065, Fax: 079-23252156.

No. FCA-1012/3-18/11/SF-44/F

Date: 19-4-2021

To

The Addl. Principal Chief Conservator of Forests (Central)

Ministry of Environment & Forest,
Regional Office, Western Region,
Kendriya Paryavaran Bhavan,
Link Road No.3, E-5, Arera Colony,
BHOPAL (M.P.)-462016.

Subject: W.P.(PIL) No.34/2021 in the matter of Mr. Biren Rameshchandra Padhya Vs Union of India and others, pending before the Hon'ble High Court of Gujarat at Ahmedabad.

Ref: 1. Your office letter no. 5-1/21(FOR)/223, Dt.19/03/2021

Sir,

With reference to the above subject, the detailed report submitted by the Nodal Officer (FCA) which is self-explanatory is attached herewith for further necessary action.
Thanking you.

Yours Faithfully,

(S. J. Pandit)

Additional Secretary

Forest & Environment Department

Encl: As above

copy to:-

1. Nodal officer (FCA), Pr. Chief Conservator of Forest's Office, Gujarat State, 'Aranya Bhavan' Sector-10/A, Gandhinagar.
2. Select File

No. FCA/31/A/ 26 /2021-22

Office of the,
Principal Chief Conservator of Forests,
Aranya Bhavan, Block No.A/3,
Sector-10/A, Gandhinagar, Dt. 15/04/2021

To
The Additional Chief Secretary
Forest and Environment Department
Government of Gujarat
Block No. 14, Sachivalaya
Gandhinagar

Sub: W.P. (PIL) No. 34/2021 in the matter of Mr. Biren Rameshchandra Padhya
Vs Union of India and Others, pending before the Hon'ble High Court of
Gujarat at Ahmedabad.

Ref: (1) Forest and Environment department, Sachivalaya, Gandhinagar's letter
no: FCA-1012/3-18/11/SF-44/F, Dt. 24/03/2021
(2) Chief Conservator of Forests, Surat's letter no:
CAMPA-I/Land/Surat, Dt.12/04/2021

This is regarding the above subject and reference wherein a complaint was made by Shri Biren Rameshchandra Padhya to Deputy Director General of Forests, MoEF, Regional Office (West Zone) Bhopal. An enquiry has been got conducted through Chief Conservator of Forests, Surat circle in the matter. The report received from Chief Conservator of Forests, Surat Circle is attached as **Annexure-1**. The findings of the enquiry report are as follows:

It is submitted that the area in question belongs to part of Survey No. 179 of Hazira-2 beat of Hazira round of Dumas range. Since the demarcation on the site area was not clear, a joint survey was conducted by the surveyors from forest department and District Inspector of Land Records (DILR) to finalize the boundary of forest and revenue land. Based on the map given by DILR, KML file was generated for forest area and on which (KML) files of area demanded -38.71ha and 27.02 ha was superimposed and final (KML) file was generated. This final (KML) file was then submitted to Bhaskaracharya Institute for Space Applications and Geo-Informatics (BISAG) for assessment of unauthorized construction and dumping area which submitted the satellite maps with the details to the office of the Deputy Conservator of Forests, Surat. BISAG sent the details for the year 2006,2008,2010,2014,2015,2016,2017,2018,2019,2020 and 2021. The satellite images of year 2009, 2011, 2012 and 2013 were not available with BISAG but it is in process to obtain the same from NRSC Hyderabad. Based on these obtained maps and details along with the site visit, the unauthorized construction and dumping area was calculated. The findings of the detailed analysis for the above areas are as submitted below:

A. Dumping and unauthorized construction:

1. Dumping and unauthorized construction in 38.71 ha of forest land (demanded by the user agency) –

- (i) The in-principle approval was accorded to this proposal by Government of India vide no.6-JC047/2012-BHO/792 dated 07/04/2014 in favor of Essar Steel (Hazira) Ltd.
- (ii) As per letter from office of DCF Kutch (East) vide no. A/Land/T-9/1486-88/2020-21 dated 4/3/21 and letter from office of ArcelorMittal Nippon Steel India Ltd dated 23/2/2021, the non-forest land Survey no. 314 pt, 2, 8, 9, 10, 13, 14, 18, 20, 26 and 27 admeasuring 121.40 ha has been handed to Forest Department by user agency on 3/3/2021 and mutation has been done in name of forest department. Based on undertakings given by the company, payment receipts and land mutation documents submitted by the company, formal approval has been accorded to this proposal by Government of India vide no. 6-JC047/2012-BHO/049 dated 16/03/2021 and Government of Gujarat also issued the memorandum conveying the formal approval dated 22/03/2021.
- (iii) Through joint survey and assessment based on maps and details provided by BISAG, it is established that as on 23/03/2021 illegal dumping of steel slag has been done by company in approximately 23.15 ha of Forest land and illegal construction has been done in 7.14 ha of forest land. Further, no vegetation is seen in rest of 8.42 ha of area which was earlier there in 2006 (based on satellite image). Based on maps and details given by BISAG, the unauthorized construction work was completed before 2014 and dumping started in 2014. After 2014, the dumping area gradually increased and reached approximately 23.15 ha in 2021. Further, after 2014 there is no increase in unauthorized construction area. (BISAG maps with assessment area calculation sheet are attached here with). The polygon B in the maps indicate 38.71 ha land parcel.

The progression of unauthorized construction and dumping in this parcel of land is as follows:

S. No.	Year	Dumping area (ha)	Unauthorized Construction Area (ha)	Total (ha)
1	2006	0	0	0
2	2008	0	4.47	4.47
3	2010	0	4.47	4.47
4	2014	0.29	7.14	7.43
5	2015	6.35	7.14	13.49
6	2016	7.16	7.14	14.30
7	2017	12.99	7.14	20.13
8	2018	14.45	7.14	21.59
9	2019	18.28	7.14	25.42
10	2020	20.68	7.14	27.82
11	2021	23.15	7.14	30.29

2. Dumping and unauthorized construction in 27.02 ha of forest land (demanded by user agency) –

- (i) The in-principle approval was accorded to this proposal by Government of India vide no. 6-JC018/2015-BHO/731 dated 13.7.2015.
- (ii) As per letter from office of DCF Kutch (East) vide no. A/Land/T-9/1486-88/2020-21 dated 4/3/21 and letter from office of AMNS dated 23/2/2021, the non-forest land [Survey no. 314 pt, 1,4,5,24,17,6 and 16 admeasuring 84.98 ha has been handed to Forest Department by user agency on 3/3/2021 and mutation has been done in name of forest department. Based on the undertakings given by the company, payment receipts and land mutation documents submitted by the company, formal approval has been accorded to this proposal by Government of India vide no. 6-JC018/2015-BHO/048 dated 16/03/2021 and Government of Gujarat also issued memorandum conveying the formal approval dated 22/03/2021.
- (iii) Through joint survey and assessment based on maps and details given by BISAG it is established that as on 23/03/2021 illegal dumping of steel slag has been done has been done by company in approximately 8.15 ha of Forest land and unauthorized construction has been done in 6.20 ha of forest land. Based on maps given by BISAG, the unauthorized construction work was completed before 2014 and illegal dumping started on or before 2014. After 2014, the dumping area gradually increased and reached approximately 8.20 ha in 2021. Further, after 2014 there is no increase in unauthorized construction area. (BISAG maps with assessment area calculation sheet are attached here with) The polygon A in the maps indicate 27.02 ha land parcel.

The progression of unauthorized construction and dumping in this parcel of land is as follows:

S.No.	Year	Dumping area (ha)	Unauthorized Construction Area (ha)	Total (ha)
1	2006	0	0	0
2	2008	0	0	0
3	2010	0	2.94	2.94
4	2014	1.41	6.2	7.61
5	2015	1.41	6.2	7.61
6	2016	1.41	6.2	7.61
7	2017	1.63	6.2	7.83
8	2018	2.23	6.2	8.43
9	2019	3.17	6.2	9.37
10	2020	6.68	6.2	12.88
11	2021	8.15	6.2	14.35

3. 20.76 ha of forest land –

- (i) The in-principle approval was accorded to this proposal vide no. 6-JC019/2011-BHO/950 dated 08/06/2013. The company constructed the housing facility on this land before applying for the diversion. So, in this case in principle approval was given with Penal Compensatory Afforestation Land and Penal NPV. The user agency has committed to transfer and mutate penal CA land in favor of Gujarat Forest Department in their letter dated 04.03.2021 in one month time. Formal approval has not been accorded by Government of India to this proposal. In this area illegal dumping has not been observed.

It has also been submitted that the user agency constructed the boundary wall in 2009-2010 on the road side boundary of this survey No. 179 and both the land parcels demanded by it- 38.71 ha and 27.02 ha falls inside this boundary wall. It has been inferred that the User Agency has occupied the aforesaid forest area without approval from competent authority.

B. Action Taken:

- (i) First Offence Report (F.O.R) no. 01/2020-21 dated 30/03/2021 has been issued by Round Forester Hazira and offence has been booked under section 26 (1) (a),(d),(g),(h) and (i) of Indian Forest Act, 1927 and inquiry has been initiated. Further, since the User Agency started the work before the formal approval, it is also considered as “violation” under section 1.2.1 of Chapter-I (Court Orders and General Clarifications) of Handbook Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines and Clarifications). The User Agency has been issued show cause notice by Range Forest Officer Dumas on 31.03.2021 in this regard to which the User Agency has submitted its reply on 04.04.2021. The User Agency in its reply has accepted the illegal dumping and unauthorized construction done within the two land parcels – 38.71 ha and 27.02 ha without getting the formal approval. Also, the User Agency has agreed to pay the penalty for this violation. The justification for unauthorized construction and illegal dumping in these two parcels of forest land – 38.71 ha and 27.02 ha has been given by User Agency in its reply dated 04.04.2021. In its reply, the User Agency has cited that due to lack of clear demarcation between revenue and forest land, it inadvertently did the construction activity. Also, the User Agency has replied that in anticipation of the formal approval it used the forest land as dumping site and also most of the dumping was done during COVID-19 pandemic lock down period for running manufacturing cycle and providing employment to thousands of workers as it couldn't sell or dump it outside. The copy of the reply of User Agency is attached as **Annexure-2**.

- (ii) Since the violation has come to cognizance of the authority, despite the formal approval in both the proposals- 38.71 ha and 27.02 ha, the possession has not been handed over to the User Agency.
- (iii) In-charge Range Forest Officer Dumas and Range Forest Officer (Survey) have been transferred and subsequently put under suspension by the department. Disciplinary action proceedings have been initiated against the serving field officers for negligence of their duty to prevent unauthorized construction and illegal dumping in that area over time for which the show cause notices have been issued to these officers. The list of officers along with action taken is as follows:

S. No.	Name of Officer	Cadre	Action Taken
1.	Shailendrasinh J. Yadav	RFO (Survey)	Transferred and put under suspension. Show cause notice issued for initiating disciplinary proceedings.
2.	Jitendra Bhai G. Barot	Forester and in charge Range Forest Officer Dumas at time of violation came to cognizance	Transferred and put under suspension. Show cause notice issued for initiating disciplinary proceedings.
3.	Rasikbhai A. Barot	Forester	Show cause notice issued for initiating disciplinary proceedings.
4.	Dharmesh kumar S. Patel	Beat Guard	Show cause notice issued for initiating disciplinary proceedings.
5.	Nikunjibhai R. Patel	Forester	Show cause notice issued for initiating disciplinary proceedings.
6.	Jayantibhai U. Baria	Forester	Show cause notice issued for initiating disciplinary proceedings.
7.	Ashokkumar G. Senva	Beat Guard	Show cause notice issued for initiating disciplinary proceedings.

Based on the above facts, Chief Conservator of Forests, Surat Circle has recommended for submission of the above report regarding the violations to the competent Authority under Forest (Conservation) Act, 1980 and rules and guidelines.

In view of the above, it is submitted that the User Agency has committed violations under the Forest (Conservation) Act, 1980 and as per provisions under

Chapter-I of Handbook Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines and Clarifications), the same may be referred to the Regional Office, Ministry of Environment, Forest and Climate Change, Bhopal for imposition of necessary penal provisions in the above matter.

D/C
15/4

^{Donw}
(Dr. Jaipal Singh)
Addl. Pri. Chief Conservator of Forests
Land and Nodal Officer
Gujarat State, Gandhinagar



Government of Gujarat
Forest & Environment Department

Block No. 14, 8th Floor, New Sachivalaya, Gandhinagar, Gujarat- 382010, 079-23251065, Fax: 079-23252156.

No. FCA-1012/3-18/11/SF-44/F

Date: 20/05/2021

To

The Addl. Principal Chief Conservator of Forests (Central)
Ministry of Environment & Forest,
Regional Office, Western Region,
Kendriya Paryavaran Bhavan,
Link Road No.3, E-5, Arera Colony,
BHOPAL (M.P.)-462016.

Sub: Diversion of 38.71 ha reserved and unclassed forest land for setting up 300 MW Power Plant at Hazira in favour of Essar Steel (Hazira) Limited in Surat District of Gujarat.

- Ref.** (i) Government of India vide no.6-GJC047/2012-BHO/792 dated 07/04/2014 conveying in-principle approval
(ii) Government of India vide no. 6-GJC047/2012-BHO/049 dated 16/03/2021 conveying formal approval
(iii) Government of India no. 5-1/21(FOR)/223 dated 19/03/2021
(iv) Government of Gujarat letter no. FCA-1012/3-18/11/SF-44/F dated 22.03.2021
(v) Government of Gujarat letter no. FCA-1012/3-18/11/SF-44/F dated 12.04.2021
(vi) Government of Gujarat letter no. FCA-1012/3-18/11/SF-44/F dated 19.04.2021

Sir,

This is regarding the above subject and reference, the above proposal has been approved by the Government of India under Forest (Conservation) Act, 1980 as per the above referred letters.

In this regard, based on a reference from the office of Integrated Regional Office, MoEF, Bhopal (Ref-3), an enquiry was got conducted through Chief Conservator of Forests, Surat and the following violations have been reported with regard to the above proposal:

It has been observed that due to lack of demarcation on the site, the actual area was not clear on ground. In view of this, a joint survey was conducted by District Inspector of Land Records (DILR) and by the surveyors from forest department to finalize the boundary of forest and revenue land. Based on the map given by DILR, KML file was generated for forest area and on which (.KML) file of the proposed area demanded was superimposed and final (.KML) file was generated. This final (.KML) file was then submitted to Bhaskaracharya Institute for Space Applications and Geo-Informatics (BISAG) for assessment of dumping area. An analysis of the above area was done by BISAG and details have been made available to the office of the Deputy Conservator of Forests, Surat for the year 2006, 2008, 2010, 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021. Based on these obtained maps and details along with the site visit, the unauthorized construction and

dumping area was calculated. The findings of the detailed analysis for the above areas are as submitted below:

It has been observed that, as on 23/03/2021, illegal dumping of steel slag has been done by company in approximately 23.15 ha of Forest land and illegal construction has been done in 7.14 ha of forest land. Further, no vegetation is seen in rest of 8.42 ha of area which was earlier there in 2006. It has been found that unauthorized construction work was completed before 2014 and dumping started in 2014. After 2014, the dumping area gradually increased and reached approximately 23.15 ha in 2021. Further, after 2014 there is no increase in unauthorized construction area. (BISAG maps with assessment area calculation sheet are attached here with). The polygon B in the maps indicate 38.71 ha land parcel (**Annexure-1**).

The progression of dumping and unauthorized construction in this parcel of land is as follows:

S.No.	Year	Dumping area (ha)	Unauthorized Construction Area (ha)	Total (ha)
1	2006	0	0	0
2	2008	0	4.47	4.47
3	2010	0	4.47	4.47
4	2014	0.29	7.14	7.43
5	2015	6.35	7.14	13.49
6	2016	7.16	7.14	14.30
7	2017	12.99	7.14	20.13
8	2018	14.45	7.14	21.59
9	2019	18.28	7.14	25.42
10	2020	20.68	7.14	27.82
11	2021	23.15	7.14	30.29

As per the above, it is clear that construction activity was completed in the above forest land by 2014 in about 7.14 Ha of area. The same was not reported by the Deputy Conservator of Forests in his site inspection report. Dumping of waste material has been done in about 23.15 ha of the area, mostly during the course of submission of compliance for the conditions laid down in in-principle approval.

Action taken by the Department :

- (i) First Offence Report (F.O.R) no. 01/2020-21 dated 30/03/2021 has been issued by Round Forester Hazira and offence has been booked under section 26 (1) (a),(d),(g),(h) and (i) of Indian Forest Act, 1927 and inquiry has been initiated. The User Agency was issued show cause notice by Range Forest Officer Dumas on 31.03.2021 in this regard and the User Agency has submitted its reply on 04.04.2021. The User Agency in its reply has stated that the civil constructions have been done inadvertently by them and they have come to know about the constructions done in 2009-2010 are within the forest are only after the joint survey has been done. The User Agency is willing to pay the penal amount as per Forest Conservation Act, 1980 to regularize the proposal. In its reply, the company has cited that due to lack of clear demarcation between revenue and forest land, it inadvertently did

the construction activity. The User Agency has also stated that in anticipation of the formal approval, it used the forest land as slag dumping site in 2016 and after the resolution of IBC proceedings in 2019 for running manufacturing cycle and providing employment to thousands of workers. The copy of the reply of User Agency is attached as **Annexure-2**.

- (ii) Since the violation has come to cognizance, despite the formal approval regarding the above proposal, the possession has not been given to the company and land has not been handed over to it.
- (iii) The Deputy Conservator of Forests, Vyara, Shri B.G. Prajapati who had done the site inspection on 18.03.2011 and has failed to register the violation done has retired long back on and no further action could be initiated against him.
- (iv) In-charge Range Forest Officer Dumas and Range Forest Officer (Survey) have been transferred and subsequently put under suspension by the department. Disciplinary action proceedings have been initiated against the serving field officers for negligence of their duty to prevent unauthorized construction and illegal dumping in that area over time for which the show cause notices have been issued to these officers. The list of officers along with action taken is as follows:

S.No.	Name of Officer	Cadre	Action Taken
1.	Shailendrasinh J. Yadav	RFO (Survey)	Transferred and put under suspension. Show cause notice issued for initiating disciplinary proceedings.
2.	Jitendra Bhai G. Barot	Forester and in charge Range Forest Officer Dumas at time of violation came to cognizance	Transferred and put under suspension. Show cause notice issued for initiating disciplinary proceedings.
3.	Rasikbhai A. Barot	Forester	Show cause notice issued for initiating disciplinary proceedings.
4.	Dharmesh kumar S. Patel	Beat Guard	Show cause notice issued for initiating disciplinary proceedings.
5.	Nikunjibhai R. Patel	Forester	Show cause notice issued for initiating disciplinary proceedings.
6.	Jayantibhai U. Baria	Forester	Show cause notice issued for initiating disciplinary proceedings.

7.	Ashokkumar G. Senva	Beat Guard	Show cause notice issued for initiating disciplinary proceedings.
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It is also submitted that the original User Agency has undergone insolvency proceedings and has been taken over by the present User Agency, ArcelorMittal Nippon Steel India Ltd. on 08.01.2020. The majority of the violations have been done by the earlier proponent. The present User Agency, although not the main violator, has agreed to abide by the penal provisions for resolution of the matter.

In view of the above, as the User Agency has complied with all the conditions of the in-principle approval and final approval has been granted by the Government of India for the above proposal, it is recommended to consider the following penalty clauses provided in Chapter 1 of the Guidelines and Clarifications for Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003:

- a. For the dumping of waste in 23.15 Ha, as the violation has been made during the process of grant of approval after in-principle approval provisions made under 1.21 (iii) (a) may be considered with imposition of twice the normal NPV.
- b. For 7.14 ha of area, wherein construction activity has been done, provisions made under 1.21(ii)(a) of the Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines and Clarifications) may be considered for which 5 times of NPV and simple interest@12 percent till the date of deposit may be imposed.

Yours Faithfully,



(S. J. Pandit)

Additional Secretary

Forest & Environment Department

copy to:-

1. Nodal officer (FCA), Pr. Chief Conservator of Forest's Office, Gujarat State, 'Aranya Bhavan' Sector-10/A, Gandhinagar.
2. Select File



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण एवं वन मंत्रालय
MINISTRY OF ENVIRONMENT & FORESTS

क्षेत्रीय कार्यालय, पश्चिम क्षेत्र
Regional Office, Western Region,
"केंद्रीय पर्यावरण भवन"
"Kendriya Paryavarana Bhavan"
लिंक रोड नं-3, Link Road No. 3
E-5, रविशंकर नगर/Ravi Shankar Nagar,
भोपाल (मध्य प्रदेश)/Bhopal-462016 (M.P.)
फोन-0755-2466525, 2463102 (Fax), 2465496
अधुनाक /E-mail: apcofbhopal@gmail.com

No: 6-GJC 019/2011-BHO/ 950

dated 08/06/2013

To:
The Principal Secretary,
Govt. of Gujarat,
Forest and Environment Department,
14/8, Sardar Bhawan,
Sachivalaya, Gandhinagar.

Subj. Diversion of 20.76 ha reserved forest land for construction of housing accommodation and allied employees infrastructure facilities in Village-Hazira (Suvali) in favour of M/s Essar Steel Ltd in Ahmedabad District of Gujarat.

Sir,

I am to invite reference to your letter No. FCA-1009 (10-03) S.F-92-F dated 24/02/2011, letter No. FCA-1009/10-03/SF-92/F, letter No. FCA/29/A/577-78/11-12 dated 26/7/2011, letter of even dated 05/08/2011 and letter dated 04/05/2013 on the subject cited, seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

After careful consideration of the proposal of the State Government, the undersigned is directed to convey that the Central Government hereby agrees in-principle for diversion of 20.76 ha Reserved Forest land for construction of housing accommodation and allied employees infrastructure facilities in Village-Hazira (Suvali) in favour of M/s Essar Steel Ltd in Ahmedabad District, subject to the following conditions:-

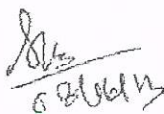
1. The legal status of the forest land shall remain unchanged.
- 2 (a) Compensatory afforestation shall be taken up by the Forest Department over 20.76 ha non-forest land Survey No. 258/3/P 23, 24, 33, 38, 39P, Village- Sanata, Taluka-Palitana, District- Bhavnagar at the cost of the User Agency.
- (b) The non forest land shall be transferred and mutated in favour of the Forest Department.
- (c) The non-forest land shall be notified as Reserved Forest.
3. The Penal compensatory afforestation over 41.52 ha. of degraded forest land Compartment/ Survey No. 219, Forest Division-Vyara, Village- Kanji, Taluka- Songadh, District- Tapi will be raised at the cost of User Agency.
4. The cost of compensatory afforestation and Penal afforestation shall be deposited in advance at prevailing wage rates with the Forest Department by the User Agency.
- 5 a) The User Agency will provide 110 ha of non-forest land in "Lion Corridor" area, suitable as Lion habitat in Village- Sanata, Ta- Palitana, District-Bhavnagar
- b) The non forest land shall be transferred and mutated in favour of the Forest Department.
- c) The non-forest land shall be notified as Reserved Forest.

[Signature]
08/06/13

6. As a CSR the User Agency will deposit 2.5 times of the market value prevailing in 2006 for the area in "Lion Conservation Society".
7. (a) The State Government shall charge the "Net Present Value"(NPV) for the 20.76 ha of forest land to be diverted under the proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2005, 28/03/2008 and 09/05/2008 in IA-566 in W.P. (Civil) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No.S-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No.S-2/2006-FC dated 07/10/2006 and S-3/2007-FC dated 05/02/2009 in this regard.
(b) Additional amount of NPV of diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency, which shall furnish an undertaking to this effect.
8. All the funds received from the User Agency under the project shall be transferred to the Ad-hoc Compensatory Afforestation Fund Management & Planning Agency (CAMPA) in Savings Bank A/c No. (CAF Gujarat) SB 01025208 Corporation Bank, Lodhi Complex, New Delhi 110 003.
9. The User Agency will obtain clearance under the provisions of ST & OTFD (Recognition of Forest Rights) Act, 2006 as may be applicable, before the final approval. A certificate to the effect that all claims and rights over the proposed forest land have been settled will be forwarded to this office by the State Govt. before the final approval.
10. (a) Demarcation of the area shall be done on ground at the project cost using four feet high RCC pillars with Serial Numbers, forward and back bearing and distance from pillar to pillar.
(b) At the cost of User Agency, the area of compensatory afforestation will also be fenced, if demanded by the State Forest Department.
11. No tree felling will be allowed.
12. The forest land shall not be used for any purpose other than what is specified in the project proposal.
13. All statutory Acts and rules made thereunder applicable to the project have to be strictly followed.
14. Any other condition, which the Central Government may stipulate.

After receipt of the compliance report on fulfilment of condition Nos 2(b), 4, 5 (b), 6, 7, 8 and 9 from the State Government, proposal will be considered for final approval under Section 2 of the Forest Conservation Act, 1980 by this office.

Any order for transfer of forest land to user agency shall not be issued by the State Government till formal approval order for diversion of forest land is issued by the Regional Office, Mofl, Bhopal.




Yours faithfully,

(S K Bhandari)
Chief Conservator of Forests (C)

Copy to

-3-

1. The Director, ROHQ, Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi - 110003.
2. The Addl. Principal Chief Conservator of Forest and Nodal Officer (Forest Conservation) Act. Aranya Bhavan, Block No. A/1, Near "Ch" Circle, Opposite St. Xaviers High School, Sector-10A, Gandhinagar (Gujarat).
3. The Dy. Conservator of Forests, Vyara Forest Division, District-Ahmedabad, Gujarat.
4. The Dy. Conservator of Forests, Bhavnagar Forest Division, District- Bhavnagar, Gujarat.
5. M/s Essar SEZ Hazira Ltd, ESSAR House 11, K.K. Marg, Mahalaxmi, Mumbai-4000 034.
6. Order File.


(S.K. Bhandari)
Chief Conservator of Forests(C)
08/06/13

ક્લેક્ટરશ્રી, સુરતના અધ્યક્ષપણા હેઠળ તા.૨૮/૧૦/૨૦૧૪ નાં રોજ સાંજે ૧૭.૩૦ કલાકે યોજાયેલ જિલ્લા જમીન મુલ્યાંકન સમિતિની બેઠકની કાર્યવાહી નોંધ:

જિલ્લા જમીન મુલ્યાંકન સમિતિની બેઠકમાં નીચે જણાવેલ અધિકારીશ્રીઓ હાજર રહેલ.

:૧:	ક્લેક્ટરશ્રી	અધ્યક્ષશ્રી
:૨:	જિલ્લા વિકાસ અધિકારીશ્રી, જિ.પં.સુરત	સભ્યશ્રી
:૩:	નિવાસી અધિક ક્લેક્ટરશ્રી, સુરત	સભ્ય સચિવશ્રી
:૪:	નગર નિયોજકશ્રી, નગર આયોજન અને મુલ્યાંકન ખાતું, સુરત	સભ્યશ્રી

આજની આ બેઠકમાં હાજર રહેલા સૌને આવકારી બેઠકની કાર્યવાહી શરૂ કરવામાં આવી. નગર નિયોજકશ્રી, સુરત તરફથી રજુ કરવામાં આવેલ ૨(બે) કેસો સમિતિ સમક્ષ ચર્ચામાં લેવામાં આવેલ છે. બેઠકમાં સદરહું પ્રકરણો પરત્વે મીટીંગમાં વિસ્તૃત ચર્ચા શરૂ કરવામાં આવી.

સુરત શહેર રાજ્યનું બીજા નંબરનું મોટું શહેર છે. સુરત જિલ્લો મહત્વના રાજ્ય ધોરીમાર્ગો, રાષ્ટ્રીય ધોરીમાર્ગો, રેલ સુવિધા અને હવાઈ સુવિધાથી સીધો સંકળાયેલો હોવા ઉપરાંત એક્ષપ્રેસ-વેની મહત્વની કનેક્ટીવીટી ધરાવે છે. સુરત શહેર અને આજુબાજુના વિસ્તારોમાં કુદરતી સંપત્તિની વિપુલ વ્યાપક ઉપલબ્ધીનાં કારણે હીરા ઉત્પાદન અને વેચાણનો વ્યવસાય, ટેક્સટાઈલ્સ અને જરીઉદ્યોગ સાથે રાષ્ટ્રીય અને આંતર રાષ્ટ્રીય સ્તરનાં મહત્વનાં ખાનગી કોર્પોરેટ સેક્ટરનાં પ્રોજેક્ટ અને રાજ્ય સરકાર તથા કેન્દ્ર સરકારના મહત્વના પ્રોજેક્ટ પણ સુરત નજીકમાં કાર્યરત છે. ત્યારે શહેર અને તેની આજુબાજુના વિસ્તારોનો ઝડપી વિકાસ થઈ રહેલ છે. સુરત મહાનગરપાલિકા અને સુરત શહેરી વિકાસ સત્તા મંડળ તથા સ્થાનિક સ્વરાજ્યની સંસ્થાઓ દ્વારા ઉપલબ્ધ આંતર માળખાકીય સવલતો વધવાને કારણે ઔદ્યોગિક અને વ્યવસાયગત વિકાસની હરિકાઈને કારણે જમીનની માંગ પરત્વે જમીનોનું મહત્વ અને મુલ્ય વધતું રહ્યું છે.

સરકારશ્રીનાં મહેસુલ વિભાગનાં તા.૨૬/૪/૧૧ નાં પરિપત્ર ક્રમાંક: જમન/ ૩૮૧૦/ ૩૫૧૮/અ.૧ અનુસાર તેમાં જણાવેલ માર્ગદર્શક સિદ્ધાંતોને ધ્યાને લઈ જે તે જમીનનું મુલ્યાંકન નક્કી કરવામાં આવે છે.

સમિતિ દ્વારા કેસ દીઠ વિસ્તૃત ચર્ચા વિચારણા કરીને સર્વાનુમતે નીચેની વિગતે જે તે જમીનનું મુલ્યાંકન નક્કી કરવામાં આવે છે.

- (૧) મોજે:બરબોધન, તા.ઓલપાડના બ્લોક નં. ૧૦૫૬/બ, ક્ષે.હે. ૧૨૩.૮૬.૮૮ ચો.મી. પૈકી હે.૬૮.૭૮.૬૦ ચો.મી. વાળી નવી શરતની જમીનમાં વેચાણ પરવાનગી મળવાના કામે કિંમત નક્કી કરવા બાબત.

આ કામે અધિકૃત અધિકારીશ્રી, રામાન્યુજ પ્રિન્ટ એન્ડ પેપર્સ લી. બરબોધન, તા.ઓલપાડના સવાલવાળી જમીન વેચાણ કરવા પરવાની મળવા માંગણી કરેલ હોય નગર નિયોજકશ્રી, સુરત દ્વારા મુલ્યાંકન અંદાજ અહેવાલ રજુ કરેલ છે.

નગર નિયોજકશ્રી, સુરત એ સુચવેલ છે કે, મોજે. બરબોધન, તા. ઓલપાડના બ.ન. ૧૦૫૬/બ વાળી જમીન હાલ સ્થળે ખુલ્લી પડતર તથા કડવા જંગલી બાવળના ઝાડો અને ભરતીના સમયે પાણીના ભરાવાવાળી જમીન છે. સવાલવાળી જમીનમાંથી હાઈટેન્શન ઈલેક્ટ્રીક લાઈન પસાર થાય છે. જમીનની ઉત્તરે સવાલવાળી જમીન પૈકીની ખુલ્લી પડતર તથા પાણીના ભરાવાવાળી જમીન સ્થિત થયેલ છે. ત્યારબાદ બ.નં. ૧૦૫૫, ૧૦૫૪ વાળી જમીનમાં રામાન્યુજ પ્રિન્ટની ફેક્ટરી સ્થિત થયેલ છે. તથા બાજુમાં બ.નં. ૫૮૬ થી ૬૦૭ વાળી ખુલ્લી પડતર જમીન સ્થિત થયેલ છે. તથા બાજુમાં બ.નં. ૧૦૬૫, ૧૦૬૩, ૧૦૭૦, ૧૦૮૩, ૧૦૮૪ વાળી ખુલ્લી પડતર જમીન સ્થિત થયેલ છે. સવાલવાળી જમીનની પૂર્વે સવાલવાળી જમીન પૈકીની ગૌચરની જમીન ત્યારબાદ બ.નં. ૧૧૨૩

ઉપરોક્ત કેસો પૈકી જે કેસોની કિંમત રૂ. ૫૦/- લાખથી વધુ થતી હોય તેવા કેસો રાજ્ય મુલ્યાંકન સમિતિમાં નિર્ણય લેવા સરકારશ્રીમાં દરખાસ્ત મોકલવાની રહેશે. (૮૧૭)

અન્ય કોઈ મુદ્દા ન હોય મીટીંગ આભાર સાથે બેઠક પુર્ણ થયેલી જાહેર કરવામાં આવી.

નં. એ/જમન/મુલ્યાંકન/માહે-સપ્ટેમ્બર/૨૦૧૩
જિલ્લા સેવા સદન-૨ બી બલોક પમો માળ અઠવાલાઈન્સ,
સુરત. તા. ૨૮/૧૦/૨૦૧૪.

રવાના કર્યું

કલેક્ટર, સુરત વતી.
11/11/14

સહી/-

અધ્યક્ષ

જિલ્લા જમીન મુલ્યાંકન સમિતિ

અને

કલેક્ટર સુરત

પ્રતિ,

સંબંધિતો તમામ તરફ જાણ સારું.

નકલ રવાના:-નગર નિયોજકશ્રી, નગર આયોજન અને મુલ્યાંકન ખાતુ, સી/૭, બહુમાળી
મકાન, નાનપુરા, સુરત.



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

क्षेत्रीय कार्यालय, पश्चिम क्षेत्र,
Regional Office, Western Region,
"केन्द्रीय पर्यावरण भवन"
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फैक्स नं./ Fax No. 0755-2463102
अणुछाक /E-mail: rowz.bpl-mef@nic.in

No.6-GJC018/2015-BHO/731

Date: 13/07/2015

To,

The Principal Secretary,
Govt. of Gujarat,
Forest and Environment Department,
Sardar Patel Bhawan, Block No14/8,
Sachivalaya, Gandhinagar-382010

Sub: Diversion of 27.02 ha Reserved Forest land bearing Survey No. 179/pt at Village-Hajira, Taluka-Choryasi for construction of Raw Material Facilities and utilities in favour of Essar Steel Ltd. in Surat District of Gujarat.

Sir,

I am directed to invite a reference to your letter No. FCA-1014/10-07/14/S.F-60/F dated 18/05/2015 on the above-mentioned subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980.

The proposal was dully considered and approved by the Regional Empowered Committee in its meeting held on 30/06/2015 for issuance of in-principle approval. Therefore, the undersigned, on behalf of the Central Government, conveys in-principle approval for diversion of 27.02 ha Reserved Forest land bearing Survey No. 179/pt at Village-Hajira, Taluka-Choryasi for construction of Raw Material Facilities and utilities in favour of Essar Steel Ltd. in Surat District of Gujarat subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land shall be handed over to the User Agency only after the User Agency has got possession of non-forest land, if any, required for the project.
3. Compensatory Afforestation :
 - a) Compensatory afforestation shall be taken up by the Forest Department over 82.00 ha non-forest land (Survey No. 314 Paiki, Village-Andhau, Tal-Bhuj, District-Kachchh) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.



- b) The non-forest land shall be transferred and mutated in favour of Forest Department before issue of the Stage-II clearance.
 - c) The non-forest land which is transferred and mutated in favour of State Forest Department for the purpose of CA, shall be declared as Reserved Forest under the Indian Forest Act, 1927 and the State Govt. must report compliance within a period of six (6) months from the date of grant of stage-II approval under the Forest (Conservation) Act, 1980 for diversion of the said forest land and send a original notification of RF to the Central Government for confirmation and record.
 - d) The land identified for the purpose of CA shall be clearly depicted on a Survey of India Toposheet of 1:50, 000. The bearing of each corner point and distances between successive points will be recorded along with GPS reading of Geo-Coordinates (Latitudes & Longitudes).
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
 5. NPV :
 - a) The State Government shall charge the Net Present Value(NPV) for the 27.02 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24/04/2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
 6. All the funds received from the user agency under the project shall be transferred to the Ad-hoc Compensatory Afforestation Fund Management & Planning Agency(CAMPA) in Saving Bank A/c No. SB 01025208 of Corporation Bank, Lodhi Complex, New Delhi- 110003.
 7. Felling of trees :

Project shall restrict the felling of trees upto 1228 numbers in the diverted forest land and the trees shall be felled under strict supervision of the State Forest Department.



8. For imposing any additional condition State Govt, should formulate norms in the interest of conservation, protection and development of forest and wildlife and notified the same for imposing additional conditions. This is with regard to the proposal recovery of Rs. 1.00 crore was proposed by the Nodal Officer and the same is under active consideration of the State Govt.
9. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
10. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
11. No labour camp shall be established on the forest land.
12. The forest land shall not be used for any purpose other than that specified in the project proposal.
13. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
14. The User Agency shall provide alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the forest areas.
15. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
16. The User Agency shall ensure that because of this project, no damage is caused to the Wildlife.
17. Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made there under and amended from time to time regarding use of fly ash shall be fully complied with.
18. It will be the responsibility of the User Agency to ensure that the labourers and staff engaged in construction activity do not damage forest flora and fauna.
19. Muck disposal, if required, shall be taken up as per the scheme approved by the Forest Department.
20. Soil conservation measures, if required, shall be taken up by the user agency.
21. Proposed labour camps outside the forest area, are to be dismantled and removed. The labourers shall be sent back immediately after the completion of the work.
22. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
23. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.



24. Any other condition that the Ministry of Environment Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
25. The User Agency shall submit compliance report as on 1st January to the Nodal Officer of the State.
26. The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 1st July of every year.
27. The User Agency and the State Government shall ensure compliance of provisions of the all Acts, rules, regulations and guidelines for the time being in force as applicable to the project.

After receipt of compliance report on fulfillment of the condition Nos 3(b), 4, 5 and 6 from the State Government, proposal will be considered for final approval under Section - 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be issued by the State Government till formal approval for diversion of forest land is issued by this office.

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Yours faithfully,

(B. Abhay Bhaskar)
Dy. Conservator of Forests (Central)

Copy to :-

- 1 Director, (ROHQ), Govt. of India, Ministry of Environment and Forests and Climate Change, Agni, C-wing, 3rd Floor, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi - 110003.
- 2 The Addl. Principal Chief Conservator of Forests and Nodal Officer (Forest Conservation) Act, Aranya Bhavan, Block No. A/3, Near "Ch" Circle, Opposite St. Xaviers High School, Sector-10A, Gandhinagar (Gujarat)
- 3 The Dy. Conservator of Forests, Vyara Forest Division-Surat, District-Surat of Gujarat.
- 4 The M/s Essar Steel Ltd., 27, K.M. Surat Hazira Road, Hazira, District Surat, Gujarat.
- 5 Order File.



(B. Abhay Bhaskar)
Dy. Conservator of Forests (Central)