

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE, KOLKATA

ORIGINAL APPLICATION NO. 120 /2024

IN THE MATTER OF:

Sushil Murmu

...Applicant

Versus

Union Of India & Ors.

...Respondents



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Kolkata

Dated: 23/07/2024

Respondent No. 1

Rashmi Singhee

Advocate

SL. NO. 82 /20 24 -1-

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ZONE, KOLKATA**



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**BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST.-NORTH 24 PARGANAS**

**COUNTER AFFIDAVIT ON BEHALF OF MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE (RESPONDENT NO.1)**

I Shri Sujoy Dutta, son of Shri Samir Dutta, aged about 43 years, presently working as 'Assistant Commissioner (Forestry)', at the Sub Office Kolkata of Bhubaneswar Regional Office under the Ministry of Environment, Forest and Climate Change, having its office at IB-198, Sector- III, Salt Lake City, Kolkata-700 106, do hereby solemnly affirm and state as under: -

1. That I am holding the post of Assistant Commissioner (Forestry) in the Ministry of Environment, Forest & Climate Change, Sub Office, Kolkata. I have made myself acquainted with the facts and circumstances of this instant case and I have been duly authorized and empowered to make and swear this affidavit for and on behalf of the Ministry of Environment, Forest & Climate Change and I am competent to do so.
2. That, the deponent has been served with a copy of the said application in which the deponent have perused and understood the contents/ allegations/averments/statements and/ or tenor thereof made in the petition. At the outset, the deponent denies all averments, submissions; statements and allegations made therein except as may be specifically admitted herein after.

Statement of Facts

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3. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, inter-alia , being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.
4. It is submitted that prior approval of the Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is required for carrying out any non-forestry activity on forest land.
5. It is submitted that the Government of West Bengal vide it's letter No. 3340-For/O/L/10T 12/2017 dated 18.09.2017 submitted a proposal for seeking prior approval of the Central Government under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (Earlier known as Forest (Conservation) Act, 1980).
6. That after careful examination of the proposal and on the basis of the recommendations of the Advisory Committee (AC) and its acceptance by the competent authority, 'in-principle' approval has been accorded on 12.04.2018 for diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL in Ajodya Hills under Purulia forest Division subject to fulfillment of certain conditions. Amongst others, a condition with respect to forest rights in the approval is as follows:

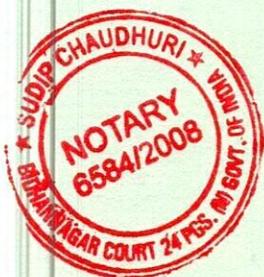
(xxii) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes And Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11- 9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof. (Copy of the letter dated 12.04.2018 annexed as Annexure-1)
7. It is pertinent to mention herein that the responsibility of settlement of rights of Scheduled Tribes and Other Traditional Forest Dwellers in accordance with the provisions of *Scheduled Tribes And Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006*, vests with the State Government. The District Collector is a responsible Government



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authority involved with settlement of rights and issue of required certificates.

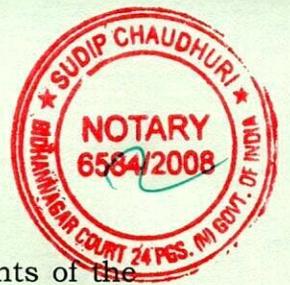
8. It is submitted that the State Govt. submitted certificates issued by concerned District Collector as required for settlements of rights as required under the *Scheduled Tribes And Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006*, (copy of the certificate submitted by the State in this regard is annexed as **Annexure-2**)
9. Consequently, upon receiving the compliance report from State Govt. the Ministry vide letter dated 13.10.2022, after due consideration, accorded Stage-II approval for diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL subject to certain conditions which includes that *"the State Government shall ensure that the compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by this Ministry in this regard, before handing over of forest land to the user agency.*(Copy of the letter dated 13.10.2022 annexed as **Annexure-3**)
8. It is submitted that the answering Ministry received a representation in July 2023 requesting for withholding forest clearance and halt on change of land-use in light of violation of FC conditions (now Van (Sanrakshan Evam Samvardhan), 1980) for Turga PSP. That the answering Ministry vide letter dated 16.08.2023 and subsequent reminder letter dated 24.06.2024 sent the said representation to the State Govt. to examine the matter and take appropriate necessary action on the representation as per law. Reply in this regard is awaited. (copy of the letter dated 16.08.2023 and reminder dated 24.06.2024 annexed as **Annexure-4**)
9. It is respectfully submitted that this answering Ministry without prejudice reserves its right to file additional information till pendent-lite, if so required.
10. It is respectfully submitted that in view of the above mentioned facts, the replying Respondents humbly pray that the Hon'ble Tribunal may be pleased to pass such order as deemed fit in the interest of the Justice.



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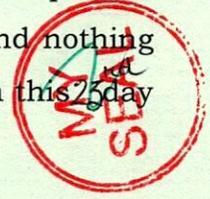
Sujoy Chatterjee

DEPONENT



VERIFICATION:-

I, the above named Deponent, do hereby verify that the contents of the above counter affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from. Verified at Kolkata on this 25 day of, *July* 2024.



Sujoy Debnath

DEPONENT


S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regn. No.-6584/08
Bidhannagar Court
Dist.-North 24 Pgs

23 JUL 2024

ANNEXURE-1

F. No. 8-51/2017-FC
 Government of India
 Ministry of Environment, Forests and Climate Change
 (Forest Conservation Division)

Indira Paryavaran Bhawan,
 Jor Bagh Road, Aliganj,
 New Delhi - 1100 03.
 Dated: 12th April, 2018

To,
 The Principal Secretary,
 Government of West Bengal,
 Kolkata-700 098

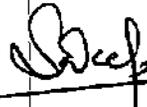
Sub: Diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL in Ajodya Hills under Purulia forest Division.

Sir,

I am directed to refer to the State Government's letter No. 3340-For/O/L/10T-12/2017 dated 18.09.2017 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys the 'in-principle' approval for diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL in Ajodya Hills under Purulia forest Division subject to fulfilment of the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) On analysis on DSS it is observed that the part of Non -Forest land proposed for CA for the project is falling in the category of recorded forest. The status of Non -Forest land proposed for CA shall be clarified along with documentary evidences. State Government shall also analyse the same on DSS prior to submission of clarification to MoEF&CC. The DSS report generated by State Government shall be submitted prior to Stage II approval. It is noted that CA land has been given in 12 patches, which are dispersed in Puruliya & Jalpaiguri districts of West Bengal State. Based on DSS, Out of 12 patches proposed for CA, 6 CA Patches having the Legal status as Forest land.
- (iii) On perusal of item-wise breakup statement submitted by the State Government and in SIR, it is observed that 10.239 ha, 18.387 ha and 8.537 ha have been proposed for Civil structures, Construction facility and other component respectively. State Government shall submit details of these three components. No residential or commercial complexes which are not ancillary and not site specific shall be permitted.
- (iv) Since water is a precious resource, the user agency shall take some measures for creation of water conservation/ harvesting structures in the



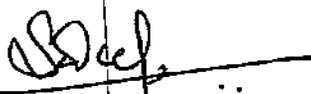
12.4.18

15/4/18
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- Catchment Area so that the water to be released for use of communities and agriculture, down streams, is not affected.
- (v) The user agency should also address the stone quarry within the leased area. After extraction of stones, the quarry should be reclaimed with soil and should be vegetated; thereby developing the mined -out land into an ecotourism spot enhancing the ecology & aesthetics of the site.
 - (vi) The User agency may also fence the quarry prior to reclamation to check possible casualty of wildlife due to accidental fall.
 - (vii) The State Govt. may report for additional forest lands required to be diverted for dismantling the irrigation dam and pillars have to be posted there with proper demarcation;
 - (viii) The encroachment, as reported by CCF Northern Circle, West Bengal in The proposed CA area shall be evicted prior to mutation of land in favour of Forest department. State government shall ensure that the Non- forest land shall be free from all encumbrances. A certificate duly signed by the Nodal Officer(FCA) may be furnished in this regard;
 - (ix) State Government shall prepare a wild life conservation plan with special emphasis to avoid Human elephant conflict in the area at project cost. The plan shall be duly approved by CWLW. The Amount shall be deposited in Adhoc CAMPA. The sanctity of elephant corridor shall not be disturbed. All possible mitigation measure to protect the elephant corridor shall be incorporated in wild life management plan.
 - (x) Compensatory afforestation shall be raised over non- forest land equal to the diverted forest land. At least 1000 plants per hectare (234 hectares x 1000 = 234000 plants) shall be planted over identified non-forest land with provision for ten years on subsequent maintenance.
 - (xi) 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
 - (xii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
 - (xiii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
 - (xiv) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
 - (xv) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the 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. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;

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- (xvi) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xvii) The approved Catchment Area Treatment (CAT) Plan shall be implemented at the cost of the user agency and commensurate funds shall be deposited through on-line in the account of Adhoc CAMPA account;
- (xviii) The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;
- (xix) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;
- (xx) The State Govt. ensure that the user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
- (xxi) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- (xxii) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xxiii) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other 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 05.07.2013, in support thereof;
- (xxiv) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.
- (xxv) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
- (xxvi) The State Government and the user agency shall ensure that the tress available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxvii) The User agency shall undertake afforestation along the periphery of the reservoir;
- (xxviii) User agency shall provide free water for the forestry related projects;
- (xxix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxx) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;


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- (xxxix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxxii) No labour camp shall be established on the forest land;
- (xxxiii) The User Agency shall provide fuels 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;
- (xxxiv) The user agency will abide by the applicable recommendations of the State Government including State Forest/Wildlife Departments;
- (xxxv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxxvi) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxxvii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxxviii) The User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
- (xxxix) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xl) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project;

After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,

Sandeep

(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

12.4.18

Copy to:

1. The Principal Chief Conservator of Forests, Government of West Bengal, Kolkata.
2. The Nodal Officer (FCA), O/o the PCCF, Government of West Bengal, Kolkata.
3. Addl. Principal Chief Conservator of Forests (C), Regional Office, Bhubaneswar.
4. User agency.
5. Monitoring Cell
6. Guard file.

Sandeep

(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

12.4.18

FORM-II

(for projects other than linear projects)
Government of West Bengal
Office of the District Magistrate, Purulia

Memo No.- 968/1/BCWP

Dated – 13-6-17

TO WHOMSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment, Forests & Climate Change (MoEF&CC), Government of India's letter No. 11-9/98-FC(pt.) dated 3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the progress of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes, it is certified that **234 Hectares** of Forest land proposed to be diverted in favour of **West Bengal State Electricity Distribution Company Limited** for implementation and installation of **1000 MW Turga Pumped Storage Project** in Purulia district falls within jurisdiction of Baghmundi, Bareria, Gosaidih, Kudna Mouza under Baghmundi Gram Panchayat and Ranga, Teliabhasa, Hatinada Mouza under Ajodhya Gram Panchayat within Baghmundi Block.

It is further certified that:

- (a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire **234 hectares** of forest land proposed for diversion. A copy of records of all consultation and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) and District Level Committee are enclosed as,
- Vide No. 1071 / BDO / BAG dated 27/03/2017 of BDO, Baghmundi
 - Vide No. 182/BAGH/GP dated 23/03/2017 of Baghmundi Gram Panchayat
 - Vide No. 22/AGP dated 24/03/2017 of Ajodhya Gram Panchayat
 - Vide No. 1891 / BDO / BAG dated 05/06/2017 of BDO, Baghmundi
 - Vide No. 86/AGP dated 05/06/2017 of Ajodhya Gram Panchayat
- (b) the proposal for such diversion (with full details of the project and its implications, in vernacular/ local language) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- (c) the each of concerned Gram Sabha(s), has certified that all formalities/ processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensation and ameliorative measures, if any, having understood the purpose and details of proposed diversion. A copy of certificate issued by the gram sabha of Baghmundi, Bareria, Gosaidih, Kudna Mouza under Baghmundi Gram Panchayat and Ranga, Teliabhasa, Hatinada Mouza under Ajodhya Gram Panchayat within Baghmundi Block villages(s) are enclosed as,
- Vide No. 1071 / BDO / BAG dated 27/03/2017 of BDO, Baghmundi
 - Vide No. 182/BAGH/GP dated 23/03/2017 of Baghmundi Gram Panchayat
 - Vide No. 22/AGP dated 24/03/2017 of Ajodhya Gram Panchayat
 - Vide No. 1891 / BDO / BAG dated 05/06/2017 of BDO, Baghmundi
 - Vide No. 86/AGP dated 05/06/2017 of Ajodhya Gram Panchayat

- (d) the discussion and decisions on such proposals had taken place only when there was a quorum of minimum 50% of the members of Gram Sabha present – Not Applicable for Turga PSP as explained in (g) below:
- (e) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Gram Sabhas have given their consent to it; - Not Applicable for Turga PSP as per FRA, 2006
- (f) the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per section 3(1)(e) of the FRA.
- (g) Neither any person has been given patta under the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, nor any person is in possession of any portion of the forest land which is required for 1000 MW Turga Pumped Storage Project, Baghmundi, Purulia.

Encl: As above

District Magistrate
Purulia

Signature

(Full name and official seal of the District Collector)

13/6/2017

FORM-II
(for projects other than linear projects)
Government of West Bengal
Office of the District Magistrate, Purulia

Memo No.-2024/1/BCWP

Dated - 27.12.2017

TO WHOMSOEVER IT MAY CONCERN

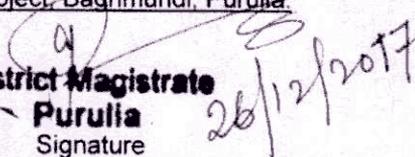
In compliance of the Ministry of Environment, Forests & Climate Change (MoEF&CC), Government of India's letter No. 11-9/98-FC(pt.) dated 3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the progress of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes, it is certified that 5.356 Hectares of Forest land proposed to be diverted in favour of West Bengal State Electricity Distribution Company Limited for implementation and installation of 1000 MW Turga Pumped Storage Project in Purulia district falls within jurisdiction of Baghmundi Mouza under Baghmundi Gram Panchayat within Baghmundi Block.

It is further certified that:

- (a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire 5.356 hectares of forest land proposed for diversion. A copy of records of all consultation and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) and District Level Committee are enclosed as,
 - Vide No. 4283 / BDO / BAG dated 18/12/2017 of BDO, Baghmundi
 - Vide No. 747/BAGH/GP dated 18/12/2017 of Baghmundi Gram Panchayat
- (b) the proposal for such diversion (with full details of the project and its implications, in vernacular/ local language) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- (c) the each of concerned Gram Sabha(s), has certified that all formalities/ processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensation and ameliorative measures, if any, having understood the purpose and details of proposed diversion. A copy of certificate issued by the gram sabha of Baghmundi, Bareria, Gosaidih, Kudna Mouza under Baghmundi Gram Panchayat and Ranga, Teliabhasa, Hatinada Mouza under Ajodhya Gram Panchayat within Baghmundi Block villages(s) are enclosed as,
 - Vide No. 4283 / BDO / BAG dated 18/12/2017 of BDO, Baghmundi
 - Vide No. 747/BAGH/GP dated 18/12/2017 of Baghmundi Gram Panchayat
- (d) the discussion and decisions on such proposals had taken place only when there was a quorum of minimum 50% of the members of Gram Sabha present; - Not Applicable for Turga PSP as explained in (g) below
- (e) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Gram Sabhas have given their consent to it; - Not Applicable for Turga PSP as per FRA, 2006

- (f) the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per section 3(1)(e) of the FRA.
- (g) Neither any person has been given patta under the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, nor any person is in possession of any portion of the forest land which is required for 1000 MW Turga Pumped Storage Project, Bagmundi, Purulia

Encl: As above


District Magistrate
Purulia
Signature

(Full name and official seal of the District Collector)

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ANNEXURE-3

Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
 Jor Bag Road, Aliganj,
 New Delhi - 110003.

Dated: 13th October, 2022

To

The Principal Secretary (Forest),
 Government of West Bengal,
 Kolkata-700098

Sub: Diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL in Ajodya Hills under Purulia forest Division.

Madam/Sir,

I am directed to refer to the State Government's letter No. 3340-For/O/L/10T-12/2017 dated 18.09.2017 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the above proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful consideration of the proposal by the Forest Advisory Committee (FAC) and after its recommendation, and approval of competent authority in the Ministry, In-principle/Stage-I approval was accorded vide this Ministry's letter of even number dated 12.04.2018 subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and requested the Central Government to grant final approval.

2. In this connection, on the basis of the compliance report furnished by the Government of West Bengal vide their Letters No.1395-For/O/L/10T-12/2017 dated 22.12.2021, No.314-For/O/L/10T-12/2017 dated 11.03.2022, No.678-For/O/L/10T-12/2017 dated 12.05.2022 and No.1281-For/O/L/10T-12/2017 dated 01.09.2022, approval of the Central Government is hereby accorded under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of West Bengal State Electricity Distribution Company Limited (WBSEDCL) in Ajodya Hills under Purulia Forest Division, subject to following conditions:

A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Govt.:

- i. The State Government shall ensure that the compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by this Ministry in this regard, before handing over of forest land to the user agency;
- ii. The State Govt. shall ensure that the User Agency will obtain necessary Environmental Clearance, Wildlife Clearance, CRZ Clearance, if required;
- iii. The State Government shall upload the KML files of the area under diversion and the sites identified for compensatory afforestation in the E-green Watch portal, before handing over forest land to the user agency.


 13/10/2022

B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The State Govt. shall ensure that Compensatory Afforestation over the identified non-forest land of 234 ha. i.e 578.22 Acres, which has been notified as Protected forest vide undermentioned notifications, shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained for ten years thereafter in accordance with the approved plan by the State Forest Department from the funds provided by the user agency. The detail of notifications is as under:

S.N.	Area in Acres	Notification No.
1	62.72	No. 851-For/0/1/10T-12/2017 dated 29.07.2021
2	392.65	No.531-For/O/L/10T-12/2017 dated 25.03.2019
3	122.85	No.412-For/O/L/10T-12/2017 dated 08.03.2019
Total:	578.22	

- iii. State Govt. and the user agency shall ensure to carry out the soil and moisture conservation activities on the area proposed for CA, from the funds provided by the User agency;
- iv. The State Govt. and the user agency shall ensure that no residential or labour colony or commercial complexes shall be constructed over forest land;
- v. The State Govt. shall ensure that the State Forest Department shall implement the approved Catchment Area Treatment (CAT) plan and approved Wildlife Conservation Plan from the funds provided by the user agency;
- vi. The State Govt. ensure that the user agency will carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down and the dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
- vii. The State Government and the user agency shall ensure that the trees available between full reservoir level (FRL) and FRL-4 meters are not felled;
- viii. The State Government shall ensure that the User agency will carry out afforestation along the periphery of the reservoir and provide free water for the forestry related projects;
- ix. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- x. The State Govt. shall ensure that no labour camp shall be established on the forest land and the User Agency shall provide fuels 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;
- xi. The State Govt. shall ensure that the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government and the layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xii. The State Govt. ensure that the boundary of the forest land being diverted will be demarcated on ground at the project cost, using four feet high RCC pillars, each pillar inscribed with the serial number, DGPS coordinates, forward and backward bearings and distance from adjoining pillars *etc*;


13/10/2022


13/10/2022

- xiii. The State Govt. ensure that the user agency will explore the possibility of translocation of maximum number of trees identified to be felled and any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department, and the User Agency will obtain permission for felling of trees as per applicable court orders/Forest Act/Rules/Guidelines;
- xiv. The User Agency shall submit the Annual Compliance Report in respect of the above stated conditions to the concerned Integrated Regional Office and to this Ministry every year regularly;
- xv. The violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;and
- xvi. The State Govt. shall ensure that the user agency shall comply with the provisions of all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours sincerely,


(Suneet Bhardwaj)

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Government of West Bengal, Kolkata.
2. The Nodal Officer (FCA), O/o the PCCF(HoFF) , Government of West Bengal, Kolkata.
3. Regional Officer(C), Integrated Regional Office, Kolkata.
4. User agency.
5. Monitoring Cell of FC Division, MoEF&CC,IPB New Delhi for uploading on PARIVESH.
6. Guard file.

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ANNEXURE-4

Government of India
Ministry of Environment Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110003

Dated: August, 2023

To,

Additional Chief Secretary (Forests),
Government of West Bengal,
Aranya Bhawan, Block LA-10A,
Sector-III, Salt Lake,
Kolkata- 700106

Subject: Request for withholding forest clearance and halt on change of land-use in light of violation of FC conditions for Turga PSP, West Bengal-regarding.

Sir,

I am directed to enclose a copy of representation dated July, 2023 as received from the president/member(s) of Forest Right Committee, Purulia District, West Bengal. The representation is self-explanatory and may kindly be seen.

In view of the above, Government of West Bengal is requested to examine the matter and take appropriate necessary action on the representation as per law and furnish Action Taken Report to this Ministry at the earliest.

Yours faithfully

Encl. as above

Signed by

Suneet Bhardwaj

Date: 16-08-2023 15:04:43

Sd/-

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Government of West Bengal, Kolkata.
2. The Nodal Officer (FCA), O/o the PCCF (HoFF), Government of West Bengal, Kolkata.
3. The Deputy Director General of Forest (Central), Regional Office, Bhubaneswar,
4. Sub- Office, MoEF&CC, Kolkata.
5. Shri Sukram Murmu, President, Forest Right Committee, Hapania village, Post Office- Ranga, Purulia District, West Bengal.

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Reminder I

Government of India
Ministry of Environment Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110003
Dated: 24.06.24

To
The Additional Chief Secretary (Forests),
Government of West Bengal,
Aranya Bhawan, Block LA-10A,
Sector-III, Salt Lake,
Kolkata- 700106

Subject: Request for withholding forest clearance and halt on change of land-use in light of violation of FC conditions for Turga PSP, West Bengal-regarding.

Madam/Sir,

I am directed to enclosed herewith a copy of the Ministry's letter of even no. dated 16.08.203 vide which the Ministry enclosed a copy of self explanatory representation dated July, 2023 as received from the president/member(s) of Forest Right Committee, Purulia District, West Bengal. The Ministry therein requested the State Govt. to examine the matter and take appropriate necessary action on the representation as per law and furnish action taken report to this Ministry at the earliest.

However, as on date, no reply is received from the State Govt. It is once again requested, to examine the matter and take appropriate necessary action on the representation as per law and furnish action taken report to this Ministry at the earliest.

Yours sincerely

Encl. as above Signed by
Dheeraj Mittal

Date: 24-06-2024 10:28:55

(Dr. Dheeraj Mittal)
Assistant Inspector General of Forests

Copy to:

1. PCCF (HoFF), Government of West Bengal, Kolkata.
2. Nodal Officer (FCA), O/o the PCCF (HoFF), Government of West Bengal, Kolkata.
3. DDGF (Central), Regional Office, Bhubaneswar,
4. Sub- Office, MoEF&CC, Kolkata.
5. Shri Sukram Murmu, President, Forest Right Committee, Hapania village,

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Post Office- Ranga, Purulia District, West Bengal.