

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

Execution Application No. 10/2023

in

Original Application No. 47 of 2012 WZ

IN THE MATTER OF:

Sandip Ganpat Desai & Anr.

...Applicant

Versus

State of Goa & Ors.

...Respondents

AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,  
FOREST AND CLIMATE CHANGE (RESPONDENT No. 4)

MOST RESPECTFULLY SHOWETH:

I, Suresh Kumar Adapa, currently working as in the Ministry of Environment, Forest and Climate Change (MoEFCC), Regional Office, Bengaluru, do hereby solemnly affirm and state as under: -

1. That I, in my official capacity in the Ministry of Environment, Forest and Climate Change, Regional Office, Bengaluru i.e. Respondent No.4 in the above-mentioned matter, I am well conversant with the facts and circumstances of the case based on official records, and as such authorized and competent to swear this affidavit.
2. The Hon'ble National Green Tribunal vide its order dated 23.11.2012 has directed that:



*A. Suresh Kumar*

**Suresh Kumar Adapa**  
Scientist "E" / Additional Director (S)  
Ministry of Environment, Forest & Climate Change  
Integrated Regional Office  
Kendriya Sadan, Koramangala  
Bengaluru - 560034

*"The Respondent no.6 (project proponent) shall deposit an amount of Rs.5 Lacs or the NPV of the forest area cleared by (it to be ascertained by the MoEF through officers who were not at any stage involved with grant of any of the approvals related to this project), whichever is more, with the Govt. of Goa. The amount shall be utilized through appropriate agency identified by State Government for afforestation of the broken area."*

3. That in compliance of the aforesaid order, this Ministry vide letter dt. 13-12-2023 and 16-01-2024 had sought compliance status on the directions of the National Green Tribunal vide its order dated 23.11.2012 from the State Government of Goa. The letters are annexed herewith and marked as **Annexure-R-4/1**.
4. The DCF (Monitoring and Evaluation), Government of Goa vide its letter dated 13.02.2024 has given the status report and submitted the following :-
  - a. CA and NPV has already been realized from the concerned entity, M/s Elray Minerals & Co. as per the directions of the MoEF&CC. Compensatory levies, including NPV, safety zone plantation etc. had been obtained from the user agency during 2008-2009.
  - b. Further it is informed that the user agency has applied for return of all compensatory levies paid by them citing that they have not undertaken mining work in the said area.

The letter of the State Government of Goa dated 13.02.2024 is annexed herewith and marked as **Annexure R4/2**.

5. It is further submitted that this Ministry, in reference to the user agency's letter dated 12.10.2022 to refund the compensatory levies paid towards the NPV, CA, Safety Zone & fencing protection and safety zone afforestation work, with respect to the proposal involved herein, vide its letter dated 28.02.2024 *inter alia* requested the State Govt. to ascertain the area with NPV calculation and provide clear recommendation for refund of the NPV amount after deduction of due NPV for the broken up area/area already utilized.

*A. Suresh Kumar*

**Suresh Kumar Adapa**  
 Scientist "E" / Additional Director (S)  
 Ministry of Environment, Forest & Climate Change  
 Integrated Regional Office  
 Kendriya Sadan, Koramangala  
 Bengaluru - 560034



- 6. Additionally, this Ministry has also requested its Regional Office to carry out a site inspection and submit a report to the Ministry at the earliest for further action in the matter. The copy of the letters dated 28.02.2024 annexed as **Annexure-R4/3**.
- 7. In view of the afore-mentioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).

*A. Suresh Kumar*  
03/03/24  
**DEPONENT**

**Suresh Kumar Adapa**  
Scientist "E" / Additional Director (S)  
Ministry of Environment, Forest & Climate Change  
Integrated Regional Office  
Kendriya Sadan, Koramangala  
Bengaluru - 560034

**VERIFICATION**

I, the above-named deponent do hereby verify that the contents of the above affidavit are true and correct on the basis of official record maintained by the Respondent No. 4 in daily course of its business, no part of it is false and nothing material has been concealed there from.

Verified at Bengaluru on this the 7<sup>th</sup> day of March, 2024.

*A. Suresh Kumar*  
03/03/24  
**DEPONENT**

**Suresh Kumar Adapa**  
Scientist "E" / Additional Director (S)  
Ministry of Environment, Forest & Climate Change  
Integrated Regional Office  
Kendriya Sadan, Koramangala  
Bengaluru - 560034



**SWORN TO BEFORE ME**

*B.M. Chandrashekar*

**B.M. CHANDRASHEKAR**  
Advocate & Notary Public  
B.D.A. Complex, Koramangala  
BANGALORE - 560 034

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

\*\*\*\*\*

Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi: 110003,  
**Dated: December , 2023**

**To**

**The Principle Secretary,**  
Forest Department, Govt. of Goa,  
Goa

**Sub: E.A. No. 10/2023 has been filed in OA 86/2023 (earlier O.A. no. 47/2012) NGT (WZ) pursuant to the order dated 23.11.2012 in OA No. 47/2012 NGT (WZ).**

Sir/Madam,

I am directed to refer to the above captioned matter wherein the Hon'ble Tribunal passed the following directions vide its order dated 23.11.2012:

*Under these circumstances, we deem it proper to allow the application with the following reliefs: -*

*A. The application is allowed.*

*B. The EC, FC and the permission granted by the Chief Wildlife Warden (Exhibit – P-1 to P-3) are quashed and set aside.*

*C. The Respondent no. 6 (project proponent) shall deposit an amount of Rs.5 Lacs or the NPV of the forest area cleared by( it to be ascertained by the MoEF through officers who were not at any stage involved with grant of any of the approvals related to this project), whichever is more, with the Govt. of Goa. The amount shall be utilized through appropriate agency identified by State Government for afforestation of the broken area.*

*D. The MoEF (the competent authority for grant of EC and FC) and the State Government of Goa (in respect of approval by Chief Wildlife Warden) shall initiate departmental proceedings within period of two months against the concerned officers, if any of them is still in service for dereliction in duty and misconduct in granting of the said permission/clearance without following procedure of law and on basis of erroneous statement of facts. If such responsible officers are no more in service, then the estimated loss or an amount of Rs. 5 Lacs (for each approval/clearance) shall be recovered from such officers who participated in the grant of EC/FC and permission by the Chief Warden of wild life by taking proper proceedings against them and after hearing them. The amount shall be deposited with Registrar, NGT within 9 (nine) months.*

*E. We further direct that the MoEF shall issue fresh guidelines to the concerned Departments within MoEF for the purpose of avoiding illegality like we have noticed*

*in the context of the three communications referred to above*

*F. The recovery of amounts mentioned in paragraph (c) above to be made within a period of 9 (nine) months hereafter.*

*G. The Respondent no. 6 shall pay a cost of Rs. 1 Lac to the applicants. The other Respondents to bear their own costs. (Copies of the order and E.A. enclosed for ready reference)*

Pursuant to the directions *supra*, an Execution Application (E.A.) has been filed in the instant O.A. In view of the same, it is requested to furnish a compliance status of the order *supra* at the earliest, please.

**Encl: As above.**

Signed by

Suneet Bhardwaj

Date: 13-12-2023 10:20:52

Yours sincerely,

Sd/-

**(Suneet Bhardwaj)**

Assistant Inspector General of Forests

**Copy to:**

1. PCCF (HoFF), Govt. of Goa.
2. Nodal Officer (FC), Govt. of Goa.
3. Regional Office, Bangalore, Ministry of Environment, Forest and Climate Change to enquire the details and provide the relevant records and updates in the matter.

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

\*\*\*\*\*

Indira Parayavaran Bhawan  
Jor Bagh Road, Aliganj,  
New Delhi-11003  
**Dated: January, 2024**

**To**

**The Principle Secretary,**  
Forest Department, Govt. of Goa,  
Goa

**Sub: E.A. No. 10/2023 has been filed in OA 86/2023 (earlier O.A. no. 47/2012) NGT (WZ) pursuant to the order dated 23.11.2012 in OA No. 47/2012 NGT (WZ).**

Madam/Sir,

This is in apropos with the above stated matter which is pending before the Hon'ble Tribunal. The Ministry vide its letter of even no. dated 13.12.2023 (copy enclosed) requested the State Govt. to furnish a compliance status vis-à-vis order dated 23.11.2012 in the above captioned the matter. However, the same has not yet been received in the Ministry.

In view of the aforesaid, it is once again requested to provide a compliance status in the above subject matter to this Ministry for further action in the matter in the above captioned matter.

Yours sincerely,

**Encl. As above.**

Signed by  
Suneet Bhardwaj  
Date: 16-01-2024 16:06:10 **(Suneet Bhardwaj)**  
Assistant Inspector General of Forests

**Copy to: The Regional Officer, Integrated Regional Office, Bangalore to enquire the details and provide the relevant records and updates in the matter.**

# 172

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

.....

Indira Paryavaran Bhawan,  
Aliganj, Jor Bagh Road,  
New Delhi: 110003,  
**Dated: February , 2024**

## OFFICE MEMORANDUM

**Sub: In E.A. No. 10/2023 has been filed in OA 86/2023 (earlier O.A. no. 47/2012) NGT (WZ) pursuant to the order dated 23.11.2012 in O.A. No. 47/2012 NGT (WZ)-reg.**

Please refer to the above subject matters pending before the Hon'ble NGT (WZ) wherein the Ministry was arrayed as Respondent No. 4. In this regard, the Forest Conservation division vide letter dated 13.12.2023 sought compliance status of NGT order dated 23.11.2012 from the State Govt. of Goa. In response, the State Govt. of Goa has provided compliance status vis-à-vis order dated 23.11.2012 vide its letter dated 13.02.2024.

In view of the aforesaid, the copy of letter dated 13.02.2024 received from the State Govt. of Goa is enclosed for kind perusal and further necessary action, please.

**Encl. as above**

Signed by

Suneet Bhardwaj

Date: 22-02-2024 14:57:29

**Sd/-**

**(Suneet Bhardwaj)**

Assistant Inspector General Forests

To:

Shri Pankaj Verma, Sci-E (IA-II),  
MoEF&CC ,  
IPB, New Delhi.



**GOVERNMENT OF GOA**  
Office of the Principal Chief Conservator of Forests  
"Goa Van Bhawan" Forest Department,  
Altinho, Panaji, Goa  
Pin- 403001



Email: [dcfme-forest.goa@nic.in](mailto:dcfme-forest.goa@nic.in)

F. No. 6-13(244)-2023-24/FD/Part/ 5278

Dated: 13/02/2024

To

Assistant Inspector General of Forests  
FC Division  
MoEFCC  
Government of India  
Jor Bagh Road, New Delhi- 110003

**Sub:** Compliance of the directions of Hon'ble NGT order dated 23.11.2012 (Ref: E.A. No. 10/2023) -reg.

**Ref:** Your office letter no. 11-10/2019 dated 13.12.2023

Sir,

I am directed to refer to your letter dated 13.12.2023 and to inform the point-wise action taken by the Department of Forests, Government of Goa in regards to the directions contained in Hon'ble NGT order dated 23.11.2012 in the matter of application no. 47/2012 (T) (Bombay High Court W.P. no. 778/2010) as below:

**Point 13 (A):** No comments

**Point 13 (B):** The Forest Department, Government of Goa, has ensured all these years to strictly disallow all sorts of non-forestry activities in the said area. Infact all mining activities in the said area were stopped vide letter dated 27.10.2010 by the then DCF (N) as the User Agency did not have valid mining lease. **(Copy enclosed as Annexure-I)**

**Point 13 (C):** CA and NPV has already been realized from the concerned entity, M/s Elray Minerals & Co. as per the directions of the Ministry of EF, GoI. Compensatory levies, including NPV, safety zone plantation, etc., had been obtained from the User Agency during 2008 - 2009. The same was also informed to the Ministry vide this office letter no. 6-13-(244)-2011-FD/4720 dated 26.11.2013 **(copy enclosed as Annexure-II)**.

**Point 13 (D) :** Chronology and details enclosed as Annexure-III.

**Point 13 (E) :** Does not pertain to the Department or the State Government.

**Point 13 (F):** All the compensatory monies were realized from the User Agency during 2008 - 2009.

**Point 13 (G):** Does not pertain to this Department or the State Government.

Further, it is also to inform that the User Agency has applied for return of all compensatory levies paid by them citing that they have not undertaken mining work in the said area. Communications have been made with the Ministry in the recent past regarding the same, wherein details of utilisation of monies towards CA raised has also been informed to the Ministry (copies of letters dated 03.03.2023 & 10.02.2024 enclosed).

Yours faithfully,

*Nabanita Ganguly*  
13/2/24

Nabanita Ganguly, IFS  
Conservator of Forest  
i/c DCF (Monitoring & Evaluation)  
Department of Forests (GOA)

Encl. a/a

Copy to:

1. DDG, Regional Office, Bengaluru, MoEFCC, for information.
2. Pr. Secretary (Forests), Govt. of Goa, Secretariat, Porvorim, Goa for information

*Nabanita Ganguly*  
13/2/24

i/c DCF (Monitoring & Evaluation)  
Department of Forests (GOA)

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40210.  
532/C

GOVERNMENT OF GOA  
Office of the Dy. Conservator of Forests  
North Goa Division  
Ponda - Goa, Pin 403401.  
Phone:- 0832-2312095, 2312656 Fax. 0832-2312095.

No.5/FCA-81(ML-1/37)/COL/DCFN/TECH/2010-11/STI

Dated:- 27 /10/2010

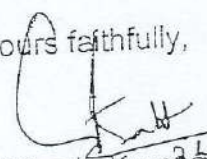
To,  
M/s. Elray Minerals & Co.  
Dealers in Minerals Ores,  
Melquedes Building,  
Fr. Joseph Vaz Road,  
Vasco- Da- Gama.

Sub:- Diversion of 17.8356 Ha. of forest land (12.9714 ha. already broken + 4.8642 ha to be broken ) in favour of M/s. Elray Minerals & Company for renewal of mining lease T.C. No.1/37 in South Goa district of Goa.

Sir,

Directorate of Mines vide their letter No. 96/146/87/IIR-Mines/1618 dtd.30/08/2010 has informed that the mining lease T.C.No.1/37 does not possess a valid lease deed & further informed that without which the lease cannot conduct mining operations. Therefore you are hereby informed not to carryout any mining activity without obtaining the required permission from the competent authority. Once the lease deed is executed, copy of the same be submitted to this office for our record.

Yours faithfully,

  
(Dr. G. Trinadh Kumar) IFS  
Dy. Conservator of Forests,  
North Goa Division,  
Ponda- Goa.

Copy to :-

- 1) The Conservator of Forests(Conservation), Panaji-Goa for favour of information.
- 2) The Range Forest Officer, Collem with a direction to verify the field position & report if any violation is noticed.

Speed Post

GOVERNMENT OF GOA  
Office of the Principal Chief Conservator of Forests  
Forest Department  
Panaji, Pin 403 001  
Ph:-0832-2224748 Fax: - 0832-2224748.  
Email: dcfme forest.goa@ nic. in

No.6-13-(244)-2011-FD/4720

Dated: 26/11/2013.

04-12

To,  
The Assistant Inspector General of Forests,  
Ministry of Environment and Forests,  
Government of India,  
(F C Division), Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110 510.

Sub: - Diversion of 100 ha. of forest land for renewal of deemed mining lease in favour of M/s. Elray Minerals & Company in Sacorda village, Sanguem Taluka, North Goa Forest Division.

Ref: - Your letter No. 8-58/2006-FC dated 31/10/2013.

I am directed to refer to the correspondence cited above and to respond as below.

1. The details of funds deposited in CAMPA Account is submitted herewith in the prescribed format in accordance with the guidelines issued by Ministry of Environment & Forests. The reconciliation has been also carried out on 09/11/2013 at Regional office of Ministry of Environment & Forests at Bangalore.
2. It is also brought to your kind notice that Stage I approval was accorded and conveyed vide letter F. No. 8-58/2006-FC dated 15<sup>th</sup> May 2008, the conditions of the approval were modified and communicated vide letter F. No. 8-58/2006-FC dated 06<sup>th</sup> August, 2008, copies are enclosed herewith for reference.
3. On compliance with the condition of the Stage I approval, Stage II (Final) approval was accorded and conveyed vide letter F. No. 8-58/2006-FC dated 11<sup>th</sup> February, 2009. Copy is enclosed herewith for reference.

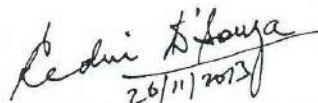
Cont... 2

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4. The CA, NPV and safety zone plantation and fencing charges were recovered from the User agency, in compliance with condition of Stage I Clearance, and deposited in CAMPA account at Corporation Bank, New Delhi for the diverted forest area of 17.8356 ha. Copies of correspondence are enclosed.
5. NPV for the balance area of 82.1644 ha. within the lease was recovered in compliance with the orders of the Hon'ble Supreme Court dated 04/01/2008. The same was deposited in the CAMPA account in Corporation Bank, New Delhi. Copies of deposit letter enclosed.
6. A copy of the final judgement/order of the National Green Tribunal in Application No. 47 of 2012 (T) (Bombay High Court W.P. No. 778/2010) dated 23<sup>rd</sup> November 2012, is enclosed herewith for favour of perusal.

Encl: as above

Yours faithfully,

  
26/11/2012

(Cedric S. D'Souza)  
Dy. Conservator of Forests,  
Monitoring & Evaluation

S. No.	Particulars	Details																																																																																												
1.	Name of the Regional Office	Bangalore																																																																																												
2.	State/District/Forest Division to which the proposal relates	Goa State South Goa District North Goa Forest Division																																																																																												
3.	Name of the User Agency, Nature of the Proposal	M/s. Elray Minerals & Company. Diversion of 17.8356 ha. of forest area (12.9714 ha. already broken + 4.862 ha. to be broken) for renewal of mining lease under T.C. No. 1/37 in favour of M/s Elray Minerals & Company in North Goa Division in South Goa District in Goa.																																																																																												
4.	Extent of forest area involved	17.8356 ha. (Total lease area 100.00 ha)																																																																																												
5.	Whether original, or extension	Original. The lease area of 100 ha. is totally forest area.																																																																																												
6.	If extension of lease, please clarify if proposal involves additional forest area, and if so, specify	Not applicable.																																																																																												
7.	Date of 1 <sup>st</sup> Stage clearance	15 <sup>th</sup> May, 2008.																																																																																												
8.	Extent of CAMPA Charges, head wise																																																																																													
a.	Compensatory Afforestation	Rs. 9,04,052.00																																																																																												
b.	Additional CA	Nil																																																																																												
c.	Penal CA	Nil																																																																																												
d.	Catchment Area Treatment	Nil																																																																																												
e.	Wildlife Management Plan	Nil																																																																																												
f.	Additional Charges for diversion area falling under notified/Protected area	Nil																																																																																												
g.	Net Present Value	Rs. 7,95,70,932.00																																																																																												
h.	Any other Charges/Levies (PI Specify)	Safety Zone Fencing & Protection- Rs. 2,77,104.00 Safety zone afforestation - Rs. 4,15,656.00																																																																																												
i.	Lease transfer fee																																																																																													
9.	Details of bank drafts (bank Draft No., date and amount), head wise against items indicated in the paragraph 9 above)	<table border="1"> <thead> <tr> <th>Details</th> <th>DD No.</th> <th>Date</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Compensatory Afforestation</td> <td>267975</td> <td>14/10/08</td> <td>9,04,052</td> </tr> <tr> <td>Safety Zone Fencing</td> <td>267974</td> <td>14/10/08</td> <td>2,77,104</td> </tr> <tr> <td>Safety Zone Afforestation</td> <td>267976</td> <td>14/10/08</td> <td>4,15,656</td> </tr> <tr> <td>Net Present Value</td> <td>267977</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267978</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267979</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267980</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267981</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267982</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267983</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267984</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267985</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267986</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267987</td> <td>14/10/08</td> <td>79,980</td> </tr> <tr> <td></td> <td>267988</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267989</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267990</td> <td>14/10/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>267991</td> <td>14/10/08</td> <td>7,04,940</td> </tr> <tr> <td></td> <td>268093</td> <td>18/11/08</td> <td>3,89,142</td> </tr> <tr> <td></td> <td>268094</td> <td>18/11/08</td> <td>9,00,000</td> </tr> <tr> <td></td> <td>268095</td> <td>18/11/08</td> <td>2,62,544</td> </tr> <tr> <td></td> <td>268795</td> <td>04/11/09</td> <td>6,70,86,012</td> </tr> </tbody> </table>	Details	DD No.	Date	Amount	Compensatory Afforestation	267975	14/10/08	9,04,052	Safety Zone Fencing	267974	14/10/08	2,77,104	Safety Zone Afforestation	267976	14/10/08	4,15,656	Net Present Value	267977	14/10/08	9,00,000		267978	14/10/08	9,00,000		267979	14/10/08	9,00,000		267980	14/10/08	9,00,000		267981	14/10/08	9,00,000		267982	14/10/08	9,00,000		267983	14/10/08	9,00,000		267984	14/10/08	9,00,000		267985	14/10/08	9,00,000		267986	14/10/08	9,00,000		267987	14/10/08	79,980		267988	14/10/08	9,00,000		267989	14/10/08	9,00,000		267990	14/10/08	9,00,000		267991	14/10/08	7,04,940		268093	18/11/08	3,89,142		268094	18/11/08	9,00,000		268095	18/11/08	2,62,544		268795	04/11/09	6,70,86,012
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	268095	18/11/08	2,62,544																																																																																											
	268795	04/11/09	6,70,86,012																																																																																											

10.	Whether deposited by RTGS, if so, the particular and date of remittance	No.
11.	Bank(Corporation Bank, Lodhi Complex/Union bank of India, Sunder Nagar) in which Deposited, with date of Deposition	Corporation Bank, Lodhi Complex DD Nos. 267974 – 267991 deposited on 27/10/2008 under Vr. No 14 DD Nos. 268093 – 268095 deposited on 24/11/2008 under Vr. No. 22 DD No.268795 deposited on 04/11/2009 under Vr. No. 14
12.	Any other remarks	NPV for 17.8356 ha was recovered in compliance with Stage I clearance conditions and NPV for the remaining 82.1644 ha was recovered in compliance with Stage II clearance conditions.

*Ashu S. Jaiswal*  
02/12/2013

Signature of Nodal Officer  
Dy. Conservator of Forests  
Munirabad Division  
Panaji, Goa

123/4

Directions issued in the order dated 23/11/2012 para 13 D to "initiate departmental proceedings within a period of two weeks against the concerned officers, if any of them is still in service for dereliction of duty and misconduct in granting of the said permission/ clearance without following procedure of law and on basis of erroneous statement of facts."

2. The chronology of events following the Order of the Hon'ble NGT is as follows:

Date	Particulars
06/08/2013	Opinion of Govt. Advocate to conduct inquiry to avoid contempt of NGT. PCCF recommends appointing CF to enquire into the matter and thereafter take appropriate call depending on the outcome of the enquiry. Submitted to Chief Secretary for decision.
06/08/2013	Chief Secretary approves and direct to do so at the shortest possible.
12/08/2013	Shri G. Kumar, IFS, CF appointed as inquiry officer.
09/10/2013	Inquiry report submitted by Shri G. Kumar, IFS, CF to PCCF.
10/10/2013	PCCF submits inquiry report to CS informing that CF enquired into the matter in detail and has indicted Shri Shashi Kumar, IFS the then CWLW in granting clearance from the wildlife point of view without following due procedure of law.
14/10/2013	CS advises to call comments of Shri Shashi Kumar who is presently working in Andaman and Nicobar Island to submit comments within three weeks from the date of issue of letter.
13/11/2013	Comments of Dr. Shashi Kumar, IFS, PCCF Andamans received in PCCF office.
17/01/2014	PCCF submits the details to CS informing that since Dr. Shashi Kumar belongs to AIS, whether case may be forwarded to MoEF for initiating disciplinary proceedings as per AIS Conduct Rules.
12/02/2014	CS informs to intimate MoEF reg NGT orders as well as

	intention to initiate disciplinary proceedings.
13/02/2014	File resubmitted to CS.
19/03/2014	CS puts up file before HCM updating on the case and orders of NGT and recommending initiation of disciplinary proceedings. It is also brought to the attention that the State Government has assumed disciplinary powers over AIS Officers posted in Goa.
20/03/2014	HCM directs matter be placed after Election Code of Conduct as many issues of law are involved.
24/04/2014	File placed before HCM and HCM approved initiation of disciplinary proceedings.
29/05/2014	Directorate of Vigilance informs that charge memorandum for regular disciplinary proceedings under Rule 8 of AIS (Discipline and Appeal) Rules, 1969 has already been issued against Dr. Shashi Kumar, IFS.
23/07/2014	Documents and information regarding the issuance of charge sheet submitted to Vigilance Division, MoEF&CC for information
28/12/2024	Directorate of Vigilance submitted information to this office that charges issued against Dr. Shashi Kumar, IFS have been discharged. (Copy enclosed)

**BRIEF OF THE CASE**

Execution Application No.10/2023WZ, filed in Original Application No.86/2023WZ [earlier OA No.47/20129 (WZ) {T}] filed by Sandip Ganpat Desai V/s The State of Goa and 6 Ors. Forest Department is the Respondent No.2 through the Addl. Principal Chief Conservator of Forests.

The matter is related to Original Application No.47/2012 [T] filed by the Applicant with regard to mining lease No. T. C. 1/37 proposed in a notified reserve forest in the village Sancordem, Sanguem Taluka, South Goa. In its Judgment dated 23/11/2012, Hon. NGT cancel the Environment Clearance, Forest Clearance and Wildlife Clearance granted for the activity. Recording the damage cause to the Forest due to action of leaseholder the State Government has been directed to carry out afforestation of the broken forested area.

Applicant claims that in 2022, certain permissions were granted in respect of the same site which was directed to be afforested in judgement dated 23/11/2012, and mining/screening and other activity commenced at the site. The development work started on the site come to be stopped pursuant to complaint duly made to the concerned authorities by the Applicant.

Applicant claims that this Execution Application has been filed in order to prevent any such activities recommencing at the subject site a notified reserved forest applicant mentioned that it is necessary that the directions of Hon. NGT in its judgement dated 23/11/2012 are complied with, in as far as the afforestation of the site is concerned.

The Application mainly prays "For an order directing the Forest Department and other State Authorities to take all necessary measures in a time bound manner to ensure compliance with Direction 13 (C) of the judgement of this Hon'ble Tribunal dt.23.11.2012 in O.A. 47/2012 (T); and report compliance;".



Government of Goa  
**DIRECTORATE OF VIGILANCE,**  
 Serra Building, Near All India Radio,  
 Altinho, Panaji - Goa, 403001

No. 15/9/2014-VIG/AIS/1/1567

Date: 28/12/2023

**CONFIDENTIAL**

To  
**The Deputy Conservator of Forests,**  
 Head Quarters,  
 O/o the Principal Chief Conservator of Forests,  
 Forest Department,  
 Van Bhawan,  
 Altinho, Panaji - Goa.

Prn file

Asabeste  
 16/01/2024

Sub: Disciplinary proceedings against Dr. Shashi Kumar,  
 IFS (AGMUT: 1980)

Ac/Lc

Sir,

Ac/Lc  
 16/01/24

Ac/Lc

16/01/24

LDC(Lc)

I am directed to refer your letter No. 10/953/FD/2023-24/246/4426 dated 22/12/2023 and to inform you that Disciplinary Proceedings for major penalty under Rule 8 of the All India Services (Discipline & Appeal Rules), 1969, were initiated against Dr. Shashi Kumar, IFS (AGMUT:1980), the then Chief Wildlife Warden, Forest Department, Government of Goa, vide Memorandum No. 15/9/2014-VIG/AIS/1/1103 dated 27/05/2014 in the matter of granting wildlife clearance to M/s. Elray Minerals & Co. for carrying on mining operation in violation of the directions given by the Hon'ble Supreme Court vide its Order dated 04/12/2006 in Writ Petition No. 460 of 2004.

The said charge memorandum issued to Dr. Shashi Kumar, IFS (AGMUT: 1980), was discharged vide Order No.15/9/2014-VIG/AIS/1/2052 dated 17/10/2014. Photocopy of the Order dated 17/10/2014 is enclosed herewith for your kind perusal and further needful action.

Yours faithfully,

28/12/2023

(Rupa Paramasivan)  
**Vigilance Officer - III**

Encl: as above

LEGAL CELL  
 Inward No. 992  
 Date: 16/01/2024

11231  
 29/12/2023

**CONFIDENTIAL**

Government of Goa  
**DIRECTORATE OF VIGILANCE**  
 Serra Building, near All India Radio  
 Altinho-Panaji-Goa  
 Pin Code No. 403001

No. 15/9/2014-VIG/AIS/1/2052

Date: 17/10/2014

**ORDER**

Whereas, Disciplinary Proceedings for major penalty under Rule 8 of the All India Services (Discipline & Appeal Rules), 1969, were initiated against Dr. Shashi Kumar, IFS (AGMUT:1980), the then Chief Wildlife Warden, Forest Department, Government of Goa, vide Memorandum No. 15/9/2014-VIG/AIS/1/1103 dated 27/05/2014.

2. Whereas, the charge levelled against the Officer is that while functioning as Chief Wildlife Warden, Forest Department, Government of Goa, during the period from 01/08/2008 to 12/04/2012, he had issued wildlife clearance under the Wild Life (Protection) Act, 1972 vide letter No.6-13-(244)-2001-FD/6058 dated 08.02.2010 to M/s. Elray Minerals & Co. for the purpose of carrying out mining activities in the Mining T. C. No. 1/37 at Aili Vagurbem, Sancordem, Sanguem Goa in the Government Forest Land, which was within radius of about 2 kilometers from the Wild Life Sanctuary. The said clearance has been issued by Dr. Shashi Kumar, in his capacity as the then Chief Wild Life Warden, Goa without placing the said proposal before the Standing Committee of National Board of Wild Life in violation of the Order dated 04.12.2006 passed by the Hon'ble Supreme Court in the W.P. No.460/2004. The said clearance was issued without following due procedure of law and the same has been set aside by the Hon'ble National Green Tribunal Principal Bench, New Delhi vide Oral Judgment dated 23/11/2012 in Application No. 47 of 2012(T) (Bombay High Court Writ Petition No. 778/2010).
3. Whereas, vide reply dated 27/06/2014, said Dr. Shashi Kumar has denied the allegation/charge leveled against him. In his defence, Dr. Shashi Kumar, the Charged Officer has submitted the following:
  - (i) That the Wildlife Clearance is not granted directly by the Chief Wildlife Warden. There is a channel of processing and reporting with the approvals and directions from different levels. In the judgment of the Hon'ble NGT also it is clear that that the respondents no. 1 (State of Goa), No. 2(The APCCF, Govt. of Goa) and no. 3(the Director of Mines, Govt. of Goa) were not represented by any advocate, so the case itself was not presented well in the court at the first instant.
  - (ii) That in many of the Environmental clearances issued by Ministry of Environment and Forests (MoEF) with a due procedure involved, one of the conditions for issue of EC was

Page 1 of 4

*Signature*  
 17/10/2014

Wildlife Clearance, but the same used to vary from clearance to clearance. In this case, if the wildlife clearance was to be required from the Standing Committee of National Board of Wildlife (NBWL), then the same ought to have been specifically mentioned, but the same was not.

- (iii) That the judgment of the Apex Court dated 4/12/2006 in W.P. No.460 of 2004 has been made base of the report; in the said judgment, the MoEF was directed to give the opportunity to the states to respond to its letter dated 27/5/2005. In the same judgment, the State of Goa was also permitted to give appropriate proposal in addition to what is said to have already been sent to the Central Government. This shows that the State of Goa had already made a proposal and hence the decision of 10 Km from the boundaries of the protected areas to be eco-sensitive Zone, was not final and no order was passed to notify these areas.
- (iv) That in W.P. No.460 of 2004 in another judgment dated 18/9/2009, the Hon'ble Supreme Court ordered "the applicants claim that the general rule that any non-forest activity must not be allowed within a distance of 1km from the sanctuary may not be rigidly applied so far as the State of Goa is concerned and in that State the projects should be examined on site specific basis.
- (v) That the norms in regards to mining operation close to a sanctuary/ forest area and the question as to what should be the buffer area/ distance from the sanctuary / forest area is the subject matter of the court's consideration in IA No.1000 in WP© no. 202 of 1995 which **makes clear that till this date i.e.18/9/2009 there was no decision on the matter and there was special dispensation for the State of Goa.**
- (vi) That the issue of competence for issuing the Wildlife clearance came in again with the letter F. No. 6-69/2011 WL dated 30<sup>th</sup> May 2011 from MOEF, GoI, specifically with reference to M/s Bandekar Brothers Pvt. Ltd. where in the clearance was needed to be cancelled.
- (vii) That Govt. of Goa's stand vide letter No. 10/587 (P)/09-10/563 dt. 13<sup>th</sup> December, 2011, makes it clear that the Order dated 4/12/2006 of the Apex court does not direct the state Govt. to forward such proposal to NBWL.
- (viii) That it is amply clear that the CWLW acted as per provision of the WLP Act 1972 and the Notification of the No. Go i.e. Eco-sensitive Zone is yet to be decided, so there is no question of finding fault with him.
- (ix) That the latest office Memorandum No.25/35 2013-ESZ-RE dated 24<sup>th</sup> October, 2013 from Ministry of Environment and Forests, Government of India, regarding Eco-sensitive zones around Protected areas in Goa that the report of the Committee

constituted by MoEF on 9.9.2013 has been received on 16<sup>th</sup> Oct., 2013 and the draft notification is yet to be prepared.

- (x) That the preliminary enquiry report is misleading, without sound base and reasoning. That he had performed his duties with full sincerity and honesty throughout his long carrier of 33 years and there are many awards and appreciations received not only in field but in Research and Academics also. That in the same case, M/s Elray Minerals & Co. were repeatedly following up their case for a longer route to transport the minerals from their so called mine through the Govt. Forest, but the same was not agreed as this would have been at the cost of the Environment and Forests in that area. This aspect too, he claims, proves that his intensions were clear about the whole matter.

4. Whereas, after perusal of the records of the case, the written submissions made by the Charged Officer and the other relevant material on record, the Disciplinary Authority has observed as follows:

- (i) That the disciplinary proceedings against Dr. Shashi Kumar were initiated pursuant to the direction of Hon'ble National Green Tribunal vide Order dated 23/11/2012 in Application No. 47/2012 (T). However, apparently, neither the State of Goa nor the Additional Chief Conservator of Forests nor Director of Mines, Government of Goa was represented to defend the matter before the Hon'ble Tribunal.
- (ii) That the basic charge against Dr. Shashi Kumar is that he issued Wildlife Clearance to M/S Elray Minerals and Company for carrying out mining operation in violation of the directions given by the Hon'ble Supreme Court vide Order dated 04/12/2006 in Writ Petition No. 460/2004. That after careful perusal of the various documents including the Order dated 4/12/2006 of the Hon'ble Supreme Court reveals that there has been certain amount of confusion/lack of clarity with regards to notification of areas around boundaries of National Parks and Sanctuaries as Eco Sensitive Areas. For example, the second last para of the Hon'ble Supreme Court Order dated 04/12/2006 mentions that if the States or UTs do not send their proposal within a period of four weeks with regards to notification of Eco Sensitive Areas to MoEF, the Court may consider passing order for implementation of the decision that was taken on 21/01/2002, namely, notification of the areas within 10 kilometers of the boundaries of Sanctuaries and National Parks as Eco Sensitive Areas with the view to conserve forest wildlife environment and having regards to the precautionary principles. This itself casts a doubt whether 10 kilometers radius was enforced. So is the case with referring the matters to National Board for Wildlife. In any case, the Wildlife Clearance granted to Elray Mineral and Company was cancelled by the Charged Officer himself on 27/11/2011 based on the

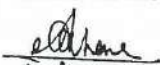
Page 3 of 4

*[Signature]*  
17/11/2014

advice from Ministry of Environment and Forests in respect of another case.

5. And whereas, on careful consideration of all the relevant material, the Disciplinary Authority has come to the conclusion that the Charged Officer appears to have acted bonafide, especially in view of lack of clarity in the matter while issuing Wildlife Clearance in question and hence felt that it would be unfair to punish the Charged Officer under the aforesaid circumstances.
6. Now, therefore, the charge memorandum issued to Dr. Shashi Kumar, IFS (AGMUT:1980), the then Chief Wildlife Warden, Forest Department, Government of Goa, vide Memorandum No. 15/9/2014-VIG/AIS/1/1103 dated 27/05/2014, is hereby discharged .

By Order and in the name of the  
Governor of Goa

  
17/10/2014  
(Amarsen Wamanrao Rane)  
Additional Secretary (Vigilance)  
Government of Goa

To,  
Dr. Shashi Kumar, IFS (AGMUT: 1980),  
Principal Chief Conservator of Forests,  
Andaman & Nicobar Islands.

**Copy to:-**

1. The Chief Secretary, Andaman & Nicobar Islands, Port Blair – Pin Code No. 744101 with a request to serve the Order to Dr. Shashi Kumar, IFS (AGMUT:1980) and return the acknowledged copy for the record of this office.

o/c

भारतीय डाक  
SP C C ALTIMO <403>  
EM1478575547 IN  
Counter No:1, OP-Code:SHRO  
To:CHIEF SECRETARY, ANDAMAN AND NICOBAR  
PORT BLAIR, PIN:744101  
From:DIRECTORATE OF VIGILANCE, PANAJI  
Wt:55grams,  
SS:80.00, , 17/10/2014 , 12:03  
Taxes:Rs.9.00<Track on www.indiapost.gov.in>



GOVERNMENT OF GOA  
Office of the Principal Chief Conservator of Forests  
"Goa Van Bhawan" Forest Department,  
Altinho, Panaji, Goa  
Pin- 403001

GOVERNMENT OF GOA  
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
"GOA VAN BHAWAN" FOREST DEPARTMENT  
ALTINHO, PANAJI, GOA - 403001

Email: [forest@goa.gov.in](mailto:forest@goa.gov.in)

No. 6-13-(244)-2022-23-FD/ *SVCS*

Dated: 03/03/2023

To,

The Assistant Inspector General of Forests  
Ministry of Environment, Forests & Climate Change  
Government of India  
Indira Paryavaran Bhawan  
Jorbagh  
New Delhi- 110003

**Sub.:** Regarding NPV and CA charges for diversion of Forest land in favour of M/s Elray Minerals & Co., renewal of ML. 1/37 within village boundary of Sancordem, taluka Dharbandora – reg.

**Ref.:** Letter dated 8-58-2006-FC dated 25.11.2022

Sir,

Pursuant to your letter under reference above regarding operation of the mines at TC No. 1/37, I am directed to inform you that vide reply dated 06.12.2021 to the grievance no. PMOPG/E/2021/0549333 dated 19.10.2021, the Goa Forest Department has submitted that as per the guidelines issued under Forest (Conservation) Act, 1980, no provisions of refunding of NPV has been provided (**reply annexed**).

2. Based on the clearance granted vide Ministry's letters dated 15.5.2008 & 06.8.2008 (Stage I) and 11.2.2009 (Stage II), monies towards CA and NPV were realised by the Department in 2008 and deposited with the National Authority (**Statement annexed**). As such, guidance and advises in this regard and in present context is hence sought from the Ministry and it is ensured that all further actions shall be taken as per such direction/guidance so issued by the Ministry.

3. As enquired by the Integrated Regional Office (Central), MoEFCC, Bengaluru, through letter dated 25.10.2021, the issue regarding felling of trees, post NGT order dated 23.11.2012 in the O.A. no. 47/2012, was got verified and it is found that following the permission (Stage 2) granted by the Ministry in 2009, work had commenced in about 3.0 ha area of Sy. No. 7 (p) (broken up area) and in an additional area of 2.5 ha area in Sy. No. 11, both in the said diverted area of Sancordem, where the User Agency had carried out facing/terracing works, however there has been no tree felling reported, the area being rocky. Subsequently, upon being informed by the Director (Mines and Geology), Government of Goa that the User Agency did not have the valid Lease License, the then DCF (North Goa) vide his letter dated 27.10.2010

(copy enclosed). directed the User Agency to stop all mining work, without obtaining the required permission from the Competent Authority.

4. As per the recent reports received from field, no further mining and allied operations were carried out by the concerned UA in the said forest area post 2012 order of the Hon'ble NGT.

5. Here it is informed that a status report was submitted with the Ministry vide this office letter no. 6-13-(244)-2011-FD/4720 dated 04.12.2013 (copy annexed). Further, it is submitted that the Compensatory Afforestation against the said diversion has already been carried out by the Department in an area of 10 ha in Sattari, Dharbandora, Malpona and Melauli and for safety zone CA plantation on 7.5 ha at Morlem. An amount of Rs. 26,77,668.00 has been expended against the CAs raised, including maintenance till date (annexed).

6. The land under contention has not yet been resumed by the Forest Department as on date. However, it has been ensured by the Department that no non-forestry activity is carried out by User Agency (Ms. Elray Minerals & Company) or any other entity in the said area.

7. Now, since a considerable time has elapsed and that the Compensatory Afforestation against the said area has also been already carried out, I am directed to seek necessary directions/advice from the Ministry following which this Department may resume the forest land please.

Yours faithfully

*Nabanita Ganguly*  
 (Nabanita Ganguly, IFS)  
 DCF(M&E)  
 o/o PCCF (Goa)  
 Panjim, Goa

Copy to:

1. The Principal Secretary (Forests), Government of Goa, Secretariat, Porvorim, Goa for information.
2. DIGF, Integrated Regional Office (Central), MoEFCC, Koramangalam in reference to the letter no. 4-GOA216/2006-BAN/1076 dated 13.12.2022 and Letter no. 4-GOA216/2006-BAN/877 dated 25.10.2021.

*Nabanita Ganguly*  
 DCF(M&E)  
 o/o PCCF (Goa)  
 Panjim, Goa



GOVERNMENT OF GOA  
Office of the Principal Chief Conservator of  
Forests  
"Goa Van Bhawan" Forest Department,  
Altinho, Panaji, Goa, Pin- 403001

Email: \_\_\_\_\_

No.6-13(244)-2022-23-FD/Vol.III/ 5233

Dated: 10/02/2024

To

The Assistant Inspector General of Forests  
Ministry of Environment, Forests & Climate Change  
Government of India  
Indira Paryavaran Bhawan  
Jorbagh  
New Delhi- 110003

Sub.: Regarding NPV and CA charges for diversion of Forest land in favour of M/s Elray Minerals & Co., renewal of ML. 1/37 within village boundary of Sancordem, taluka Dharbandora – reg.

- Ref.: i. MoEF&CC's Letter no. 8-58-2006-FC dated 25.11.2022  
ii. Goa Forest Department letter no. 6-13-(244)-2022-23-FD/5408 dated 03.03.2023  
iii. MoEF&CC's letter no. 8-58-2006-FC dated 19.5.2023

Sir

Referring to your letter as mentioned above, I am directed to inform (point-wise) the following for further necessary action at your end:

- i. *'The State Government has not specifically recommended for the release of CA levies deposited by the User Agency. In this regard the State Government may offer its specific comments.'*

The Forest (Conservation) Act, 1980 and rules and guidelines thereunder do not provide for remitting back of monies to UA who fail to undertake activities for which permission of forest diversion has been accorded. Therefore, regarding remitting back monies to UA under question, the Ministry may accordingly decide upon the matter of claimed refund.

However, the State Government hereby conveys its recommendation towards the remitting the levies to the User Agency subject to the following:

- a. *The entity getting confirmation from the Director of Mines & Geology that the entity ceases to have any right or entitlement in respect of the subject mine.*
- b. *The entity applying for withdrawal from the subject mine and getting necessary endorsement in that regard.*
- c. *An amount of Rs. 26, 77, 668/- shall be deducted towards the expenses against Compensatory Afforestation raised including maintenance billed till date towards future maintenance.*
- d. *No interest of what so ever nature shall be paid.*

As already conveyed vide this office letter dated 03.03.2023, the Compensatory Afforestation against the said forest diversion has been undertaken by the Goa Forest department.

- ii. *'The State Government is requested to submit the action taken after the cancellation of the Mines based on the Hon'ble court orders.'*

The Director of Mines and Geology, Government of Goa has conveyed vide his letter dated 21.6.2023 and 20.10.2023 that following the Hon'ble Supreme Court's order dated 05.10.2012, State Government has suspended the mining operation in the state of Goa. Further, the mining lease of T.C. no. 1/37 is presently in the possession of the State Government and that the entitlement and any other rights of M/s Elray Minerals & Co. on and towards the mining lease T.C. No. 1/37 stands ceased (letters of DMG enclosed, alongwith annexures).

- iii. *'The State Government is requested to offer its comments that why the action for reverting back the forest land to the State Forest Department has not been initiated till date when the court has already cancelled the mining lease.'*

*Me*  
The forest land was diverted for non-forestry purpose based upon stage II clearance granted by the Ministry (copy annexed). Since, there is no further order, otherwise, by MoEF&CC cancelling the diversion of forest land, no action was initiated by the State Government for reversion of the forest land. However, it has been ensured by the Forest Department that since 27.10.2010, no further mining operations are allowed to be carried out in the forest area under question.

In pursuance of MoEFCC's remarks, pending cancellation of the final order by the Ministry, Department has taken over the land in its possession (copy of taking over certificate annexed).

- iv. *'The State Government is requested to confirm whether the approval issued by the State Government on the basis of the Ministry's Stage II approval dated 11.02.2009 approval is cancelled or not.'*

Upon receipt of Ministry's letter of Stage II approval, as per extant practice in Goa, the same was conveyed to the jurisdictional Division Officer and Director of Mines & Geology, Government of Goa for ensuring that the stipulated conditions contained in Stage II approval are complied with (copy enclosed).

Working permission was conveyed to M/s Elray Minerals & Co. vide DCF (N) letter dated 17.2.2010 and the working permission was later revoked vide letter dated 27.10.2010 (copies enclosed), as has already been communicated in our previous letter dated 03.03.2023.

Therefore, remittance of monies/levies to the User Agency may be consider accordingly.

This issues with the approval of the State Government.

Yours faithfully

*Nabanita Ganguly*  
 (Nabanita Ganguly, IFS)  
 Conservator of Forests  
 i/c DCF M&E  
 o/o PCCF (Goa), Panjim

Copy to:

Deputy Director General, Integrated Regional Office (Central), MoEFCC,  
 Koramangalam for information.

*Nabanita Ganguly*  
 i/c DCF(M&E)  
 o/o PCCF (Goa)  
 Panjim, Goa

# 193

Annexure-R4/3

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

\*\*\*\*

Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi: 1100 03,  
**Dated: February, 2024**

To

The Principal Secretary (Forests),  
Department of Forest and Environment,  
Government of Goa,  
Panaji.

**Sub: Regarding refund of NPV and CA charges for diversion of 17.8356 ha. of Forest land (12.9714 ha already broken plus 4.8642 ha to be broken) for renewal of mining lease under TC no. 1/37 in favour of M/s. Elray Minerals & Co., in the Village boundary of Sancordem, Taluka Dharbandora in north Goa Forest Division, Goa.**

Madam/Sir,

I am directed to refer to the User Agency letter dated 12.10.2022 requesting to refund the compensatory levies paid towards the NPV, CA, Safety Zone & fencing protection and safety zone afforestation work, w.r.t. the above mentioned subject proposal. In this regard it is to informed that the has been examined in the Ministry and it has been observed that the following information may be provided by the State for further action in the matter:

- i. The UA has paid the NPV for entire forest area falling in the lease however, they have already used 12.9714 ha. Therefore, the NPV of the said area may not be refunded in view of the Hon'ble NGT order dated 23.11.2012. The State Government is requested to ascertain the area with NPV calculation and provide clear recommendation for refund of the NPV amount after deduction of due NPV for the broken up area/area already utilized.
- ii. Stage-II approval was granted by the Central Govt. on 11.02.2009 and the State Government has stopped the mining on 27.10.2010. The State Government shall ensure that during the intervening period whether any fresh area beyond 12.9714 (already broken up) has been used by the UA, if yes the NPV of the said area may also not be refunded and accordingly NPV calculation of the said broken or utilized area may be provided. Moreover, the State Govt vide letter dated 03.03.2023 has also reported that about 3.0 ha area of Sy. No. 7 (p) (broken up area) and in an additional area of 2.5 ha area in Sy. No. 11, both in the said diverted area of Sancordem, where the User Agency had carried out facing/terracing works, however there has been no tree felling reported, the area being rocky. A clarification in this regard may be provided whether to consider the same a utilization of the forest land for non-forestry purposes and accordingly wrt non refund of NPV for this area.

In view of the above, the State Government is requested to submit the information/clarification/documents as indicated above, to this Ministry for further consideration of the proposal.

Yours faithfully,

Signed by **194**  
Dheeraj Mittal

Date: 28-02-2024 10:15:29

Sd/-  
**(Dr. Dheeraj Mittal)**  
Assistant Inspector General of Forests

**Copy to: -**

1. PCCF (HoFF), Government of Goa, Panaji.
2. APCCF cum Nodal Officer (VSESA), Forest Department, Government of Goa, Panaji.
3. DDGF (Central), Regional Office, Bangalore of MoEF&CC.
4. Monitoring Cell of Forest Conservation Divisions, MoEF&CC, New Delhi.
5. User Agency

# 195

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

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

**Dated: February, 2024**

To  
Deputy Director General of Forests (Central)  
Regional Office, Kendriya Sadan,  
4th Floor, E&F Wings, 17th Main Road,  
Koramangala II Block, Bangaluru (Karnataka)

**Sub: Regarding refund of NPV and CA charges for diversion of 17.8356 ha. of Forest land (12.9714 ha already broken plus 4.8642 ha to be broken) for renewal of mining lease under TC no. 1/37 in favour of M/s. Elray Minerals & Co., in the Village boundary of Sancordem, Taluka Dharbandora in north Goa Forest Division, Goa.**

Madam/Sir,

I am directed to refer to the User Agency letter dated 12.10.2022 requesting to refund the compensatory levies paid towards the NPV, CA, Safety Zone & fencing protection and safety zone afforestation work, w.r.t. the above mentioned subject proposal. The State Govt has also recommended for the said refund of NPV and CA charges (letter of the State Govt is enclosed for reference). In this regard, it is requested to carry a site inspection in accordance with the direction of the Hon'ble NGT order and submit a report to the Ministry at the earliest for further action in the matter.

Signed by

Yours faithfully

Dheeraj Mittal

Date: 28-02-2024 10:14:01

**(Dr. Dheeraj Mittal)**

Assistant Inspector General of Forests

Copy to:

1. Additional Chief Secretary (Forest), Government of Goa, Panji.
2. PCCF (HoFF), Government of Goa, Panaji.
3. APCCF cum Nodal Officer (VSESA), Forest Department, Government of Goa, Panaji.
4. DDGF (Central), Regional Office, Bangalore of MoEF&CC.
5. Monitoring Cell of Forest Conservation Divisions, MoEF&CC, New Delhi.
6. User Agency.