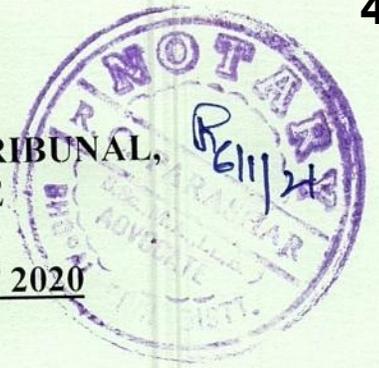


IN HON'BLE THE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH, PUNE
IN
ORIGINAL APPLICATION NO.06 OF 2020



IN THE MATTER OF:

SHANKARLAL GOPALBHAI PATEL

...APPLICANT

Versus

UNION OF INDIA & ORS.

...RESPONDENTS

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT
NO. 1, UNION OF INDIA, MINISTRY OF ENVIRONMENT,
FOREST & CLIMATE CHANGE, DELHI

I, B. Abhay Bhaskar S/o Bhaskar L. Barapatre, residing at Bhopal (Madhya Pradesh), do hereby solemnly affirm and state as follows:-

1. That, I am working as Asst. Inspector General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office, Bhopal and as such I am fully aware of the facts and circumstances of the case from the relevant records available in this office. I further state that the present affidavit is being filed after perusing the office records, which to my knowledge are true and correct, and I am authorized to file this reply affidavit on behalf of the Respondent No. 1.
2. That I have perused the contents of the application filed by the petitioner and I am duly authorized to depose by way of the present Affidavit. At the outset, I deny all the allegations, put further in the affidavit except those that are specifically admitted here in. All annexure accompanying this affidavit are true copies of their respective originals.

PARA WISE REPLY:

1. Para No. 1: The Answering Respondent has no comments to offer.
2. Para No. 2 and 3: Reference has been made to a letter dated 18.09.2014 along with Minutes of the Meeting dated 25.08.2014 issued by this Ministry. The same are a matter of fact and nothing is disputed within
3. Para No. 4 to 13: The averments made do not pertain to the Answering Respondent, hence no comments are offered.
4. Para No. 14 and 15: It is humbly submitted that prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 ("FC Act" for short) is required for carrying of any non-forestry activity on forest land. That Section 2 of FC Act, 1980 provides as under:

6/11/24

“Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing:

- i.that any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved:*
- ii.that any forest land or any portion thereof may be used for any non-forest purpose:*
- iii.that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government:*
- iv.that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for re-forestation.*

5. Para No. 16-21: The averments do not pertain to the Answering Respondent, hence no comments are offered.
6. Para No. 22: As stated in Para No. 4 above, prior approval of the Central Government is mandatory for diverting forest land for non forestry use.
7. Para No. 23 and 24: The averments do not pertain to the Answering Respondent, hence no comments are offered.
8. Para No. 25 to 29: The averments made are a matter of fact and nothing is disputed by the Answering Respondent.
9. Para No. 30: The averments do not pertain to the Answering Respondent, hence no comments are offered.
10. Para No. 31: It is reiterated that prior approval of the Central Government is mandatory for diverting forest land for non forestry use.
11. Para No .32 and 33: The averments made are a matter of fact and nothing is disputed by the Answering Respondent.
12. Para No. 34: It is humbly submitted that as per Rules 6 and 7 of the Hazardous Wastes (Management, Handling and Trans-boundary Movement) Rules, 2016, State Pollution Control Board is the competent authority for grant of authorization for managing hazardous and other wastes
13. Para No. 35 to 48: The averments made are a matter of fact and nothing is disputed by the Answering Respondent.



[Handwritten signature]
6/1/21

- II. Diversion of 297.38 Ha Reserved and un-Class forest land in 15 villages of Taluka Bhuj and 7 villages of Taluka Nakhatrana of District Kutch for setting up of 286 MW Wind Power Project in favor of Srijan Energy System Pvt. Ltd. Bhuj-Kutch. **[Annexed as A-7]** The answering respondent has requested the State Government of Gujarat to submit the details of any court case pending against his proposal with current status. **[Annexed as A-8]**
- III. Diversion of 37.30 Ha of Reserved forest land for construction of 45 MV Wind Power Project, Village – Gajines, Lamba Navdra & Virpur Gangdi in favor of Suzlon Energy Ltd. in Jamnagar District of Gujarat. **[Annexed as A-9]** The answering respondent has requested the State Government of Gujarat to submit the details of any court case pending against his proposal with current status. **[Annexed as A-10]**
4. That, as per records available with the Ministry, one proposal pertaining to Green Infra Wind Energy Ltd., New Delhi, is under consideration and has not yet been granted any approval for want of information/documents. Details of the proposal are as follows:
- a. Diversion of 0.56 Ha Reserved Forest Land for construction of 220 KV D/C Overhead Transmission Line from 765 KV PGCIL substation Bhuj to 220 KV GIWEL-Roha Wind Farm Substation, District – Kutch in favor of Green Infra Wind Energy Ltd., New Delhi. **[Annexed as A-11]** The answering respondent has requested the State Government of Gujarat to submit the details of any court case pending against his proposal with current status. **[Annexed as A-12]**
5. It is humbly submitted that the Ministry has accorded all the approvals under the Forest (Conservation) Act, 1980 with due diligence and after careful examination of all the aspects of the proposal.
6. That this Ministry reserves its right to file additional affidavit as and when required till pende-lite.
7. That in light of the aforementioned facts and circumstances it is submitted that no case is made out against the answering respondent and hence it is humbly prayed to remove the answering respondent from the array of parties of this application.
8. That this Hon'ble Tribunal may pass any order as it deems fit.

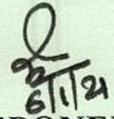



6/11/21
DEPONENT

VERIFICATION:

I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at Bhopal on this 6th Day of January, 2021.


6/1/21
DEPONENT



SWORN BEFORE ME


R. C. PARASHAR 6/1/2021
NOTARY & ADVOCATE, BHOPAL
68/135, Arera Colony, Bhopal

IDENTITY
Name: दीरामोहन पटेल
Address: पत्त. नं. एवं अलावा मु. पत्त. रज. नं. नं. पत्त. नं.



A - (B)

F.No 8-63/2008-FC
Government of India
Ministry of Environment, Forests and Climate Change
(F.C. Division)

Indira Paryavaran Bhawan,
Jor Bagh, Aliganj Road.

Dated: 15th September, 2016

To
The Principal Secretary (Forests),
Government of Gujarat,
Gandhinagar.

Sub: Diversion of 60.70 ha Reserved forest land for construction of 71.25 MW wind power project in Vachchhu & Gorinja villages in Dwarka taluka in favour of Suzlon Energy Limited in Jamnagar district of Gujrat.

Sir,

I am directed to refer to the State Government's letter no. FCA - 1008 - (10 - 1) S. F. - 41 - k dated 11.06.2008 on the subject mentioned above 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 consideration of the proposal by the Forest Advisory Committee constituted under section-3 of the said Act, 'in-principle' approval was granted vide this Ministry's letter of even number dated 26.12.2014 subject to fulfilment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the 'in-principle' approval and requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letters No. FCA-1008/10-1/14/S.F-41/F dated 20.12.2013 & 07.06.2014 and No.FCA/29-C/A/455-57/ 2016-17 dated 21.07.2016, **Final/Stage-II approval** of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 60.70 ha Reserved forest land for construction of 71.25 MW wind power project in Vachchhu & Gorinja villages in Dwarka taluka in favour of Suzlon Energy Limited in Jamnagar district of Gujrat subject to fulfilment of the following conditions:

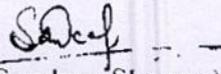
- (i) That Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land, equal in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department from the funds already provided by the user agency;
- (iii) The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;

- (iv) 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;
- (v) The State Government shall ensure to implement the scheme for plantation of medicinal plant in consultation with the State Forest Department at project cost.
- (vi) No labour camp shall be established on the forest land;
- (vii) 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;
- (viii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS coordinates;
- (ix) User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (x) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xi) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xii) 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;
- (xiii) No damage to the flora and fauna of the adjoining area shall be caused.
- (xiv) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xv) The user Agency shall demarcate the project area by creating Cairns (60 cm high) with available stones and indicate the marking of forward and backward bearings on these cairns;
- (xvi) After the construction of the approach road as per the Project Plan, these Cairns shall be substituted by four feet high RCC pillars at the project cost indicating on each pillar the forward and back bearing as well as distance between the adjacent pillars.;
- (xvii) The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits;
- (xviii) The lease period shall be for a period of 30 years;
- (xix) The wind turbines/wind mills to be used on forest land shall be approved for use in the country by the Ministry of Non-Conventional Energy Sources, Government of India;
- (xx) Soil and Moisture conservation measures like contour trenching shall be taken up on the hillocks supporting the wind mill by the State Forest Department, in accordance with the approved plan, from the funds already provided by the user agency;
- (xxi) The free movement of the villagers, if any within and surrounding area shall be ensured;
- (xxii) The User Agency shall comply with all conditions stipulated by the State Government of Gujarat at the time of submission of the proposal to the Central Government;
- (xxiii) All other conditions stipulated in the Stage-I approval for which the user agency has submitted undertakings shall be complied with;

320592/2020/ENVIROMENT(WZ)

- (xxiv) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry regularly.
- (xxv) Any other condition that the Regional Office (Western Zone), Bhopal of this Ministry, may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxvi) The State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

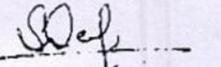
Yours faithfully,


(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

Copy for favour of information to:

1. The Principal Chief Conservator of Forests, Government of Gujarat, Gandhi Nagar.
2. The Addl. PCCF (Central), Regional Office, MoEF&CC, Bhopal.
3. The Nodal Officer, O/o the PCCF, Government of Government of Gujarat, Gandhi Nagar.
4. The User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.
6. Guard File.


(Sandeep Sharma)

Assistant Inspector General of Forests (FC)



199
F. No. 8-45/2009-FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi-110 003
Dated: 7th October, 2010.

rec d.
12/10/10
To
The Principal Secretary (Forcsts)
Government of Gujarat,
Revenue and Forests Department,
Gandhinagar.

Sub: Diversion of 68.82 ha of forest land for construction 58.40 MW Wind Power Project in village Jamvadi, Chhattar, Haripar Mevasa, Dhun Dhoraji, Bodi, Moti Vavdi Tal: Kalavad & village-Jam Ambardi, Sadodar, Seth Vadala, Narmana, Tal: Jam Jodhpur in favour of M/s Vish Wind Infrastructure Limited in Jamnagar District of Gujarat.

Sir,

I am directed to refer to Government of Gujarat's Letter No. FCA-1009-(10-1) S.F - 61-F dated 02.06.2009 on the above mentioned subject, wherein prior approval of the Central Government for the diversion of 68.82 ha of forest land for construction 58.40 MW Wind Power Project in village Jamvadi, Chhattar, Haripar Mevasa, Dhun Dhoraji, Bodi, Moti Vavdi Tal: Kalavad & village-Jam Ambardi, Sadodar, Seth Vadala, Narmana, Tal: Jam Jodhpur in favour of M/s Vish Wind Infrastructure Limited in Jamnagar District of Gujarat, was sought, in accordance with section-2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under Section-3 of the said Act, stage-I approval for the said proposal was granted vide this Ministry's letter of even number dated 13th October, 2009 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

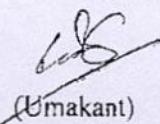
In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Gujarat vide letter No. FCA-1009(10-1)/SF-61/F dated 29th September, 2010, approval of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 68.82 ha of forest land for construction 58.40 MW Wind Power Project in village Jamvadi, Chhattar, Haripar Mevasa, Dhun Dhoraji, Bodi, Moti Vavdi Tal: Kalavad & village-Jam Ambardi, Sadodar, Seth Vadala, Narmana, Tal: Jam Jodhpur in favour of M/s Vish Wind Infrastructure Limited in Jamnagar District of Gujarat, subject to the following conditions:-

1. Legal status of forest land shall remain unchanged.
2. Compensatory Afforestation shall be raised and maintained over 69.4445 ha of non-forest land that has been transferred to the State Government by the User Agency.
3. The non-forest land so identified for raising Compensatory Afforestation shall be notified as Reserve Forest /Protected Forest under the provisions of the Indian Forest Act, 1927, by the State Government immediately.
4. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the

report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

5. The State Government shall charge the cost of developing medicinal plants garden wherever feasible in 65-70% of area to be leased out and soil conservation work at the User Agency's cost.
6. All the funds received from the User Agency under the project shall be transferred to in Account No. CA 1583 of Corporation Bank, Block-11, CGO Complex, Phase-1, Lodhi Road, New Delhi - 1100 03.
7. The User Agency shall demarcate the project area by creating Cairns (60 cm high) with available stones and indicate the marking of forward and backward bearings on these Cairns.
8. After the construction of the approach road as per the Project Plan, these Cairns shall be substituted by four feet high RCC pillars at the project cost indicating on each pillar the forward and back bearings as well as distance between the adjacent pillars.
9. The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits.
10. Any tree felling shall be done only when it is unavoidable, and that too under strict supervision of the State Forest Department and at the cost of the project.
11. The free movement of the local villagers, if any, within and surrounding area will be ensured.
12. The forest land shall not be used for any purpose other than that specified in the proposal.
13. The User Agency shall comply with all conditions stipulated by the State Government of Gujarat at the time of submission of the proposal to the Central Government.
14. Other standard conditions in vogue as per this Ministry's guidelines for Wind Power projects including instructions issued vide letter no. 8-47/2008-FC dated 30.01.2009 shall also be applicable in the instant case.
15. All other conditions including standard conditions applicable to the proposals under Forest (Conservation) Act, 1980 and under different rules, regulations and guidelines including environment clearance the Scheduled Tribes & Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 shall be complied with before transfer of land.

Yours faithfully,



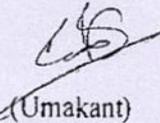
(Umakant)

Assistant Inspector General of Forests

Tele-fax: 011-24363974

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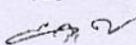
1. The Principal Chief Conservator of Forests, Government of Gujarat, Gandhinagar.
2. The Nodal Officer, Forest Department, Government of Gujarat, Gandhinagar.
3. The Chief Conservator of Forests (Central), Regional Office, Bhopal.
4. The User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.



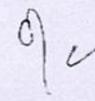
(Umakant)

Assistant Inspector General of Forests

Recd.



Issued
5/10/20



File No. 873/2011 - FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003
Date 6th March 2012.

To

The Principal Secretary (Forests),
Government of Gujarat,
Forests Department,
Gandhinagar, Gujarat

Sub: Diversion of 120.7496 ha. Reserved Forest Land for construction of Wind Power Project in favor of Enercon (India) Ltd. in district Jamnagar, Gujarat - reg.

Sir,

I am directed to refer to Government of Gujarat's Letter No. FCA-1011/10-2/SF-67/F dated 4th July 2011 on the above mentioned subject, wherein prior approval of the Central Government for the diversion of 120.7496 ha. Reserved Forest Land for construction of Wind Power Project in favor of Enercon (India) Ltd. in district Jamnagar, Gujarat was sought, in accordance with Section 2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act, in-principle approval for the said diversion was granted vide this Ministry's letter of even number dated 20.12.2011. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Gujarat vide letter No. FCA-1011/10-2/S.F.-67-F dated 18.02.2012, final /stage - II approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 120.7496 ha of forest land for construction of wind power project in district Jamnagar, Gujarat in favour of M/s Enercon (India) Ltd., subject to the fulfillment of the following conditions:-

- (i) Legal status of forest land shall remain unchanged.
- (ii) Compensatory Afforestation shall be raised and maintained over equivalent area of non-forest land (i.e. over 120.7496 ha) transferred and mutated in favour of the State Forest Department from the funds already provided by the user agency.
- (iii) The non-forest land so identified for raising Compensatory Afforestation shall be notified as Reserve forest / Protected Forest under the provisions of the Indian Forest Act, 1927, or of the concerned local Act by the State Government. The Nodal Officer (Forest Conservation) shall report compliance in this regard, within six months.
- (iv) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India shall be charged by the State Government from User Agency.

- (v) The User Agency shall take all possible measures for the protection of forests and wildlife in the adjacent forest area, in consultation with the State Forest Department.
- (vi) The State Government shall charge the cost of developing medicinal plants garden wherever feasible in 65-70% lease out area and soil conservation work at the User Agency's cost.
- (vii) The User Agency shall demarcate the project area by creating Cairns (60 cm high) with available stones and indicate the marking of forward and backward bearings on these Cairns.
- (viii) After the construction of the approach road as per the Project Plan, these Cairns shall be substituted by four feet high RCC pillars at the project cost indicating on each pillar the forward and back bearings as well as distance between the adjacent pillars.
- (ix) The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits.
- (x) The lease period shall be for a period of 30 years.
- (xi) Any tree felling shall be done only when it is unavoidable, and that too under strict supervision of the State Forest Department and at the cost of the project.
- (xii) The user agency shall carryout soil and moisture conservation works as per the approved treatment plan prepared in consultation with the state forest department to minimize soil erosion in the area being diverted
- (xiii) The free movement of the local villagers, if any, within and surrounding area shall be ensured.
- (xiv) The user agency shall comply with the mitigative conditions that may be imposed in the light of the study conducted to assess the impact of wind energy projects on avifauna and bats in the impact zone of the project
- (xv) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xvi) The User Agency shall submit the annual self-monitoring report indicating status of compliance to each of the conditions stipulated in the approval, to the concerned Regional Office of the Ministry.
- (xvii) User Agency shall comply with all conditions stipulated by the State Government of Gujarat at the time of submission of the proposal to the Central Government
- (xviii) Other standard conditions in vogue as per this Ministry's guidelines for Wind Power projects shall also be applicable in the instant case

Yours faithfully

(Priya Ranjan)
Sr. Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Gujarat, Gandhinagar.
2. The Nodal Officer, Forest Department, Government of Gujarat, Gandhinagar.
3. The CCF(Central), Regional Office, Bhopal
4. User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi
6. Guard File.

(Priya Ranjan)
Sr. Assistant Inspector General of Forests

F. No. 8-27/2014-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110510.

Dated 23rd March, 2016.

To

The Principal Secretary (Forests),
Government of Gujarat,
Gandhi Nagar.

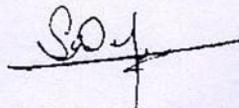
Sub: Diversion of 80.92 ha of Reserved Forest land in village Bhadla, Bakhavadi, Devpara, Godladhar, Kaduka, Kanesara, Khadvadi, Lilapur, Rajavatlajam, Veraval, Ta. Jasdand and Dungarpur, Ta. Rajkot, Dist. Rajkot for setting up 54.40 MW wind power project in favour of Enercon (India) Ltd. (Currently known as Wind world india Ltd.), Daman. - Compliance of In-Principle Approval and Change of C.A. Land -reg.

Sir,

I am directed to refer to the State Government of Gujarat's letter no. FCA- 1014/10-11/14/S.F-66/F dated 15.04.2014 on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under section-3 of the said Act, 'in-principle' approval was granted vide this Ministry's letter of even number dated 19.05.2014 read with corrigendum letter dated 07.08.2015 subject to fulfilment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the 'in-principle' approval and requested the Central Government to grant final approval.

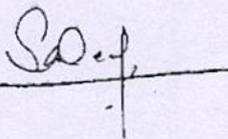
In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letters No. FCA-1014/10-11/14/S.F-30/F dated 29.12.2015 and No. FCA- 29 C/A/1160-61/2015-16 dated 18.03.2016, **Final/Stage-II approval** of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 80.92 ha of Reserve forest land (earlier 88.96 Ha.) in Village Bhadala, Bakhavadi, Godladhar, Kaduka, Kanesara, Khadvadi, Lilapur, Rajavatlajam, Veraval, Ta. Jasdand, and Dungarpur Ta. Rajkot Distt. For setting up 54.40 MW (earlier 62.40) wind power project in favour of Ms Wind World (India) Ltd.(Earlier Enercon (India) Ltd) subject to fulfilment of the following conditions:

- (i) That Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the non-forest land, equal in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department from the funds already provided by the user agency;
- (iii) The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the India Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 latest within period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report



compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;

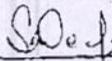
- (iv) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (v) The State Government shall ensure to implement the approved plan as furnished vide their letter No. FCA- 29-C/A/1160-61/2015-16 dated 18.03.2016 for afforestation in the unutilised space between the wind turbines under strict supervision of the State Forest Department upon implementation of the Wind Power Project.
- (vi) No labour camp shall be established on the forest land;
- (vii) 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;
- (viii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (ix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (x) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xi) 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;
- (xii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xiii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xiv) 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. Bird's 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;
- (xv) That cost of developing medicinal plants garden wherever feasible in 65-70% lease out area, as the State Government shall charge, shall be borne by the User Agency;
- (xvi) The user Agency shall demarcate the project area by creating Cairns (60 cm high) with available stones and indicate the marking of forward and backward bearings on these cairns;
- (xvii) After the construction of the approach road as per the Project Plan, these Cairns shall be substituted by four feet high RCC pillars at the project cost indicating on each pillar the forward and back bearing as well as distance between the adjacent pillars.;
- (xviii) The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits;
- (xix) The lease period shall be for a period of 30 years;
- (xx) The wind turbines/wind mills to be used on forest land shall be approved for use in the country by the Ministry of Non-Conventional Energy Sources, Government of India;
- (xxi) Soil and Moisture conservation measures like contour trenching shall be taken up on the hillocks supporting the wind mill by the State Forest Department, in accordance with the approved plan, from the funds already provided by the user agency;



320592/2020/ENVIROMENT(WZ)

- (xxii) The free movement of the villagers, if any within and surrounding area shall be ensured;
- (xxiii) The State Government and the user agency shall implement the mitigation measures, which may be suggested at the conclusion of the study assigned by this Ministry to the BNHS to assess impact of wind mills of different capacity on avifauna and bats and the recommendations made by the Committee constituted by this Ministry under Chairmanship of the Additional Principal Chief Conservator of Forests (Central), Southern Regional Office, Bangalore to assess and define the impact zone of wind energy define the impact zone of wind energy projects in forest areas for the purpose of assigning NPV.
- (xxiv) The User Agency shall comply with all conditions stipulated by the State Government of Gujarat at the time of submission of the proposal to the Central Government;
- (xxv) All other conditions stipulated in the Stage-I approval for which the user agency has submitted undertakings shall be complied with;
- (xxvi) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.
- (xxvii) 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
- (xxviii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

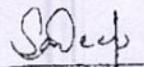
Yours faithfully,


(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

Copy for favour of information to:

1. The Principal Chief Conservator of Forests, Government of Gujarat, Gandhi Nagar.
2. The Addl. PCCF (Central), Regional Office, MoEF&CC, Bhopal.
3. The Nodal Officer, O/o the PCCF, Government of Government of Gujarat, Gandhi Nagar.
4. The User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.
6. Guard File.


(Sandeep Sharma)

Assistant Inspector General of Forests (FC)



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

Regional Office - Western Region

Kendriya Parivaran Bhavan

Link Road No. 2

F-5, Sector-10, Ravi Shankar Nagar,

Bhopal-462016 (M.P.)

Phone: 06625291, 2462102, 2462106

E-mail: towz_bop@mfcd.in

File No. 6-G.JB048/2018-BHO/ 721

Date : 28/06/2019

To,

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

Sub: Diversion of 0.9450 ha Section-4 Forest land for construction of 220 KV transmission line for wind farm project in village Lakhivairo of Ta. Nakhtrana of Kutchh district in favour of Srijan Energy System Private Ltd. Bhuj-Kutch.

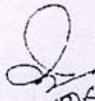
Sir,

I am directed to invite a reference to your letter No. FCA-1018/3-05/18/S.F-1401 dated 11/09/2018 on the above mentioned subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980.

The proposal was duly considered and approved by the Central Govt. for issuance of in-principle approval. Therefore, the undersigned, on behalf of the Central Government, conveys In-Principle Approval (Stage-I) for diversion of 0.9450 ha Section-4 Forest land for construction of 220 KV transmission line for wind farm project in village Lakhivairo of Ta. Nakhtrana of Kutchh district in favour of Srijan Energy System Private Ltd. in Bhuj-Kutch subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land shall be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory Afforestation :**
 - a) Compensatory Afforestation shall be taken up by the Forest Department over 1.00 ha non-forest land, Survey No. 545/pt 39/pt 2 pt-pt 2, Village-Sudadhara Moti, Taluka-Abdasa, District- Kutch, Gujarat at the cost of the User Agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RI/PE prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval.
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipate cost increase for works scheduled for subsequent years.
5. **NPV:**
 - a) The State Government shall charge the Net Present Value (NPV) for the 0.9450 ha forest area to be diverted under this proposal from the User Agency as per the orders of the

0.9450 ha
Bhuj.


28/6/19

Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (P.II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03.10.2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

- (b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
6. User agency shall restrict the felling of trees upto 91 numbers in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 7. All the funds received from the user agency under the project shall be transferred deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in>).
 8. The User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line for execution of the said scheme to the State Forest Department.
 9. The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
 10. The User Agency shall comply with the guideline for laying transmission lines through forest as per Chapter 10 of FCA, 1980 Handbook 2019.
 11. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 12. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 13. No labour camp shall be established on the forest land.
 14. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
 15. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
 16. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 17. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
 18. The forest land shall not be used for any purpose other than that specified in the project proposal.
 19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
 20. Violation of any of these conditions will amount to violations of Forest (Conservation) Act, 1980 and action would be taken as Para 1.21 of FCA, 1980 Handbook 2019.
 21. All the conditions of State Forest Department Local Forest rules shall be applicable in this project.

0.9450 kg

Bhuj

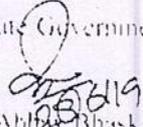

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320592/2020/ENVIROMENT(WZ)

22. Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
23. The compliance report in letter format of State Govt. of Gujarat shall be uploaded on e-portal (<http://parivesh.nic.in/>).

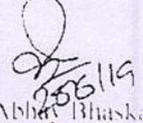
After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for final approval under Section 2 of the Forest (Conservation) Act, 1980 by this office.

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


(B. Abhay Bhaskar)
Asstt. Inspector General of Forests (C)

Copy to :-

1. Director, ROHQ, Ministry of Environment, Forests and Climate Change, Agri. C-wing, 3rd Floor, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi - 110003
2. The Addl. Principal Chief Conservator of Forests & Nodal Officer (L), Gandhinagar, Gujarat.
3. The Dy. Conservator of Forest, West Division, Kutchh-Bhuj, Gujarat.
4. Srijan Energy System Private Ltd., Office No.4, 1st Floor, City Centre, Opp. Mandvi Ocean Commerce College Road, Bhuj-Kutch-370001, Gujarat.
5. Order file.


(B. Abhay Bhaskar)
Asstt. Inspector General of Forests (C)

O. 945049

Bhuj

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सत्यमेव जयते

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

राज्य कार्यालय
Regional Office, Western Region
Kendriya Parishad Bhawan
Plot No. 40, Link Road No. 1
E-5, Sector 10, Okhla, New Delhi-110025
Phone No. 011-26116111/12
Fax No. 011-26116112
Website: www.mef.gov.in

Dated: 16/09/2020

File No. 6-GJB048/2018-BHO/ 834

To:

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

Sub: Diversion of 0.9450 ha Section-4 Forest land for construction of 220 KV transmission line for wind farm project in village Lakhiyaviro of Ta. Nakhtrana of Kutchh District in favour of Srijan Energy System Private Ltd., Bhuj-Kutch.

Ref: 1. The NGT Court case No. 6/2020 (WZ) with IA No. 11/2020 of shakkarlal Gopalbhai Patel vs LIO & others. (Copy enclosed)

Sir,

With reference to the above mentioned subject and letter under reference, I am directed to request you to kindly submit the current status of court case pending against this proposal with current status, if any.

Further, necessary action will be carried out after receipt of above information.

(B. Abhay Bhaskar)

Asstt. Inspector General of Forests (C)

Copy to:

1. PCCF & HoFF, Forest Department, Govt. of Gujarat, Ananya Bhawan, Gandhinagar.
2. APCCF & Nodal officer, Forest Department, Govt. of Gujarat, Ananya Bhawan, Gandhinagar.

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F. No. 8-21/2016-FC
Government of India
Ministry of Environment, Forests and Climate Change
(F.C. Division)

Indira Paryavaran Bhawan,
Jor bagh Aliganj Road,
New Delhi - 110003.
Dated: 9th September, 2017

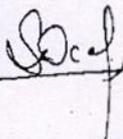
To,
The Principal Secretary (Forests),
Government of Gujarat,
Gandhi Nagar.

Sub: **Diversion of 297.38 ha. Reserved and un-Class forest land in 15 villages of Taluka Bhuj and 7 villages of Taluka-Nakhatrana of District Kutch for setting up of 286 MW Wind Power Project in favour of Srijan Energy System Pvt. Ltd., Bhuj-Kutchh, Gujarat.**

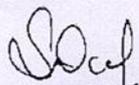
I am directed to refer to the State Government's letter No. FCA-1016/10-01/16/S.F-33/F dated 29.06.2016 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *In-principle approval/Stage-I Clearance* of the Central Government is hereby granted for diversion of 297.38 ha. Reserved and un-Class forest land in 15 villages of Taluka Bhuj and 7 villages of Taluka-Nakhatrana of District Kutch for setting up of 286 MW Wind Power Project in favour of Srijan Energy System Pvt. Ltd., Bhuj-Kutchh, Gujarat subject to the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation over the non-forest land, equal in extent to the area of forest land being diverted, shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department at the cost of the user agency;
- iii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- iv. **The user agency shall take all mitigative measures to avoid casualties of birds/bats due to network of overhead power lines in consultation with BNHS.**
- v. **The CA sites selected in the non -forest area in Nalia shall be mutated in the name of forest department and shall be declared as RF/PF.**
- vi. **In addition to the non-forest area for CA, the state government shall submit separate CA scheme for plantation of (297X1000) 297000 plants in degraded forest area in the state. The cost of plantation shall be borne by user agency and same shall be deposited in Adhoc CAMPA account. Plantation in degraded forest will be taken up as per working plan prescriptions and state will intimate in which forest block/compartement plantation will be taken up. In case the plantation is proposed to be taken in degraded forest area not covered by working plan, shape files of such area shall be submitted.**
- vii. 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;


19.9.17

- viii. The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;
- ix. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- x. The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 in this regard;
- xi. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- xii. The user agency shall defray the cost of lease rent of Rs. 30,000/- per MW for the period of lease in addition to CA, NPV, etc. and the amount so received shall be deposited in the account of Ad-hoc CAMPA pertaining to the State concerned. The said amount shall be utilized in providing gas connection to the local villages under joint forest management programme and for other conservation measure
- xiii. All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- xiv. No labour camp shall be established on the forest land;
- xv. 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;
- xvi. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, GPS coordinates. forward and back bearing and distance from pillar to pillar;
- xvii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xviii. The forest land shall not be used for any purpose other than that specified in the proposal;
- xix. 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;
- xx. No damage to the flora and fauna of the adjoining area shall be caused;
- xxi. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxii. As per the Central Government's guidelines dated 14.05.2004, 65% to 70% of the demanded area shall be developed as Medicinal Plants Garden and medicinal dwarf plants shall be planted between each wind turbine at the cost of the user agency.
- xxiii. 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. Bird's 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;

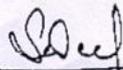


 19.9.17

- xxiv. 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, in support thereof;
- xxv. The user Agency shall demarcate the project area by creating Cairns (60 cm high) with available stones and indicated the marking of forward and backward bearings on these cairns;
- xxvi. After the construction of the approach road as per the Project Plan, these Cairns shall be substituted by four feet high RCC pillars at the project cost indicating on each pillar the forward and back bearing as well as distance between the adjacent pillars, and GPS coordinates;
- xxvii. The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits;
- xxviii. The lease period shall be for a period of 30 years;
- xxix. The wind turbines/wind mills to be used on forest land shall be approved for use in the country by the Ministry of Non-Conventional Energy Sources, Government of India;
- xxx. Soil and Moisture conservation measures like contour trenching shall be taken up on the hillocks supporting the wind mill by the State Forest Department at the cost of user agency;
- xxxi. The free movement of the villagers, if any within and surrounding area shall be ensured;
- xxxii. The User Agency shall comply with all conditions stipulated by the State Government of Gujarat at the time of submission of the proposal to the Central Government;
- xxxiii. The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.
- xxxiv. 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
- xxxv. The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

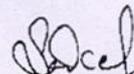


(Sandeep Sharina) 19.9.17

Assistant Inspector General of Forests

Copy to:

- 1) The Principal Chief Conservator of Forests, Government of Gujarat, Gandhi Nagar.
- 2) The Addl. PCCF (Central), Regional Office of MoEF&CC, Bhopal.
- 3) The Nodal Officer, O/o the PCCF, Government of Government of Gujarat, Gandhi Nagar.
- 4) The User Agency.
- 5) Monitoring Cell, FC Division, MoEF&CC, New Delhi.
- 6) Guard File.



(Sandeep Sharma) 19.9.17

Assistant Inspector General of Forests



सत्यमेव जयते

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

राज्य कार्यालय, पश्चिमी क्षेत्र
Regional Office - Western Region
"Kendriya Parvashalan Bhawan"
केंद्रिय पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
E-5, 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भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण एवं वन मंत्रालय
MINISTRY OF ENVIRONMENT & FORESTS

क्षेत्रीय कार्यालय, पश्चिम क्षेत्र
Regional Office, Western Region,
"केन्द्रीय पर्यावरण भवन"

"Kendriya Paryavaran Bhavan"
लिंक रोड नं-3, Link Road No. 3
E-5, रविशंकर नगर/Ravi Shankar Nagar,
भोपाल, मध्य प्रदेश/Bhopal-462016 (M.P.)
फोन- 2466525, 2463102, 2465496
तार /Telegram: CENTFOREST
अणुडाक /E-mail: rccfbhopal@gmail.com

No 6-GJC/016/2010-BHO 1613,
To,

Dt - 17-08-2010,

The Principal Secretary,
Govt. of Gujarat,
Environment and Forest Department,
Sachivalaya, Gandhinagar.

Sub: Diversion of 37.30 ha. Reserved forest land for construction of (45.00 MW) Wind Power Project Village-Gajines, Bhogat, Lamba Navdra & Virpur Gangdi in favour of Suzlon Energy Ltd in Jamnagar District of Gujarat.

Sir,

I am directed to invite a reference to your letter No.FCA-1010-(10-12) S.F-19-F dated 09/03.2010 and Addl. Principal Chief Conservator and Nodal Officer, Gujarat letter no. LND/29/A/101-102/2010-11 dated 14/06/2010 on above mentioned subject seeking prior approval of the Central Government under section - 2 of the Forest (Conservation) Act, 1980.

After careful consideration of the proposal of the State Government, the undersigned on behalf of the Central Government, hereby agrees in principle for diversion of 37.30 ha. Reserved forest land for construction of (45.00 MW) Wind Power Project Village-Gajines, Bhogat, Lamba Navdra & Virpur Gangdi in favour of Suzlon Energy Ltd Jamnagar district, subject to the following conditions:-

1. The legal status of the forest land shall remain unchanged.
2. (a) Compensatory afforestation shall be taken up by forest department over 37.30 ha. non-forest land (Survey no. 314p.Village-Andhav, Tal-Bhuj, District-Kachchh) at the cost of the project authority.
(b) This non-forest land shall be transferred and mutated in favour of forest department.
(c) This CA land shall be notified as RE.
3. The cost of compensatory afforestation at the prevailing wage rates shall be deposited in advance with the forest department by the project authority
4. (a) The State Government shall charge the Net Present Value(NPV) for the 37.30 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202-1995 and as per the guidelines issued by this Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03.10.2006 in this regards.
(b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
5. All the funds received from the user agency under the project shall be transferred to the Compensatory Afforestation Fund Management & Planning Agency(CAMPA) in A/c No.CA 1583 of Corporation Bank, Block-11, CGO Complex, Phase-I, Lodi Road, New Delhi- 110003.

- 2 -

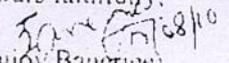
6. The agency will pay the cost of survey, demarcation and erection of the permanent pillars on the compensatory afforestation land made available by the user agency.
7. The vane tips of the wind turbine shall be painted with orange to avoid bird hits.
8. This approval under Forest (Conservation) Act, 1980 shall be for a period of 30 years.
9. The project authority will defray the cost of lease rent of Rs. 30,000/- per MW for the period of lease in addition to compensatory afforestation, Net Present Value etc. and the amount so received shall be deposited to A/c. CA 1583 of Corporation Bank, Block -11, CGO Complex, Phase-I, Lodi Road, New Delhi - 111003.
10. Soil & Moisture conservation measures like contour trenching shall be taken up on the hillocks supporting the Wind Mill by the Forest Department at the cost of User Agency.
11. The Wind Turbines/Wind Mills to be used on forest land shall be ones approved for use in the country by the Ministry of Non-Conventional Energy Sources, Govt. of India.
12. The forest land shall not be used for any purpose other than that specified in the project proposal.
13. The guideline issued by Ministry of Environment and Forests vide No. 8-84 20020FC dated 14/05/2004 and dated 16/12/2005 shall be followed in all respects.

After receipt of the compliance report on the fulfilment of the condition Nos 2(b), 3, 4 & 5 from the State Government formal approval will be issued in this regard under section - 2 of Forest (Conservation) Act, 1980.

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

Yours faithfully,

o/c

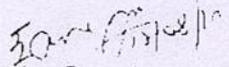

(Sujoy Banerjee)

Dy. Conservator of Forests(C)

Copy to :-

1. The Dy. Secretary(FC), Ministry of Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodi Road New Delhi - 110003.
2. The Chief Conservator of Forests and Nodal Officer, Gujarat State, Dr. Jivraj Mehta Bhawan, Block No. 14, Old Sachivalaya, Gandhinagar, Gujarat.
3. The Dy Conservator of Forests, Forest Division Jamnagar, District-Jamnagar, Gujarat.
4. The Dy. Conservator of Forests, Kachchh West Division Bhuji, Gujarat.
5. M/s Suzlon Energy Ltd, First Floor, Mangal Shanti Opp. Oriental Bank, Nirmala Convent Road Rajkot-360005.
6. Order File.

o/c


(Sujoy Banerjee)

Dy. Conservator of Forests(C)



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

Regional Office, Western Region
Kendriya Prayasana Bhavan,
Dhule Road No. 3
E-5 Bhamburda, Bhubaneswar, Odisha
Phone No. 0755-2346638, 2346639
Fax No. 0755-2346637
E-mail: rowr@moef.gov.in

A - 10

No: 6- GJC 016/2020-BHO/ 832

Date: 16/09/2020

To,

The Additional Chief Secretary (Forest)
Govt. of Gujarat,
Forest and Environment Department,
Block No14, 8th Floor, New Sachivalaya,
Gandhinagar, Gujarat.

Sub: Diversion of 37.30 ha Reserved forest land for construction of (45.00 MW) Wind Power Project, Village-Gajines, Bhogat, Lamba Navdra & Virpur Gangdi in favour of Suzlon Energy Ltd. in Jamnagar District of Gujarat.

Ref: NGT Court case No. 6/2020(WZ) (IA No. 11/2020) copy enclosed.

Sir,

With reference to the above mentioned subject and letter under reference I am directed to request you to kindly submit the detail of court case pending against this proposal with current status, if any.

Further necessary action will be carried out after receipt of above information.

Encl : As above

(B. Abhay Bhaskar)

Asstt. Inspector General of Forests (Central)

Copy to :-

1. The PCCF & HoFF, Forest Department, Govt. of Gujarat, Aranya Bhavan, Gandhinagar, Gujarat.
2. The Addl. Principal Chief Cofnservator of Forests and Nodal Officer (Forest Conservation) Act, Aranya Bhavan, Block No. A/3, Near "Ch" Circle, Opposite St. Xaviers High School, Sector-10A, Gandhinagar (Gujarat).

(B. Abhay Bhaskar)

Asstt. Inspector General of Forests (Central)



सत्यमेव जयते

File No. 6-GJB032/2020-BHO/606

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

Subj.: Diversion of 0.56 ha Reserved Forest land for construction of 220 KV D/C overhead Transmission Line from 765 KV PGCIL substation Bhuj to 220 KV GIWEL-Roha Wind Farm substation. District Kachelh in favour of Green Infra Wind Energy Ltd., New Delhi.

Ref: 1) This office letter No. 6-GJB032/2020-BHO/BH-66 dated 30.04.2020.
2) State Govt. of Gujarat letter No. FCA-1020/3-21/19/S.F-15/F dated 26.06.2020.

Sir.

With reference to the above mentioned subject and letter under reference, the reply of this office letter dated 31.04.2020 is got examined and it is observed that this proposal needs some more clarification. Thus, I am directed to request you to submit following information/documents:

1. Details of overlapping and court case pending with proposed forest land shall be submitted. If any.
2. It is mentioned in your office letter dated 26.06.2020 that KML file in form of CD is attached herewith but no attachment (CD) is found with the said letter.
3. It is also said that user agency has tried to upload the KML file but due to technical issue file could not be uploaded.
4. In this connection, I am directed to request you to submit Complete length of Transmission line KML and the marked portion of forest land required in green wash in CD form and user agency shall try again to upload the KML file.

Further, necessary action will be carried out after receipt of above information.

(B. Abhishek Bhaskar)

Asstt. Inspector General of Forests (C)

Copy to:

1. PCCF & HoFF, Forest Department, Govt. of Gujarat, Ananya Bhawan, Gandhinagar.
2. APCCF & Nodal officer, Forest Department, Govt. of Gujarat, Ananya Bhawan, Gandhinagar.

5-11-20

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Regional Office, Western Region
"Kendriya Paryavaran Bhawan"
E-5, Ashoka Road/Raja Shankar Nagar
Phone No. 0755-2466525, 2466596
Fax No. 0755-2463102
E-mail: roww.bpl-mef@nic.in

Dated: 24/07/2020

320592/2020/ENVIROMENT(WZ)

A - (12)



सत्यमेव जयते

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

Regional Office, Western Region
Ananya Bhawan, Gandhinagar
Gandhinagar, Gandhinagar

Dated: 16/09/2020

File No. 6-GJB032/2020-BHO/ 35

To:

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

Subj: Diversion of 0.56 ha Reserved Forest land for construction of 220 KV D/C overhead Transmission Line from 765 KV PGCIL substation Bnuj to 220 KV GIWEL-Roha Wind Farm substation, District Kachchh in favour of Green Infra Wind Energy Ltd., New Delhi.

Ref: 1. This office letter No. 6-GJB032/2020-BHO/606 dated 24.07.2020.
2. The NGT Court case No. 6/2020 (WZ) with IA No. 11/2020 of shakkarlal Gopalbhai Patel v/s UIO & others (copy enclosed).

Sir,

With reference to the above mentioned subject and letter under reference, I am directed to request you to submit the reply of this office letter dated 24.07.2020 and kindly submit the detail of court case pending against this proposal with current status, if any.

Further, necessary action will be carried out after receipt of above information.

(B. Abhay Bhaskar)

Asstt. Inspector General of Forests (C)

Copy to:

1. PCCF & HOFF, Forest Department, Govt. of Gujarat, Ananya Bhawan, Gandhinagar.
2. APCCF & Nodal officer, Forest Department, Govt. of Gujarat, Ananya Bhawan, Gandhinagar.