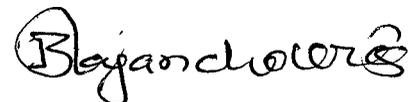


**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****Principal Bench, New Delhi****O.A. No. 238 of 2024**

**NEWS ITEM TITLED "UP GIVES PERMISSION TO FELL 112000 TREES  
FOR ROAD ALONG UPPER GANGA CANAL" APPEARING IN HINDUSTAN  
TIMES DATED 01.02.2024**

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**Dated: / /2024****(Rajan Kumar Chourasia)****Counsel for MoEF&CC  
rajanchourasia@gmail.com**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
IN  
ORIGINAL APPLICATION NO. 238 of 2024**

**IN RE: NEWS ITEM TITLED "UP GIVES PERMISSION TO FELL 112000  
TREES FOR ROAD ALONG UPPER GANGA CANAL" APPEARING IN  
HINDUSTAN TIMES DATED 01.02.2024**

**COMPLIANCE REPORT ON BEHALF OF THE RESPONDENT NO. 2,  
GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT, FOREST AND  
CLIMATE CHANGE, REGIONAL OFFICE, LUCKNOW**

**PRELIMINARY SUBMISSIONS:**

A. The Hon'ble NGT vide order dated 13.03.2024 *inter-alia* directed as follows:

*Mr. Bhanwar Pal Singh Jadon, Advocate appears for Respondents No. 1, 3, 4 and 5(UP State) and submits that all the due permissions were taken and the actual felling/cutting of trees is only to the extent of about 33,000. He is permitted to file a detailed report disclosing the type and number of trees which are cut or proposed to be cut, the requisite permission by the competent authorities and the measures for compensatory afforestation. Mr. Rajan Kumar Chourasia, Advocate appears for Respondent No. 2(RO Lucknow) and submits that the report is being prepared and will be filed before the Tribunal. Let the reports in terms of above observations be filed by the Respondents at least one week before the next date of hearing.*



B. The Ministry is filing the instant report in compliance of the aforesaid directions of the Hon'ble Tribunal.

**Background of the Proposal under Forest(Conservation) Act, 1980 { Now Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980**

- 1.0**The proposal for diversion of 222.98 ha. Protected Forest Land for construction of Choudhary Charan Singh Kavard Marg on RHS side Shoulder of Upper Ganga Canal from Km Ch. 51.910 To Km Ch.163.40 in district- Muzaffarnagar, Meerut, & Ghaziabad has been received from the Secretary Govt. of UP. vide letter dated 27.08.2021 for diversion of forest land for non- forestry purpose under Forest(Conservation) Act, 1980.
- 2.0**The matter was discussed in various meetings of the REC (Regional Empowered Committee) and after seeking all the requisite information from the State Government, the REC recommended the proposal for grant of Stage I Approval subject to conditions.
- 3.0** That after due recommendation of the REC, the Respondent No.2, after seeking approval of the competent authority issued Stage-I/In-Principle Approval vide letter dated 28.02.2023 subject to terms and conditions.
- 4.0**Further, it is submitted that 'Land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, being the repository of the land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court.
- 5.0**The State Government informed that to compensate the diversion of 222.98 Hectare Protected Forest Land, the equivalent Non forest land as required in the matter was not available in the affected 3 districts



Ghaziabad, Meerut and Muzaffarnagar. Due to which, non forest land was proposed in Lalitpur, district for CA as per guidelines of MOEF&CC vide letter no. F.No. 5-2/2017-FC dated 28.03.2019 & FCA 1980 handbook chapter no. 2 heading compensatory afforestation guidelines point 2.3 para iv & v. The relevant para is read as:

*“ IV. In case, non-forest land for CA is not available in the same district. it should be identified anywhere else in the concerned/State/Union Territory near to the site of diversion as far as possible, so as to minimize adverse impact on the micro ecology of the area.*

*V. In exceptional cases where non-forest land for CA is not available in the same State/UT in which the diversion of forest land is proposed. land for CA can be identified in any other State/UTs. preferably in neighbouring State/UTs. The corresponding amount for carrying out CA shall be deposited in the CAMPA account of the State/UT in which CA is proposed.”*

**(True Copy of Stage-1/In-principle approval dated 28.02.2023 is annexed as Annexure- 1)**

- 6.0**It is humbly submitted that the Compliance of Stage-I approval is still awaited from the State Government for issuance of final approval as per Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980.
- 7.0** The State Government has informed that division- wise temporary work permission is accorded to user agency, on different dated in the month of Jan' 2024.
- 8.0**That, in view of the aforesaid facts, this Hon'ble Tribunal may take the instant report on record and pass appropriate orders as it may deem fit in the interest of justice.



**(Dr. Pranay Misra)**

**Assistant Inspector General of Forest (Central)**



भारत सरकार

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
एकीकृत क्षेत्रीय कार्यालय, लखनऊMinistry of Environment, Forest & Climate Change  
Integrated Regional Office, Lucknowकेन्द्रीय भवन, पंचम तल, सेक्टर-एच, अलीगंज, लखनऊ-226024  
Kendriya Bhawan, 5<sup>th</sup> Floor, Sector-H, Aliganj, Lucknow-226024, Telefax-2326696  
Email: roc.lko-mef@gov.in, goimcoefrolko@gmail.com

पत्र सं० 8बी/यू0पी0/06/221/2021/एफ0सी0/930

दिनांक: 28.02.2023

सेवा में,

अति मुख्य सचिव,  
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग,  
उत्तर प्रदेश शासन, बापू भवन, लखनऊ।**Online Proposal No. FP/UP/Road/121197/2021**

विषय: चौधरी चरण सिंह, कांवड़ सड़क मार्ग के निर्माण हेतु अपर गंगा कैनल की दांयी पटरी किमी० चैनेज 51.910 से 163.40 तक जनपद मुजफ्फरनगर वन प्रभाग में 113.68 हे० संरक्षित वनभूमि, जनपद मेरठ वन प्रभाग में 84.6 हे० संरक्षित वनभूमि एवं गाजियाबाद वन प्रभाग में 24.7 हे० संरक्षित वनभूमि अर्थात् कुल 222.98 हे० संरक्षित वनभूमि के गैरवानिकी प्रयोग एवं मुजफ्फरनगर वन प्रभाग में 16873 वृक्ष, मेरठ वन प्रभाग में 66685 वृक्ष/पौध एवं गाजियाबाद वन प्रभाग में 4164 वृक्ष एवं 25,000 पौधे अर्थात् कुल 1,12,722 वृक्षों/पौधों के पातन की अनुमति के संबंध में।

सन्दर्भ: मुख्य वन संरक्षक एवं नोडल अधिकारी, उ०प्र० का पत्रांक 2478/11-सी-FP/UP/Road/ 121197/2021  
दिनांक 01.02.2023

महोदय,

कृपया उपरोक्त विषयक सचिव (वन), उ०प्र० शासन के पत्रांक 1278/81-2-2021-800(123)/2021 दिनांक 17.08.2021 का आशय ग्रहण करने का कष्ट करें, जिसके द्वारा प्रकरण में वन (संरक्षण) अधिनियम, 1980 की धारा-2 के अंतर्गत भारत सरकार की स्वीकृति मांगी गई थी।

प्रकरण को दिनांक 20.02.2023 को आहूत क्षेत्रीय सशक्त समिति (REC) की द्वितीय बैठक के समक्ष (Agenda Item 2.3 U.P.) स्वीकृति हेतु प्रस्तुत किया गया था, क्षेत्रीय सशक्त समिति (REC) द्वारा प्रकरण में स्वीकृति प्रदान की गई है। अतः प्रकरण में विचारोपरान्त मुझे आपको यह सूचित करने का निर्देश हुआ है कि केन्द्र सरकार चौधरी चरण सिंह, कांवड़ सड़क मार्ग के निर्माण हेतु अपर गंगा कैनल की दांयी पटरी किमी० चैनेज 51.910 से 163.40 तक जनपद मुजफ्फरनगर वन प्रभाग में 113.68 हे० संरक्षित वनभूमि, जनपद मेरठ वन प्रभाग में 84.6 हे० संरक्षित वनभूमि एवं गाजियाबाद वन प्रभाग में 24.7 हे० संरक्षित वनभूमि अर्थात् कुल 222.98 हे० संरक्षित वनभूमि के गैरवानिकी प्रयोग एवं मुजफ्फरनगर वन प्रभाग में 16873 वृक्ष, मेरठ वन प्रभाग में 66685 वृक्ष/पौध एवं गाजियाबाद वन प्रभाग में 4164 वृक्ष एवं 25,000 पौधे अर्थात् कुल 1,12,722 वृक्षों/पौधों के पातन की सैद्धांतिक स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है।:-

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over an area of 408.06 ha {41.22 ha non-forest land (16.00 ha of Gata No.251/4, Village Kapasi, Range & District Lalitpur, 13.30 ha of Gata No.15, 16 & 17, Village Baghaura, Range Baar, District Lalitpur, 6.71 ha of Gata No.228, Village Baghaura, Range Baar, District Lalitpur & 5.21 ha of Gata No. 739 & 740, Range Baar, District Lalitpur) and 366.84 ha degraded forest land (66.50 ha of Daati Compartment No.1 (Suryavar), Range Vindhampal, District Mirzapur, 40.00 ha of Babura Compartment No.1 (Mahugarhi), Range Dramandganj, District Mirzapur, 84.00 ha of Ghorī Compartment No.2 (Jahdar), Range Patehara, District Mirzapur, 40.00 ha of Balabehat Forest Block, Range Gauna, District Lalitpur, 20.00 ha of Shahpur Forest Block, Range Talbehat, District Lalitpur, 26.84 ha of Pawa Forest Block, Range Talbehat, District Lalitpur, 18.00 ha of Compartment No.6, Patna Forest Block, Range Patna, District Sonbhadra, 20.00 ha of Compartment No.2, Roup Forest Block, Range Churk, District Sonbhadra, 20.00 ha of Compartment No.3, Roup Forest Block, Range Churk, District Sonbhadra, 20.00 ha of

Compartment No.8, Machi Forest Block, Range Machi, District Sonbhadra & 20.00 ha of Compartment No.3, Devri Forest Block, Range Machi, District Sonbhadra)} 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.

3. **The non-forest land which is unsuitable for plantation should be taken up for protection and assisted afforestation in the available space using necessary cultural operation technique.**
4. **Road side plantation/block plantation should be taken up in any of the three affected districts in the proposal to compensate for loss of tree cover.**
5. **The non-forest land of 223.00 ha in district Lalitpur proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval.**
3. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA plantation will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
4. The State Government shall charge the Net Present Value (NPV) for the 222.98 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009.  
**Revised amount of NPV as applicable as per orders dated 06-01-2022 and 19-01-2022 shall be deposited by User Agency in this regard.**
5. 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 to 112722 trees/minimum 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. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
8. Certificate of 'No violation' of FCA from concerned DFOs shall be provided.
9. Plantation shall be raised on both sides of the road and median by the State Forest Department at the cost of User Agency according to IRC guidelines and order passed by NGT in OA no. 27/2015 in the matter of Babulal Jaju v/s State of Rajasthan and others dated 16.11.2015. Scheme for roadside plantation shall be submitted.
10. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
11. The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.
12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
14. No labour camp shall be established on the forest land.
15. 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.

16. 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.
17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
18. 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.
19. The forest land shall not be used for any purpose other than that specified in the project proposal.
20. 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.
21. The KML file of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before commencement of works.
22. Any order of Temporary Work Permission in case of linear projects for tree cutting and commencement of work as per clause 11.2 of FCA Guidelines shall be passed under intimation to Nodal office and this office. Order of Temporary Work Permission have to be uploaded on PARIVESH Portal as well. Nodal Officer will strictly monitor and ensure that no further activity is carried out under such permission after the expiry of one year from the date of issue of such permission.
23. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
24. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
25. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through (<https://parivesh.nic.in/>).
26. The compliance report shall be uploaded on e-portal (<https://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 final approval order for diversion of forest land is issued by Government of India.

भवदीया,

(डा० प्राची गंगवार)  
उप वन महानिरीक्षक [केन्द्रीय]

**प्रतिलिपि (ईमेल द्वारा):**

1. प्रमुख मुख्य वन संरक्षक (विभागाध्यक्ष), उ०प्र० वन विभाग, 17, राणाप्रताप मार्ग, लखनऊ।
2. मुख्य वन संरक्षक(वन संरक्षण) एवं नोडल अधिकारी, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
3. वन संरक्षक, सहारनपुर एवं मेरठ।
4. प्रभागीय वनाधिकारी/निदेशक, मुजफ्फरनगर, मेरठ एवं गाजियाबाद।
5. अधिशासी अभियन्ता, निर्माण खण्ड (बिल्डिंग), लोक निर्माण विभाग, मेरठ।
6. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु/आदेश पत्रावली।

(डा० प्राची गंगवार)  
उप वन महानिरीक्षक [केन्द्रीय]