

**Report on behalf of Integrated Regional Office of the MoEF&CC, Dehradun in compliance of the Order dated 02.11.2020 passed by the Hon'ble National Green Tribunal Principal Bench, New Delhi in OA No. 51/2020, titled Ajay Bisht versus State of Uttarakhand & Anr.**

Hon'ble NGT vide order dated 02/11/2020 in the OA No. 51/2020 in the matter of Ajay Bisht vs. State of Uttarakhand & Anr. had directed Regional Office, MoEF&CC, Dehradun to file a report in coordination with the Forest Department of Uttarakhand and District Magistrate, Almora (**Annexure-I**). Due to some unknown reason the order was not delivered to the Regional Office, MoEF&CC. However, the appellant Shri Ajay Bisht vide e-mail dated 23/02/2021 forwarded certain documents regarding above mentioned O.A. which was addressed to the Chairperson of Hon'ble NGT, Principal Bench, New Delhi (**Annexure-II**). On further exploring the NGT website, the order dated 02/11/2020 could be located and the process for field inspection was initiated thereafter. The Regional Office, MoEF&CC vide letter dated 25/02/2021 requested Uttarakhand Government and District Magistrate, Almora to be ready for field inspection on 03/03/2021 (**Annexure-III**).

The field inspection was carried out accordingly by the undersigned on 03<sup>rd</sup> March 2021 at 10:00 AM onwards where following were present: -

**A. Officials**

1. Shri Mahatim Yadav, DFO, Almora Forest Division
2. Ms. Leena Chandra, Tehseeldar, Dwarhat, Representing District Magistrate, Almora
3. Shri Rajesh Kumar, Assistant Engineer, Construction Division, PWD, Ranikhet
4. Shri Khajan Singh Rawat, Assistant Engineer, Construction Division, PWD, Ranikhet

**B. Pradhan/Representatives of Concerned villages**

1. Shri Gopal Dutt H/o Mrs. Hema Devi, village Jaminipar
2. Shri Girdhar Singh Bisht, village Jaminipar
3. Shri Dev Singh Adhikari, village Jaminipar
4. Shri Kamlesh
5. Shri Mahesh Sati
6. Shri Hargovind Khanolia
7. Shri Manoj Rawat

Sr. No. 04 to 07 above were from other beneficiary villages viz. Ritha Mahadev, Khandolia, Udoli and Tipola. There were other representatives of public also present during inspection.

**1. THE BRIEF BACKGROUD OF THE MATTER IS AS FOLLOWS:**

MoEF&CC issued Stage-II approval under Forest (Conservation) Act, 1980 for diversion of 7.297 ha forest land for construction of Gagas-Udimahadev-Selapani-Bhikyasain-Marchula Motor Road in favour of PWD Uttarakhand vide letter dated 25/08/2010 (**Annexure-IV**). The road construction was accordingly started but due to difference of opinion between the villagers of Jaminipar and other beneficiary villages, the work could not be continued. The matter was taken to Hon'ble High Court of Uttarakhand bearing WP (M/S) No. 3626 of 2019 titled Hema Devi & Others vs. State of Uttarakhand & Others. Hon'ble High Court appointed Court Commissioner and based on his report, vide order dated 10.01.2020 allowed the construction of road in public interest (**Annexure-V**). Thereafter appellant filed a Special Appeal No. 40 of 2020 titled Hema Devi & Others vs. State of Uttarakhand & Others before Hon'ble High Court of Uttarakhand. The Hon'ble High Court vide order dated 12.02.2020 concluded the matter with following directions:

"The Order under appeal is, therefore, set aside and the writ petition is disposed of directing the respondents not to interfere with the appellants-writ petitioners' possession of the subject land,



except after acquiring the subject land in accordance with the provisions of the 2013 Act.”  
**(Annexure-VI).**

The applicants then filed the matter before Hon’ble NGT bearing O.A. No. 51/2020. Hon’ble NGT vide order dated 02.11.2020 had directed Regional Office of the MoEF&CC, Dehradun as follows:

4. “In view of the above, it is necessary that a further report be filled by the Regional Office of the MoEF&CC, Dehradun in coordination with the Forest Department of Uttarakhand and District Magistrate, Almora. Such a report may be furnished within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. It is made clear that if there is any violation, remedial action may be taken as per law and such action taken may also be mentioned in the report. The report may also mention about the status of muck disposal.”

## 2. Subject Matter of inspection

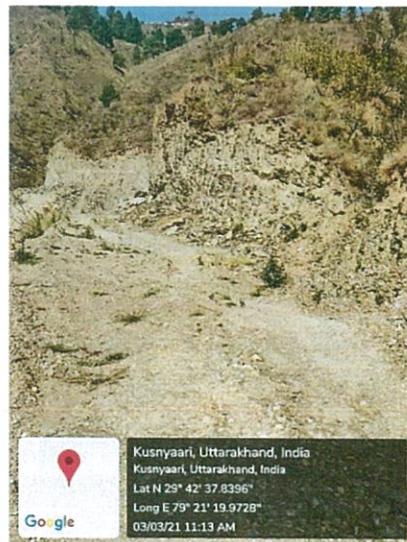
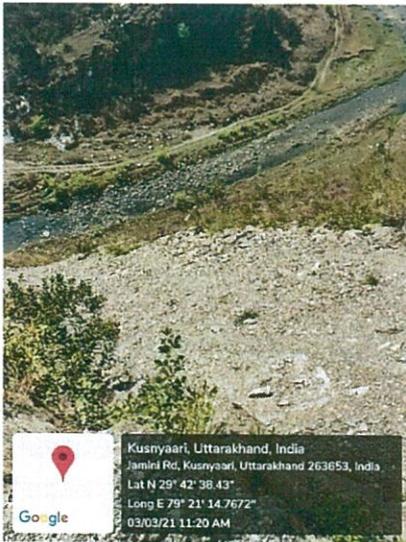
In view of the above directions of Hon’ble NGT, following three points emerge during inspection in the field:

1. Status of muck disposal by the User Agency.
2. Whether there is violation of the Forest (Conservation) Act, 1980.
3. Whether there is any remedial action possible for any violation.

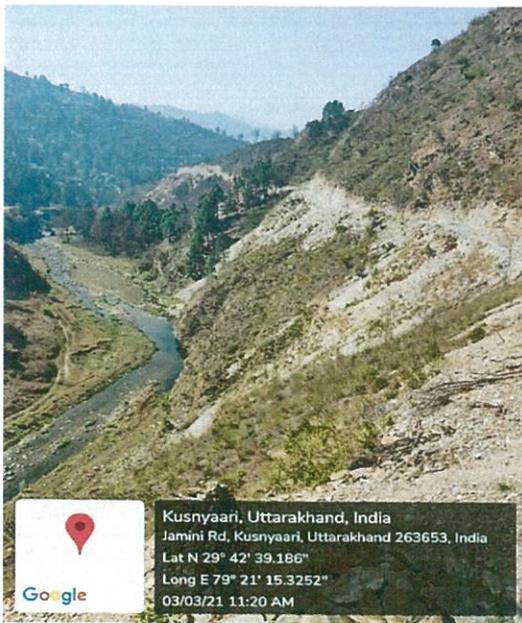
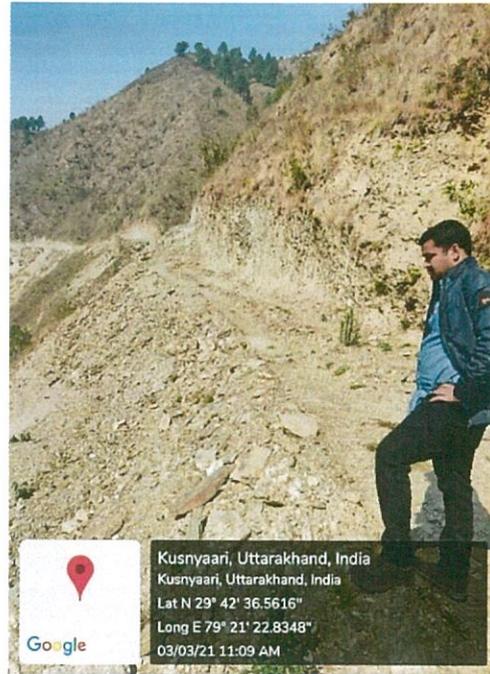
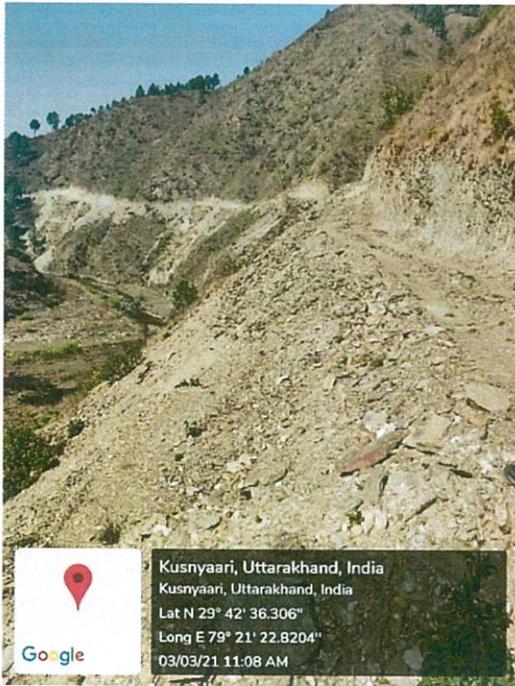
### 2.1 Status of muck disposal by the User Agency.

It is clear that Stage-II approval under FC Act, 1980 has been granted to State Government for construction of the road by Central Government (MoEF&CC). However, the approval granted is subject to certain conditions mentioned therein. Attention is drawn condition No. 12 & 13 of the Stage-II approval. Condition No. 12 relates to disposal of muck as per the Muck Disposal Plan under the supervision of Forest Department.

It was informed by the representative of user agency that the hill cutting of disputed area falling in the jurisdiction of Jaminipar village was started by user agency after the order of Hon’ble High Court dated 10.01.2020. It was observed during the inspection that the muck generated during the process has not been disposed in the designated area and has been left on the side slopes of the hill. This is also evident from the photographs given below:



*[Handwritten signature]*



*Photograph showing sliding of muck along the slope into Gagas river bed.*

It is very clear from the above photographs and the field inspection that muck disposal has not been done in accordance with the Stage-II approval granted under FC Act, 1980.

The user agency stated that they had proceeded ahead with the earth cutting and the muck disposal is to be carried out by them in due course as per the muck disposal plan. The muck disposal site has been provided in the non-forest land. It was however seen during the inspection that the status of muck disposal leaves a lot to be desired at the level of User Agency. It was submitted by the representative of user agency that the muck could not be disposed as per the muck disposal plan due to lockdown in the month of March to June 2020 and the monitoring of muck disposal before

the lockdown could not be done by the user agency due to ongoing strike of field staff from 02/03/2020 to 19/03/2020.

The user agency has proposed two dumping yards for disposal of muck having total area of 0.596 ha in Nap land (Revenue land). It was however seen that the transportation of muck generated to the designated dumping area has not been done. The muck has been left at source which is evident from the photographs attached. If it remains there till the coming rainy season, then the muck is likely to wash into Gagas river.

- (i) **Remedial measures:** The Executive Engineer/ user agency was requested to submit a detailed muck disposal plan. As a remedial action The user agency may be directed to immediately take up steps for control of rolling down of muck by erecting appropriate engineering structures viz. retaining walls and breast walls wherever required and the excess muck generated may be disposed of at the designated muck disposal sites in the non-forest area under the supervision of Divisional Forest Officer, Almora.
- (ii) **Action to be taken:** It is recommended that the Divisional Forest Officer, Almora shall take cognizance of the muck disposal and take action as per FC guideline para 1.21 (iii). The user agency must ensure that the muck disposal as per the muck disposal plan is carried out within next 60 days and a compliance is submitted to the IRO Dehradun thereafter. The muck disposal plan submitted by the executive engineer during field inspection is placed at (Annexure-VII).

## 2.2 Whether there is violation of the Forest (Conservation) Act, 1980.

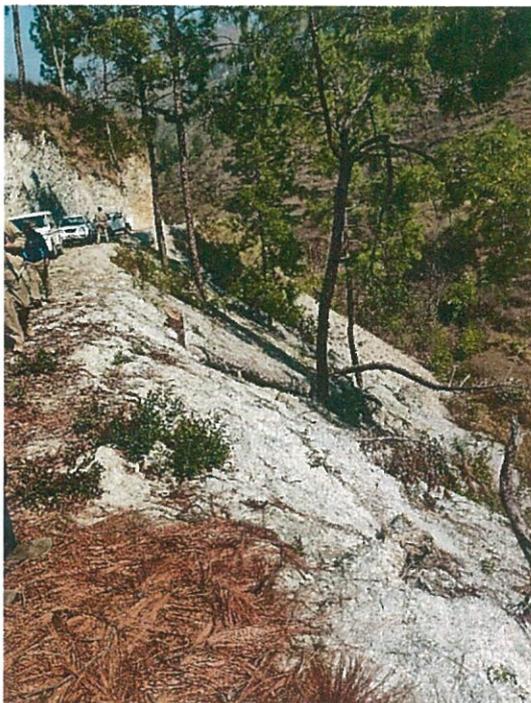
- (i) In view of the Stage-II approval granted by MoEF&CC under Forest (Conservation) Act, 1980, it cannot be said that the road construction has been carried out in violation of the FC Act, 1980. It is however noticed that there is violation of conditions imposed in the Stage-II approval. The State Government has to take action as per FC guideline para 1.21 (iii) (Annexure-VIII) and submit the report to IRO Dehradun for further action to be taken by Regional Empowered Committee (REC).

## 2.3 Whether there is any remedial action possible for any violation.

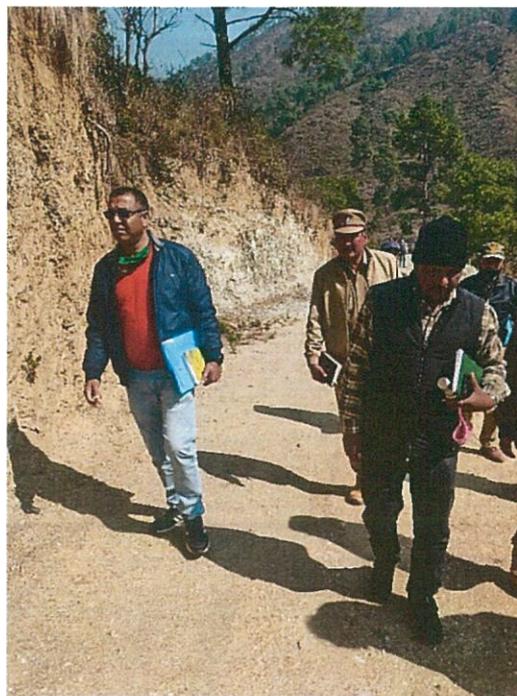
There is violation of condition No.12 & 13 of the Stage-II approval granted by MoEF&CC under FC Act, 1980. The remedial action is as follows:

- (i) **Condition no. 12 (regarding muck disposal):** The User Agency was supposed to carry out muck disposal as per muck disposal plan under the supervision of Forest Department, which has not been complied with.
  - (a) **Remedial Measures:** For violation of conditions of Stage-II approval granted under FC Act, 1980, FC guideline para 1.21 (iii) is attracted and action may be taken accordingly.
  - (b) **Action to be taken:** Since, muck has not been handled properly by the user agency in contravention of the condition No. 12 of Stage-II approval granted under FC Act, 1980, it is recommended that the State Government may submit a detailed report to REC which will take further action based on the analysis of the report.
- (ii) **Condition No. 13 (regarding removal of trees):** The user agency was to remove trees through Uttarakhand Forest Corporation, which has not been fully complied with. It was informed by DFO that the permission for felling of trees was granted to PWD through Forest Corporation as per the condition of the Stage-II approval but the Forest Corporation could remove only 36 trees out of the total 128 trees marked for felling. The remaining 92 trees felling permission was cancelled by DFO, Almora. It was however seen during inspection that there were no trees standing along the alignment. Some of the tree trunks/ stumps were

seen along the alignment which were embedded in the muck. It was reported by the villagers present that around 50 trees may have been cut and buried in the muck by the contractor of the user agency. The photographs showing stump and trunk of trees buried in the muck is as follows:



*The photograph showing tree stump and the trunk buried in the muck*



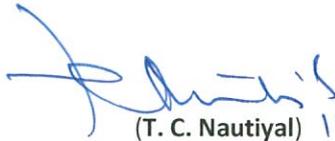
*The photograph showing verticle hill cutting*

- (a) **Remedial Measures:** Since trees have been removed without following the prescribed procedure by the contractor of the user agency, therefore it is suggested that the valuation of the trees may be carried out by the Divisional Forest Officer, Almora based on the enumeration records and the cost of timber be worked out accordingly. This amount (cost of timber) may be deposited in treasury as forest revenue. A detailed report on action taken in this regard may be placed before REC for further necessary action as per the provisions of the guidelines (Annexure-VIII).
- (b) **Action to be taken:** The Divisional Forest Officer, Almora Forest Division may be directed to take cognizance of unauthorized felling of trees by the contractor of the user agency under Indian Forest Act, 1927 and take action as recorded in para 2.3 (ii) (a) above. The Divisional Forest officer is also required to submit a detailed report before the REC so that appropriate action may be taken for the violation of conditions that were stipulated in the approval accorded under Forest (Conservation) Act, 1980.

### 3. Conclusion

As Stage-II approval was granted for the diversion of 7.297 ha forest land for construction of Gagas-Udimahadev-Selapani-Bhikyasain-Marchula Motor Road in favour of PWD Uttarakhand, under FC Act, 1980, no violation of FC Act, 1980 has been found during the inspection. However, based on records available and the field inspection it is evident that the user agency has violated the condition No. 12 & 13 of the Stage-II approval and therefore attracts FC guideline para 1.21 (iii). The State Government shall prepare a detailed report on the matter and place it before REC for further action as per law, apart from the action to be taken at their level as indicated at 2.3 (ii) above.

It is prayed that the report submitted by Integrated Regional Office Dehradun may be taken on record by Hon'ble NGT.

  
(T. C. Nautiyal) 12.3.202

Deputy Inspector General of Forests,  
Integrated Regional Office Dehradun,  
Government of India, MoEF&CC

**Enclosure:** A zip file having KMZ file of the road inspected and the exact location of field photographs used in the above report.



Item No. 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 51/2020

(With report dated 17.10.2020)

Ajay Bisht

Versus

Applicant

State of Uttarakhand & Anr.

Respondent

Date of hearing: 02.11.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Priyanka Swami, Advocate

Respondent: Dr. S.D. Singh, IFS, Nodal Officer, State of Uttarakhand

**ORDER**

1. The issue for consideration is compliance of mandate of the Forest (Conservation) Act, 1980 (FC Act) in the process of construction of a road at Jaminipar, District Almora, Uttarakhand. Vide order dated 24.02.2020, a report was sought from the PCCF (HoFF), Uttarakhand with reference to the allegations of violation of law by the State of Uttarakhand.

2. Accordingly, a report has been filed on 17.10.2020 by the PCCF (HoFF), Uttarakhand mentioning that construction of road was found to be in public interest by the High Court vide order dated 10.01.2020 in WPMS No. 3626/2016, *Hema Devi & Ors. v. State of Uttarakhand & Ors.* and further order dated 12.02.2020, SPA No. 40/2020, *Hema Devi & Ors.*

*v. State of Uttarakhand & Or's.* Consent of the Panchayat Committee was taken from the former Pradhan but the present Pradhan has disputed it. Nothing is mentioned about the compliance of the FC Act.

3. While construction of road may be in public interest, as submitted on behalf of the State, the same has to be in compliance with the statutory provisions of the FC Act. Further, the muck disposal has to be consistent with the environmental norms.

4. In view of the above, it is necessary that a further report be filed by the Regional Office of the MoEF&CC, Dehradun in coordination with the Forest Department of Uttarakhand and District Magistrate, Almora. Such a report may be furnished within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. It is made clear that if there is any violation, remedial action may be taken as per law and such action taken may also be mentioned in the report. The report may also mention about the status of muck disposal.

I.A. No. 103/2020 for stay and I.A. No. 104/2020 for exemption from filing English translations will stand disposed as the matter would be finally decided in the light of report which may be furnished.

A copy of this order be forwarded to Regional Officer, MoEF&CC, Dehradun, PCCF, HoFF, Uttarakhand and District Magistrate, Almora by e-mail.

List for further consideration on 15.03.2021.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

November 02, 2020  
Original Application No. 51/2020  
A



ANNEXURE - II

MoEF RODDN <moef.ddn@gmail.com>

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## Request for Saving 0.156 Hectare Forest Land of Village Jaminipar

2 messages

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Ajay Bisht <bishtajay45@gmail.com>

Tue, Feb 23, 2021 at 12:38 PM

To: dfoalm-forest-uk@nic.in, pccf-forest-uk@nic.in, "S.D.Singh" <dr.sdsinghifs@gmail.com>, moef.ddn@gmail.com, dm-alm-ua@nic.in

Sir,

I have the honour to attach the request of Gram Sabha Jaminipar, Tehshil Dwarahat, District Almora (Uttarakhand) addressed to NGT with hope 0.156 Hectare Forest Land of their village will be saved.

Submitted for kind consideration.

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 NGT fm Gram Sabha Jaminipar.pdf  
11103K

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MoEF RODDN <moef.ddn@gmail.com>

Tue, Feb 23, 2021 at 4:44 PM

To: moef.ddn@nic.in

[Quoted text hidden]

Govt. of India  
Ministry of Environment, Forest & Climate Change,  
Integrated Regional Office,  
25, Subhash Road, Dehradun-248001  
Telephone No. 0135-2650809

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 NGT fm Gram Sabha Jaminipar.pdf  
11103K

To

Hon'ble Principal Bench,  
National Green Tribunal,  
Faridkot House, Copernicus Marg  
New Delhi – 110 001.

For kind attention of Hon'ble Adarsh Kumar Goel, Chairperson

Reference: Original Application No.51/2020  
(Ajay Bisht Vs State of Uttarakhand & Aurr.)

Subject: Hon'ble Principal Bench, National Green Tribunal, New Delhi Order dated 02.11.2020 on

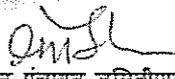
Sir,

In reference to Para Nos. 02 and 03 of the above cited reference, we, the members Gram Sabha of Village - Jaminipar, Vikashand & Tehsil – Dwarahat, district - Almora (Uttarakhand) are submitting facts with documentary proof about Executive Engineer, PWD Ranikhet fraud with the Government while taking sanction Motor-Marg Gagas-Rithamahadev-Sellapani:-

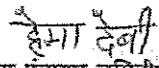
<u>Sentence 1<sup>st</sup> of PARA 02</u>	Accordingly, a report has been filed on 17.10.2020 by the PCCF (HoFF), Uttarakhand <u>mentioning that construction of road was found to be in public interest by the High Court vide Order dated 10.01.2020 in WPMS No.3626/2016, Hema Devi &amp; Ors v. State of Uttarakhand &amp; Ors. and further order dated 12.02.2020, SPA No.40/2020, Hema Devi &amp; Ors v. State of Uttarakhand &amp; Ors.</u>
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ACTUAL FACTS WITH DOCUMENTARY PROOF - Hon'ble High Court Order dated 12.02.2020, SPA No.40/2020, Hema Devi & Ors v. State of Uttarakhand & Ors (Attached as Annexure-'A' at Page No.06 to 08) in which nothing is mentioned about the construction of road was found to be in public interest. However, last para of the said order reproduced below which reveals that High Court Order dated 10.01.2020 in WPMS No.3626/2016, Hema Devi & Ors v. State of Uttarakhand was kept set aside.

"The order under appeal is, therefore, set aside and the writ petition is disposed of directing the respondents not to interfere with the appellants - writ petitioners' possession of the subject land, except after acquiring the subject land in accordance with the provisions of the 2013 Act."

  
सरपंच, वन पंचायत जमिनीपार  
द्वाराहट,  
वन पंचायत ग्राम जमीनीपार  
पी० ओ० ई० (अन्वयोडा)

Page 1 of 29

  
प्रधान, ग्राम पंचायत जमिनीपार  
द्वाराहट,  
ग्राम पंचायत जमिनीपार  
द्वाराहट-द्वाराहट (अन्वयोडा)

भारत सरकार  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय,  
एकीकृत क्षेत्रीय कार्यालय,  
25, सुभाष रोड, देहरादून-248001  
दूरभाष: 0135-2650809  
फैक्स-0135-2653010  
ईमेल-[moef.ddn@gov.in](mailto:moef.ddn@gov.in)



GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST &  
CLIMATE CHANGE,  
INTEGRATED REGIONAL OFFICE,  
25, SUBHASH ROAD, DEHRADUN-248001  
PHONE- 0135-2650809  
FAX- 0135-2653010  
Email- [moef.ddn@gov.in](mailto:moef.ddn@gov.in)

पत्र सं०-L-UK/01/NGT/2021/2360

दिनांक: 25/02/2021

सेवा में,

प्रमुख सचिव (वन),  
उत्तराखण्ड शासन,  
4, सुभाष रोड,  
देहरादून,

जिलाधिकारी अल्मोडा,  
जिलाधिकारी कार्यालय,  
जनपद- अल्मोडा, पिन कोड-263601  
उत्तराखण्ड.

विषय- माननीय राष्ट्रीय हरित न्यायाधिकरण, प्रधान पीठ नई दिल्ली के समक्ष विचाराधीन मूल आवेदन सं०- 51/2020 शीर्षक अजय बिष्ट बनाम उत्तराखण्ड राज्य एवं अन्य के सम्बन्ध में।

महोदय,

मुझे आपको यह अवगत कराने का निर्देश हुआ है कि विषयांकित वाद में माननीय राष्ट्रीय हरित न्यायाधिकरण, प्रधान पीठ नई दिल्ली ने आदेश दिनांक 02.11.2020 को एक आदेश पारित किया है, जिसका प्रवर्तनीय भाग निम्नवत् है-

3. "While construction of road may be in public interest, as submitted on behalf of the State, the same has to be in compliance with the statutory provisions of the FC Act. Further, the muck disposal has to be consistent with the environmental norms.
4. In view of the above, it is necessary that a further report be filed by the Regional Office of the MoEF&CC, Dehradun in coordination with the Forest Department of Uttarakhand and District Magistrate, Almora. Such a report may be furnished within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. It is made clear that if there is any violation, remedial action may be taken as per law and such action taken may also be mentioned in the report. The report may also mention about the status of muck disposal." (प्रति संलग्न)।

चूंकि उपरोक्त आदेश/निर्देश माननीय राष्ट्रीय हरित न्यायाधिकरण से इस कार्यालय की ई-मेल [moef.ddn@gov.in](mailto:moef.ddn@gov.in) पर प्राप्त नहीं हो पाया तथा आवेदनकर्ता श्री अजय बिष्ट की ई-मेल दिनांक 23.02.2021 के माध्यम से सज्जापित हुआ है। अतः माननीय राष्ट्रीय हरित न्यायाधिकरण के आदेश का अनुपालन सुनिश्चित हो सके, इस सम्बन्ध में आपको अवगत कराना है कि इस कार्यालय से प्रश्नगत मोटर मार्ग के स्थल निरीक्षण हेतु सक्षम प्राधिकारी द्वारा श्री टी० सी० नौटियाल, उप-महानिरीक्षक, वन (के०) को नामित किया गया है। उक्त नामित अधिकारी दिनांक 03.03.2021 को प्रातः समय 10:00 बजे से प्रश्नगत मोटर मार्ग का स्थल निरीक्षण करेंगे।

अतः आपसे निवेदन है कि माननीय राष्ट्रीय हरित न्यायाधिकरण के उपरोक्त आदेश के अनुपालन में अपने स्तर से सक्षम अधिकारी को नियत दिनांक एवं समय पर प्रश्नगत मोटर मार्ग से सम्बन्धित दस्तावेजों के साथ उपस्थित होने के लिए निर्देशित करने का कष्ट करें। जिससे कि अग्रिम सुनवाई दिनांक 15.03.2021 से पूर्व आख्या माननीय राष्ट्रीय हरित न्यायाधिकरण, प्रधान पीठ नई दिल्ली को प्रेषित की जा सके।

संलग्न- यथोपरि।

O/C

भवदीय,  
25/02/2021  
(पंकज अग्रवाल)

अपर प्रमुख मुख्य वन संरक्षक (के०)

प्रतिलिपि :-

1. प्रभागीय वनाधिकारी, अल्मोडा वन प्रभाग, जनपद-अल्मोडा, उत्तराखण्ड (इस निवेदन के साथ कि नियत तिथि एवं समय पर प्रश्नगत मोटर मार्ग से सम्बन्धित समस्त दस्तावेजों के साथ उपस्थित होना सुनिश्चित करें)
2. श्री एन० सी० जोशी, अधिशासी अभियन्ता, निर्माण खण्ड, पी० डब्ल्यू० डी०, रानीखेत, जनपद-अल्मोडा, उत्तराखण्ड
3. श्री टी० सी० नौटियाल, उप-महानिरीक्षक वन (के०), पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, 25, सुभाष रोड, देहरादून। मो० न०-9871932738 (ई-मेल-[tcnautiyal@gmail.com](mailto:tcnautiyal@gmail.com)) (सूचनाार्थ)।
4. कार्यालय पत्रावली।

O/C

अपर प्रमुख मुख्य वन संरक्षक (के०)

भारत सरकार  
पर्यावरण एवं वन मन्त्रालय,  
क्षेत्रीय कार्यालय [ मध्य क्षेत्र ]

पंचम तल, केन्द्रीय भवन,  
सैक्टर एच, अलीगंज, लखनऊ-226024  
टेलीफैक्स-2326696

पत्र सं० 8वी/यू.सी.पी/06/383/2008/एफ.सी./608

दिनांक : 25.08.10

सेवा में,

प्रमुख सचिव, (वन)  
वन विभाग, उत्तराखण्ड शासन,  
देहरादून, उत्तराखण्ड।

विषय : जनपद अल्मोड़ा में गंगास उड़ीमहादेव शैलपानी भिक्यासैण-मरचुला मोटर मार्ग के निर्माण हेतु 7.297 हे० (पूर्व में 9.730 हे०) वनभूमि का लोक निर्माण विभाग को हस्तान्तरण।

सन्दर्भ: नोडल अधिकारी एवं मुख्य वन संरक्षक, उत्तराखण्ड का पत्रांक 4031/1जी-2529 (अल्मोड़ा) दिनांक: 01/06/2010

महोदय,

उपरोक्त विषय पर नोडल अधिकारी एवं मुख्य वन संरक्षक, उत्तराखण्ड का पत्रांक 224/1जी-2529 (अल्मोड़ा) दिनांक: 22/07/2009 का आशय ग्रहण करने का कष्ट करें, जिसके द्वारा राज्य सरकार ने विषयांकित प्रस्ताव पर वन संरक्षण के अधिनियम 1980 की धारा (2) के तहत भारत सरकार की स्वीकृति मांगी थी।

प्रश्नगत प्रकरण में इस कार्यालय के समसंख्यक पत्र दिनांक 10.02.2010 के द्वारा प्रस्ताव को सैद्धान्तिक स्वीकृति प्रदान की गई थी। जिसमें उल्लिखित शर्तों की अनुपालना अपर प्रमुख वन संरक्षक एवं नोडल अधिकारी, उत्तराखण्ड के उपरोक्त संदर्भित पत्र द्वारा प्रस्तुत की गई है। प्रस्तुत की गयी अनुपालन आख्या में शर्त संख्या 1 का अनुपालन पूर्ण नहीं किया गया है। राज्य सरकार के प्रस्ताव पर ध्यानपूर्वक विचार करने के उपरान्त मुझे यह सूचित करने का निर्देश हुआ है कि वन संरक्षण अधिनियम के मार्गदर्शी सिद्धान्त जो कि सर्वोच्च न्यायालय द्वारा आई० ए० 944 एवं 800 में स्वीकृत हैं तथा इन्हीं सिद्धान्तों के अनुसार प्रस्ताव पारित करने का निर्देश है। भारत सरकार पर्यावरण एवं वन मंत्रालय के पत्रांक 11-177/2010-एफ०सी०, दिनांक 03.08.2010 द्वारा 6 माह के अन्दर अर्थात् दिनांक 02.02.2011 संरक्षित वन अधिसूचित करने की सीमा निर्धारित की गयी है। अतः केन्द्र जनपद अल्मोड़ा में गंगास उड़ीमहादेव शैलपानी भिक्यासैण-मरचुला मोटर मार्ग के निर्माण हेतु 7.297 हे० (पूर्व में 9.730 हे०) वनभूमि का लोक निर्माण विभाग को हस्तान्तरण एवं 174 वृक्षों के पातन की विधिवत् स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. वन भूमि की वैधानिक स्थिति में कोई परिवर्तन नहीं होगा।
2. प्रयोक्ता अभिकरण द्वारा वन विभाग के पक्ष में प्रत्यावर्तित भूमि के बदले प्रस्तावित 14.594 हे० कुडकोली सिविल सोयम भूमि पर वन संरक्षण के मार्गदर्शी सिद्धान्तों 3.2(1) एवं 4.2 के अनुसार क्षतिपूरक वृक्षारोपण एवं पाँच वर्षों तक रखरखाव किया जायेगा। क्षतिपूरक वृक्षारोपण हेतु चयनित भूमि को वैज्ञानिक दृष्टि से प्रवन्धन हेतु इसे छः माह में वन विभाग के प्रशासनिक नियन्त्रण में हस्तान्तरित व नामान्तरित किया जायेगा एवं जिसे भारतीय वन अधिनियम 1927 के अन्तर्गत संरक्षित वन घोषित किया जायेगा। यदि निर्धारित अवधि में इस भूमि का हस्तान्तरण, नामान्तरण एवं संरक्षित अधिसूचित नहीं किया जायेगा तो तो यह विधिवत् स्वीकृति स्वतः समाप्त समझी जायेगी।
3. प्रयोक्ता अभिकरण के व्यय पर वन विभाग द्वारा प्रस्तावित मार्ग के दोनों ओर रिक्त पड़े स्थानों पर यथोचित वृक्षारोपण एवं 5 वर्षों तक रखरखाव किया जायेगा।
4. प्रयोक्ता अभिकरण द्वारा माननीय उच्चतम न्यायालय के रिट पिटीशन 202/1995 के अन्तर्गत आई.ए. 566 एवं भारत सरकार पत्र संख्या 5-3/2007-एफ०सी० दिनांक 05.02.2009 के ओडशानुसार शुद्ध वर्तमान मूल्य (एन.पी.वी.) की निर्धारित राशि जमा किया जायेगा।
5. प्रयोक्ता अभिकरण द्वारा जनपद कार्यबल की संस्तुतियों एवं भू-वैज्ञानिक के सुझावों का कड़ाई से अनुपालन किया जायेगा।
6. परियोजना के निर्माण व रख-रखाव के दौरान आस-पास के क्षेत्र की वनस्थितियों एवं जीव-जन्तुओं को किसी प्रकार की क्षति नहीं पहुँचायी जाएगी।
7. प्रत्यावर्तित वन भूमि का उपयोग किसी भी अन्य प्रयोजन के लिए नहीं किया जायेगा।
8. प्रयोक्ता अभिकरण द्वारा सड़क निर्माण में स्थल पर कार्यरत मजदूरों /स्टाफ को रसोई गैस/किरोसिन तेल की आपूर्ति की जायेगी, जिससे निकटवर्ती वनों को क्षति न हो।
9. प्रयोक्ता अभिकरण द्वारा प्रस्तावित स्थल/वन क्षेत्र के आप पास मजदूरों/स्टाफ के लिए किसी भी प्रकार का कैम्प नहीं लगाया जायेगा।
10. प्रस्तावित वनभूमि के अतिरिक्त आस पास की वनभूमि से सड़क निर्माण में मिट्टी/पत्थर काटने एवं भरने का कार्य नहीं किया जाएगा।
11. इस कार्यालय द्वारा प्रस्ताव में प्रदत्त सैद्धान्तिक स्वीकृति में से शर्त संख्या-6 को विलुप्त किया जाता है।
12. प्रयोक्ता अभिकरण के व्यय पर मक डिस्पोजल का कार्य प्रस्तुत की गयी कार्य योजना के अनुसार वन विभाग की देख-रेख में किया जायेगा।
13. निर्माण कार्य के अन्तर्गत पातित होने वाले वृक्षों का पातन राज्य के वन विकास निगम द्वारा किया जाएगा और उसका निरस्तारण समन्वित ग्रामों की स्थानीय जनता के हक हकूक के दृष्टिगत किया जायेगा।
14. प्रयोक्ता अभिकरण द्वारा आवश्यक न्यूनतम वृक्षों का ही पातन किया जायेगा।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अतिरिक्त वन महानिदेशक (एफ.सी.), पर्यावरण एवं वन मन्त्रालय, पर्यावरण भवन सी.जी.ओ. काम्पलेक्स, लोदी रोड, नयी दिल्ली-110003.
2. नोडल अधिकारी एवं मुख्य वन संरक्षक, भूमि सर्वेक्षण निदेशालय, वन विभाग, इन्दिरा नगर फारेस्ट कालोनी, उत्तराखण्ड, देहरादून।
3. प्रभागीय वनाधिकारी, अल्मोड़ा वन प्रभाग अल्मोड़ा।
4. अधिसूचार्थी अभियन्ता, निर्माण खण्ड, लोक निर्माण विभाग, रानीखेत।
5. आदेश प्राप्तवली।

भवदीय  
(वाइ०के० सिंह चौहान)  
वन संरक्षक (केन्द्रीय)

(वाइ०के० सिंह चौहान)  
वन संरक्षक (केन्द्रीय)

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

Writ Petition (M/S) No.3626 of 2019

Hema Devi & others .....Petitioners

Versus

State of Uttarakhand & others .....Respondents

**Present:-** Mr. Ghanshyam Joshi, Advocate for the petitioners.  
Mr. N.S. Pundir, Deputy Advocate General, for the State/respondent  
Nos.1 to 9.

**Hon'ble Sudhanshu Dhulia, J.**

The petitioners before this Court had challenged the construction of Gagas- Reethamahadev - Selapani Road, which is in District Almora.

2. The contention of the petitioners before this Court is that they have earlier fought a long battle in their demand for construction of a road, which was ultimately sanctioned and constructed. Now the present road, which is being constructed takes away 200 meters of their land, for which no land acquisition proceedings have been initiated by the respondent authorities.

3. Evidently for a construction of the present road as well there is a long demand of villagers and though the present road i.e. Gagas- Reethamahadev- Selapani Road does not connect the village of the petitioners but it does connect many other villages. As far compensation is concerned the same has been determined on the basis of mutual agreement between most of the other villagers and the State.

4. This Court vide order dated 06.01.2020 has appointed Sri Devesh Upreti, who is a practicing lawyer of this Court, as Court Commissioner, to examine whether the road in question broadly serves the public purpose, as was the case of the State authorities.

5. In compliance of this Court's order dated 06.01.2020, the Court Commissioner has submitted his report dated 10.01.2020.

6. Perused the report dated 10.01.2020. In view of this Court, it is a well considered report. As per the report, the road is required in the public interest. Even for the 200 meters land, which is a barren land, in any case, the petitioners are liable to get compensation in accordance with law, for which the petitioners may make a request to the authority concerned. The relevant portion of the report dated 10.01.2020 reads as under:-

"As per the information given to me if this patch of about 2 and half kilometers is constructed not only the people residing surrounding in the disputed shall be benefited but also the public in large shall be benefited. The officials of PWD also informed that if the road in dispute (Gagas-Reetha Mahadev-Selapani) is constructed it will reduce the financial burden on the State as well.

After visiting the place I was informed that the residents of villages Reetha Mahadev, Udali, Kheeriya are still living a very hard and very backward life due to non construction of the Gaga-Reetha Mahadev-Selapani Road.

The inspection was made in presence of the about 25 persons in which the petitioners no.2 & 3 were also present from Banghat to Kolikhet. The petitioners acknowledged that the inspection was made in their presence.

The acknowledgement letter is enclosed with this report.”

7. This Court has also been informed by the Executive Engineer, Construction Division, P.W.D., Ranikhet, Almora that a link road connecting the village of the petitioners to the road has already been sanctioned and matter will be pursued and the road will be constructed in due course. For this approval has already been made and the land has been acquired as per the mutual negotiations.

8. In view of the above position, there can be no occasion to stop the construction of the motor road as demanded by the present petitioners, since the motor road is in public interest. The writ petition stands dismissed.

**(Sudhanshu Dhulia, J.)**  
10.01.2020

Nitesh/

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION (M/S) NO. 3626 OF 2019

Hema Devi and others. ....Petitioners.

Vs.

State of Uttarakhand and others. ....Respondents.

&

SPECIAL APPEAL NO. 40 OF 2020

Hema Devi and others. ....Appellants.

Vs.

State of Uttarakhand and others. ....Respondents.

Sri B.D. Pande, learned counsel for the appellants-writ petitioners.

Sri Vikas Pandey, learned Standing Counsel for the State of Uttarakhand.

Dated : 12<sup>th</sup> February, 2020

Coram: Hon'ble Ramesh Ranganathan, C.J.  
Hon'ble R.C. Khulbe, J.

Ramesh Ranganathan, C.J. (Oral)

Heard Sri B.D. Pande, learned counsel for the appellants-writ petitioners, and Sri Vikas Pandey learned Standing Counsel for the State Government, and, with their consent, the Special Appeal is disposed of at the stage of admission.

2. The jurisdiction of this Court was invoked by the appellants-writ petitioners seeking (i) a writ of mandamus directing the respondents not to construct the Gagas-Urimahadev- Selapani road without adopting due process of land acquisition provided by law; and (ii) a writ of mandamus directing the first respondent to set up a fair inquiry regarding relevancy and utility of the Gagas-Urimahadev-Selapani road.

3. When we asked Sri B.D. Pande, learned counsel for the appellants-writ petitioners, as to how the appellants-writ petitioners can invoke the extraordinary jurisdiction of this Court seeking an inquiry regarding the relevancy and utility of a particular road, learned counsel would fairly state that the appellants-writ petitioners are not pressing for the second prayer; and that his claim be confined to the grant of Prayer No. 1 alone. Prayer No. 2 of the writ petition is, accordingly, dismissed as not pressed.

4. The appellants-writ petitioners' case, in short, is that possession of their lands was sought to be forcibly taken for construction of a road, without acquiring the same in accordance with law. They claim that, while some

villagers had given their consent, several others, including the appellants-writ petitioners, had not given their consent for possession of lands being taken for construction of a road and, consequently, they cannot be deprived of their property except by initiating proceedings under the Land Acquisition Act.

5. Sri Vikas Pandey, learned Standing Counsel for the State Government, would fairly state that the contents of the counter-affidavit disclose that a few villagers, including the appellants-writ petitioners, had not given their consent for possession of their lands being taken for construction of a road; and no road has been constructed on the disputed portion of the land i.e. on that part of the land for which consent, for taking possession, had not been given by the owners of the land.

6. In the order under appeal, the learned Single Judge appointed an Advocate Commissioner to examine whether the road in question served a public purpose and, based on the report of the Advocate Commissioner, expressed its satisfaction that a link road, connecting the village of the appellants-writ petitioners to the road already sanctioned, was in public interest. The learned Single Judge opined that, for this, approval had already been granted; and the land had been acquired as per mutual negotiations.

7. While the State Government can, undoubtedly, enter into a mutual agreement with owners of the land, and purchase the land at the mutually agreed price, so long as the mutually agreed price is fair and reasonable, no owner can otherwise be deprived of his / her land except by resort to acquisition proceedings in accordance with the provisions of the Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the '2013 Act').

8. Under Article 300-A of the Constitution of India, no person shall be deprived of his property save by authority of law which, in the present case, is the 2013 Act.

9. Since it is not in dispute that the appellants-writ petitioners have not consented to part with their lands for construction of the road, the only manner in which the road can be laid is if the State Government exercises its powers of eminent domain, initiates proceedings for acquisition of the land, and takes possession thereof in accordance with the provisions of the 2013 Act.

10. The order under appeal is, therefore, set aside and the writ petition is disposed of directing the respondents not to interfere with the appellants-writ petitioners' possession of the subject land, except after acquiring the subject land in accordance with the provisions of the 2013 Act.

11. The Special Appeal is disposed of accordingly. No costs.

**(R.C. Khulbe, J.)**

12.02.2020

Rathour

**(Ramesh Ranganathan, C.J.)**

12.02.2020

## ANALYSIS OF RATES

Name of Work :- Construction of Gagas urimahadev shailapani marchula motor road in Distt Almora under State sector.

S. No	Unq. ID	Ref. no	Item of work	Unit	Qty	Rate	Cost in Rs.
1	2	3	4	5	6	7	8
1	1-2	Miss Item	Excavation in foundation for retaining & breast walls in all types of soils and rocks including lead, lift and disposal of surplus material as per direction of engineer - in - charge	Cum.	1.00	325.50	325.50
2	1-7-1	Miss Item	Providing and laying of wire crates 3.00x1.50x1.50 in size with GI wire conforming to IS: 280 & IS:4826 in 150mm x 150mm mesh laid with stone boulders. as per direction of Engineer-in- charge. (As per PWD Uttarakhand specifications) GI wire 10 gauge BWG	Cum.	1.00	1469.90	1469.90
3			Rate of Nap Land As per PE Rate	Hec	1.00	170000.00	170000.00

*[Handwritten Signature]*

*[Handwritten Signature]*

सहायक अभियंता  
वि.खं. लो.नि.वि.  
- राजीवत

*[Handwritten Signature]*  
सहायक अभियंता  
वि.खं. लो.नि.वि.  
- राजीवत



PWD UTTARAKHAND  
SCHEDULE OF RATES

SOR :- MISCELLANEOUS  
For Block 62 Bhikiyasain

Year :- FY. 2019-20  
Effective From:-01-May-2019

Sl. No.	Description	Rate	Unit
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**CHAPTER-1 - General Items**

1-1	Earthwork in Hill Road (Hill Side Cutting)		
1-1-1	Excavation in soil in Hilly Area by mechanical means		
1-1-1-A	Excavation in soil in Hilly Area by mechanical means Without useing Dozer including cutting and trimming of side slopes and disposing of excavated earth with a lift upto 1.5 m and a lead upto 20 m as per Technical Specification Clause 1603.1	62.70	Cum
1-1-1-B	Extra for Every Additional Lift of 1.5 m or Part thereof	21.50	Cum
1-1-2	Excavation in Hilly Areas in Ordinary Rock by mechanical means not requiring blasting (With out Dozer)		
	Excavation in hilly area in ordinary rock not requiring blasting by mechanical means without using Dozer including cutting and trimming of slopes and disposal of cut material with a lift upto 1.5 m and lead upto 20 m as per Clause 1603.2.	95.30	Cum
1-1-3	Excavation in Hilly Areas in Hard Rock requiring blasting		
1-1-3-A	Excavation in hilly areas in hard rock requiring blasting, by mechanical means without using Dozer , lift upto 1.5 m and disposal of excavated rock upto a lead of 20 m as per Clause 1603.2.	254.30	Cum
1-1-3-B	Extra for Every Additional Lift of 1.5 m or Part thereof	42.10	Cum
1-2	Excavation in foundation for retaining, breast walls etc, in all types of soils and rocks including all lead, lift and disposal of surplus material as per direction of engineer - in - charge, as per drawing and technical specifications Clause 305.1 of MORD Specification	325.50	Cum
1-3	Random Rubble Stone Masonry laid Dry, in breast walls, retaining walls, etc. including supply of all material, labour, T&P and royalties etc. complete as per drawing and technical specifications Clauses 702, 704, 1202 & 1203 of MORD Specification	1,795.90	Cum
1-4	Random Rubble Stone Masonry laid in 1:6 cement and sand mortar, in breast walls, retaining walls, parapets, scuppers, etc. including supply of all material, labour, T&P and royalties etc. complete as per drawing and technical specifications Clauses 702, 704, 1202 & 1203 of MORD Specification	3,230.90	Cum
1-5	Hand Packed stone filling in back of wallls including cost of all materials, royalty, T&P etc. complete as per direction of Engineer-in- charge. (As per PWD Uttarakhand specifications)	745.40	Cum
1-6	Construction of coolie walling including supply of all material, labour, T&P etc. required for proper completion of the work as per direction of Engineer-in- charge. (As per PWD Uttarakhand specifications)	1,174.80	Cum



PWD UTTARAKHAND  
SCHEDULE OF RATES

SOR :- MISCELLANEOUS  
For Block 62 Bhikiyasain

Year :- FY. 2019-20  
Effective From:-01-May-2019

Sl. No.	Description	Rate	Unit
1-7	Providing and laying of wire crates 3.00x1.50x1.50 in size with GI wire conforming to IS: 280 & IS:4826 in 150mm x 150mm mesh laid with stone boulders. as per direction of Engineer-in- charge. (As per PWD Uttarakhand specifications)		
1-7-1	GI wire 10 gauge BWG	1,469.90	Cum
1-7-2	GI wire 8 gauge BWG	1,651.70	Cum
1-8	Providing and Laying of Mechanically Woven Double Twisted Hexagonal shaped Gabions (Zinc plus PVC coated), of size 3mX1mX1m with two diaphragms at 1m interval, having mesh opening 100mmx120 mm, mesh wire diameter 2.7mm/3.7mm, edge/selvedge wire diameter 3.4/4.4 mm and lacing wire diameter 2.2/3.2 mm. (The work includes filling boulders in the gabions).	7,637.90	No.
1-9	Providing and Laying of Mechanically Woven Double Twisted Hexagonal shaped Gabions of galvanized steel, of size 3mX1mX1m with two diaphragms at 1m interval, having mesh opening 100mmx120 mm, mesh wire diameter 3 mm for gabions, edge/selvedge wire diameter 3.9 mm and lacing wire diameter 2.2 mm. (The work includes filling boulders in the gabions).	7,819.70	No.
1-10	Clearance of land slides (Slip Clearance)		
1-10-1	Clearance of land slides in soil and ordinary rock by a bull-dozer D 80 A-12, 180 HP and disposal of the same on the valley side complete as directed by the Engineer-in-charge.	63.10	Cum
1-10-2	Clearing of land slide in hard rock requiring blasting for 50 per cent of the boulders and disposal of the same on the valley side (Using bull-dozer) complete as directed by the Engineer-in-charge.	105.50	Cum
1-10-3	Slip clearance (by manual means) of loose earth and other small loose materials including disposal complete as directed by the Engineer-in-charge.	194.90	Cum
1-10-4	Slip clearance (by manual means) of earth and boulders including disposal complete as directed by the Engineer-in-charge.	195.60	Cum
1-10-5	Slip clearance (by manual means) of boulders only including disposal complete as directed by the Engineer-in-charge.	209.40	Cum
1-11	Setting Out (Construction of Reference Pillars, Back Pillars and Job Pillars)		
1-11-1	Construction of reference pillars with RR 1:6 stone masonry and Plastered with 1:4 Mortar, (totally under ground) of length 200mm, width 200mm and height 300mm) as per Fig. 1600.1 (b) and Technical Specification Clause 1602.1 of MORD specifications.	52.60	No.

परियोजना का नाम :- जनपद अल्मोड़ा के अन्तर्गत गगास उडीमहादेव शैलापानी भिवियासैन मरचूला मोटर, नगर का नव निर्माण (10.00 किमी०) हेतु पहाड़ कटान से उत्पादित मलुवे के निस्तारण हेतु प्राक्कलन

Item of work	No	Length	Width	Height	Qty	Unit
<b>A कटिंग कार्य से निकले मलुवे की मात्रा</b>						
Swelling factor 30%	1x10x1/2	1000.00	6.00	2.50	90000.00	
					27000.00	
				<b>Total</b>	<b>117000.00</b>	<b>Cum.</b>
<b>B निर्माण कार्य में प्रयुक्त मलुवे की मात्रा</b>						
1 Retaining Walls	1x10	350.00	(1.93+0.60)/2	4.00	17710.00	
2 Breast Walls	1x10	250.00	(0.90+0.60)/2	1.80	3375.00	
3 H.P. Stone Filling	10x1/2	3.50	1.00	4.00	70.00	
4 Constt. Of scupper	1x8x10		37.09		2967.20	
5 Soling Works	1x10	1000.00	4.05	0.12	4860.00	
6 Constt. Of pucca Drain	1x10	450.00	0.60	0.60	1620.00	
				<b>Total</b>	<b>30602.20</b>	<b>Cum.</b>
<b>C सतह निर्माण में प्रयुक्त मलुवे की मात्रा</b>						
1 Road Constt. In Filling	1x12x10	20.00	6.00	0.70	10080.00	
2 Making Subgrade and superelevation	1x10	1000.00	6.00(0.00+0.30)/2		9000.00	
3 Stacking for pattri/rut Filling	2x10	1000.00	1.10	0.50	13200.00	
				<b>Total</b>	<b>32280.00</b>	<b>Cum.</b>
<b>D निर्माण के दौरान क्षति</b>						
During Construction ( By excavator and						
1 Tipper	1x10x1/2	1000.00	2.25	1.16	13050.00	
				<b>Total</b>	<b>13050.00</b>	<b>Cum.</b>
2 Natural Diposal due to Rain and steep slope L.S. 15 %					17550.00	
<b>Total Quantity</b>						
<b>Balanced Quantity for reuired diposal</b>					<b>(B+C+D+2)</b>	
					93482.20	
					23517.80	<b>Cum.</b>

J.E.

सहायक अभियन्ता  
वि०ख०, ली०नि०वि०  
राजीव

अभियन्ता  
वि०ख०, ली०नि०वि०  
राजीव

## Detail of measurment

का नाम:- जनपद अल्मोड़ा के अन्तर्गत गगास उडीमहादेव शैलापानी भिकियासैन मरचूला मोटर मार्ग कॉ  
नव निर्माण (10.00 किमी०)

### Capacity of dumping yard

Particulars of item	No.	L	B	H/D	Quantity
2	3	4	5	6	7
<b>Capacity of Dumping Yard</b>					
Dumping Yard no.-1 Nap Land	1x1	100.00	30.00	$(0.00+8.00)/2$	12000.00
Dumping Yard no.-2 Nap Land	1x1	80.00	37.00	$(0.00+8.00)/2$	11840.00
				TOTAL	12000.00 cum
<b>Required Qty. For proposed dumping yard (say)</b>					<b>23840.00 cum</b>

*[Signature]*

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सहायक अभियंता  
वि.सं. लो.नि.वि.सं.  
राजीव

*[Signature]*  
भविष्यतः अद्वयन्ता  
निर्माण खण्ड प्रो.वि.वि.सं.  
राजीव

## Details of measurement

**Name of Work :- Construction of Gagas urimahadev shailapani marchula motor road in Distt Almora under State sector.**

Particulars	No.	L	B	H/D	Quantity	
2	3	4	5	6	7	
Disposal of much including dumpying yard						
Excavation in foundation for retaining & brest walls in all types of soils and rocks including lead, lift and disposal of surplus material as per direction of engineer in - charge	1x1	30.00	1.50	0.30	13.50	Cum
	1x1	37.00	1.50	0.30	16.65	Cum
				Total	30.15	Cum
Providing and laying of wire crates 3.00x1.50x1.50 in size with a 10 gauge BWG GI wire conforming to IS: 280 in 150mm x 150mm mesh laid with stone masonry weighing not less than 25 kg each.(As per PWD Uttarakhand Specification)						
Dumping Yard no.-1	1x1	30.00	1.50	3.00	135.00	
Dumping Yard no.-2	1x1	37.00	1.50	3.00	166.50	
				Total	301.50	Cum
Required area for Nap Land						
Dumping Yard no.-1	1x1	100.00	30.00		3000.00	
Dumping Yard no.-2	1x1	80.00	37.00		2960.00	
				Total	5960.00	
				Say In Hec	0.596	Hect

KJ

  
 सहायक अभियन्ता  
 वि०ख०. लो०वि०वि०  
 रावीखंड

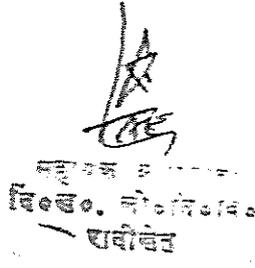
  
 अभियन्ता  
 वि०ख०. लो०वि०वि०  
 रावीखंड

Bill of Quantity

Name of Work :- Construction of Gagas urimahadev shailapani marchula motor road in Distt Almora under State sector.

Item of work	Qty	Unit	Rate	Amount Rs.
4	5	6	7	8
Disposal of much including dumpying yard				
Excavation in foundation for retaining & brest walls in all types of soils and rocks including lead, lift and disposal of surplus material as per direction of engineer - in - charge	30.15	Cum	325.50	9813.83
Providing and laying of wire crates 3.00x1.50x1.50 in size with a 10 gauge BWG GI wire conforming to IS: 280 & IS:4826 in 150mm x 150mm mesh laid with stone boulders weighing not less than 25 kg each.(As per PWD Uttarakhand Specification)	301.50	Cum	1469.90	443174.85
Required area for Nap Land for Dumping yard	0.596	Hect	170000.00	101320.00
Total				544494.85
Say				5,44,495/-

*Handwritten signature*

  
 वि.सं. नं. १०८०/२०१६  
 एबीकेड

  
 अधिकारी  
 विभाग

अदोप्य सलापानी-डोमहादेव-बनघट मीटर भाग मे  
कोथरवत मे हमारी जमीन है अदोप्य हमारी जमीन मे विभाग  
द्वारा अंगर डम्पांग जोन बनाया जाता है तो हमें कोई आपत्ती  
नही होगी हम इसमें सहमत है

देवेन्द्र प्रसाद भूत नरीराम

देवेन्द्र प्रसाद

Amiya Ram

9-2-20

proposals on the recommendations of the REC as per the existing rules/ acts keeping into account the directions of supreme Court dated 22.09.2000 in Writ petition No. 202/ 95. The APCCF (Central) of the Regional Office will ensure strict monitoring of felling and regeneration as per approved Working Plan/ Working Scheme.

- (v) National parks and Wildlife sanctuaries are to be managed according to approved management plan. The Supreme Court has passed an order on 14.02.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary.....".

### 1.20. Reopening/reconsideration of Proposals

(i) In cases where the State Government is requested to furnish clarification or additional information relating to a proposal, all particulars should be made available to the Central Government within 90 days. If such particulars are not received within 90 days, the proposal may be rejected by the Central Government for non-furnishing of essential information. Such cases can be reopened provided the following conditions are satisfied:

- a. there is no change in the proposal in terms of scope, purpose and other important aspects.
- b. all the required information has been made available
- c. delay in providing the information is satisfactorily explained

(ii) Any request for reconsideration of any proposal that has been considered and rejected by the Central Government has to be made by concerned State/UT Government within three months from the date of communication of such rejection along with detailed justification for reconsideration and comments on each of the grounds on which proposal has been rejected.

**1.21. Ex-post Facto approval and Penal Provisions:** Proposals seeking ex-post-facto approval of the Central Government under the Forest (Conservation) Act, 1980 are normally not to be entertained. The Central Government will not accord approval under the Act unless under exceptional circumstances that may justify condonation. In such cases Central Government shall ensure penalty from user agencies/State as follows:

**(i) In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC.**

- a. The diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the State will be dealt under the provisions of Indian Forest Act 1927 and other State Acts dealing with the conservation of Forests by the State government concerned. The land in question will not be considered as diverted under FCA 1980 and the status of the land shall continue to be forest.
- b. If the permission for use of forest land for non-forestry purposes have been granted by the State authority without the prior approval of the central government under section 2 of the Forest Conservation Act 1980 then action under section 3A and /or 3B of FC Act, as may be applicable, shall be taken against the authority causing the diversion. A report with full details of

violation shall be submitted by the State Government on the recommendation of the Forest Department of the State to the Ministry of Environment, Forests & Climate Change Government of India, New Delhi and formal enquiry shall be conducted by the Regional Office of the MoEF&CC.

**(ii) In cases where the proposal under FC Act is under consideration and forest land is diverted before grant of FC:**

- a. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to **five (5) times the NPV** plus 12 percent simple interest till the deposit is made.
- b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above.
- c. State government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- d. User agency responsible for violation shall be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State authority.

**(iii) Violation /noncompliance of any conditions imposed while granting approval under FC Act.**

In such cases the penalty will be imposed on the recommendation of the APCCF Regional office in whose jurisdiction the alleged violation has occurred. The violation will be reported to REC/FAC and the committee will give time to comply the conditions within stipulated time.

- a. In case the offence is proved then the penalty shall be imposed for violation committed over forest area without approval equal to twice the normal NPV.
- b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above.

**(iv) Violation on account of change of land use in the approved mining plan:**

- a. No penalty is to be imposed for such violation if the change is as per change in mining plan duly approved by competent authority. User agency shall intimate all approvals related to change in mining plan to the regional office within one month of approval. In other cases, change in land use plan shall not be carried out without prior approval of MoEF&CC under the provisions of FCA 1980.
- b. Any violation of change in land use (other than mining operations), penalty of two times the NPV plus simple interest 12 per cent from the date of actual violation committed will be imposed.
- c. In case the approved change in mining plan is not intimated within one month of the approval the same fine shall be imposed as in para IV(b).

If the violation is not attributable to the user agency, no penalty shall be imposed on user agency.

**1.22. Zoo, Rescue, Rehabilitation Center and captive breeding facility**