

Government of Jammu and Kashmir
Civil Secretariat, Forest Department

Subject:- Diversion of 10.14 Ha of forest Land for construction of underground Tunnel by NHPC for Sewa Hydel Project Stage-II Billawar Forest Division.

Reference: a) Cabinet Decision No.250/14 dated 23.10.2006
b) Recommendations of the 35th meeting of the Advisory Committee (constituted under the J&K Forest Conservation Act, 1997)

Government Order No;S67-FST of 2006

D.A.T.E.D 26 -10-2006

Sanction is hereby accorded to diversion of forest land measuring 10.14 ha falling in compartment No. 83 & 84/Bani & 38/Bsl block Koti, Range Bani and Basholi, Billawar Forest Division for construction of underground tunnel by the NHPC for Sewa Hydel Project State-II on the following terms and conditions:-

1. The proprietary status of the forest land shall remain unchanged
2. The forest land so diverted shall be utilized only for the purpose for which it has been diverted. It shall not be transferred to any other agency without approval of the Forest Department.
3. The forest land so diverted shall not be mortgaged, reassigned or sub-leased by the user agency in any manner what-so-ever to any other agency.
4. The User Agency shall pay the Net Present Value of the forest land to the tune of Rs. 53,81,000/- (Rupees Fifty eight lacs eighty one thousand only) in Billawar Forest Division as calculated by the concerned DFO as per Hon'ble Supreme Court Order dated 30-10-2002 in I.A. No: 506 in Writ Petition (Civil) No: 202 of 1995 T.N.Godavarman Thirumalakpad V/S Union of India.
5. The User Agency shall be bound to pay an amount of Rs. 2,00,000/- (Rupees two lacs only) in Billawar Forest Division on account of compensatory afforestation to be carried out over 8 ha.
6. Any damage done to the forests by the user agency or its employee and contractors or people employed by them shall be charged from the user agency at the rate of 10 times the standard rate of 1992.
7. The extraction of trees shall be done by SFC/Forest Department on the basis of marking list approved by the Conservator of Forests, Working Plan Circle.
8. The forest land so diverted shall return to the Forest Department when it is no longer required by the User Agency, without any cost.
9. The user agency shall also pay any other amount which will become payable as per orders of Hon'ble Supreme Court or Government/Forest Department, J&K.

10. The user agency shall be responsible for obtaining requisite clearance under any other law in vogue.
11. The user agency shall submit an undertaking that in case of any upward revision of rates of Net Present Value, the user agency will be bound to pay the amount of differential Net Present Value.
12. The user agency shall ensure to get environmental clearance of the over projects if required as per Environment Protection Act before taking execution of the work.
13. The possession of Forest land diverted for non-forestry purpose under orders of the competent authority, should not be handed over to the user agency till all payments due on account of compensation of tree NPV/compensation of land, compensatory afforestation costs etc deposited with the Forest Department. Before handing over possession of the Forest land it should be further ensured that there are no outstanding dues with the said user agency in respect of any cases sanctioned in the past.

By order of the Government of Jammu and Kashmir

Sd/-
(Najamul Sa. (b) IAS
Commissioner/Secretary to Government
Forest Department.

No:-Fst/Land/114/2006

Dated:- 26-10-2006

Copy to the:-

- 1 Principal Chief Conservator of Forests
- 2 General Manager, Sewa Project Stage-II, NHPC, Chamba(HP)
- 3 Conservator of Forests Working plan and research Circle, (the Secretary Adv. Committee)
- 4 Special Assistant to Hon'ble Forest Minister
- 5 Private Secretary to Commissioner/Secretary Forests
- 6 P.A to OSD Forests
- 7 Coordination Section (w.2.s.c.)
- 8 Stock File.

Riyaz Ahmed
(Riyaz Ahmed)
Under Secretary to Government
Forest Department.

Office of the Pr. Chief Conservator of Forest, J&K, Srinagar

NO:PCCF/FC/599/2003-87

Dated: 10/11/2006.

Copy forwarded for information and necessary action strictly in accordance with the conditions as provided in the body of Govt. order and ensure early recoveries before the area is handed over to the user agency to:-

1. Chief Conservator of Forests, Jammu.
2. Conservator of forests, Working Plan Circle (Member Secy. Advisory Committee).
3. Conservator of Forests, East Circle, Jammu.
4. Divisional Forest Officer, Billohar Forest Division.
5. General Manager (NHPC), Sewa Hydel Project-II Kheri(HP).

(H.S. Salathia)
(H.S. Salathia)
Nodal Officer