

F. No. 8-17/2007-FC  
Government of India  
Ministry of Environment & Forests  
(FC Division)

Paryavaran Bhawan, CGO Complex,  
Lodhi Road, New Delhi-110 003  
Dated: 9<sup>th</sup> January, 2008

To

The Principal Secretary (Forests),  
Government of Gujarat,  
GANDHINAGAR, GUJARAT

**Sub: Diversion of 130.00 ha of forest land (Section-4 - Forest Land) for the construction of 4000 MW Ultra Mega Power Project at Village- Kandagra, Taluka-Mundra in Kutch District of Gujarat.**

Sir,

I am directed to refer to your letter no. FCA-1007/ (10-18)/SF.14K dated 29.03.2007 where under the above mentioned proposal was submitted seeking prior approval of the Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980 and to say that the above proposal was examined by the Forest Advisory Committee (FAC) constituted under Section-3 of the Act.

2. After careful consideration of the proposal of the State Government, and on the basis of the recommendations of the FAC, the Central Government hereby agrees **in-principle for the diversion of 130.00 ha of forest land (Section-4 - Forest Land)** for the construction of 4000 MW Ultra Mega Power Project at Village- Kandagra, Taluka-Mundra in Kutch District of Gujarat, subject to fulfillment of the following conditions --

1. (i) The User Agency shall identify an area of 130.00 ha of non-forest forest land for Compensatory Afforestation.  
(ii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale.  
(iii) The User Agency shall transfer the cost of Compensatory Afforestation and its maintenance to the State Forest Department. The non-forest land on which Compensatory Afforestation is carried out shall be fenced, as per recommendations of the State Government of Gujarat.  
(iv) The non-forest forest land identified for raising Compensatory Afforestation shall be immediately transferred and mutated in favour of the State Forest Department. The non-forest land identified for raising Compensatory Afforestation shall then 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, as the case may be, within a period of six months, if not already done. The Nodal Officer (Forest Conservation) shall report compliance in this regard.
2. The project area shall be demarcated on the ground at the project cost, using four feet high RCC pillars, with each pillar inscribed with the serial number, forward and backward bearings and distance between two adjacent pillars.
3. The User Agency shall implement the approved Ash Disposal Plan, which shall be monitored regularly by the Regional Office, Ministry of Environment and Forests, Bhopal. The User Agency shall ensure that ash disposal is carried out as per this detailed plan, and is in accordance with all environmental safeguards.
4. The User Agency should give an undertaking that it shall take all measures to prevent pollution by effluents, particulate matters etc at the project cost.
5. Wherever possible and technically feasible, the User Agency shall undertake by

involving local community, the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval. The User Agency shall submit a plan to raise plantations and their maintenance on vacant patches inside the project area at the project cost. The cost shall be transferred to the State Forest Department.

6. (i) The State Government shall charge the Net Present Value of 130.00 ha of the forest area diverted under this proposal from the User Agency as per the Orders of the Hon'ble Supreme Court of India dated 30.10.2002 and 01.08.2003 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 and 22.09.2003 and No. 5-2/2006-FC dated 03.10.2006 in this regard.
- (ii) At the time of payment of the Net Present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional NPV, if so determined as per the final decision of Hon'ble Supreme Court of India.
7. All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA in account number CA 1583 of Corporation Bank, Block-11, CGO Complex, Phase-1, Lodhi Road, New Delhi - 110 003.
8. Since the project is on a Built, Operate And Own Basis, the User Agency shall include a condition in its agreement with the party to whom the Project might be transferred, that the party shall pay all the charges, which might become payable out of the judgements of the Hon'ble Supreme Court of India, after the transfer of the project.
9. The User Agency shall make arrangements for free supply of fuel-wood preferably alternate energy source to labourers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.
10. The tree felling in forest area, so diverted, shall be only as per the actual requirement and with prior permission of the competent authority.
11. The forest land shall not be used for any purpose other than that specified in the proposal.
12. After receipt of the 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.
13. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.
14. Any other condition that the CCF (Central), Regional Office, Bhopal, may impose from time to time for the protection and improvement of flora and fauna in the forest area.

Yours faithfully,

(A.K. Joshi)  
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 Chief Conservator of Forests (Central), Regional Office, Bhopal.
4. User Agency.
5. Guard File.
6. Monitoring Cell of FC Section.

(A.K. Joshi)  
Assistant Inspector General of Forests