

11-2948
11-04/07

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT: FOREST DEPARTMENT.

Subject :- Diversion of 0.05 ha of Forest Land for erection of tower at Bhumsheru Thathri by BSNL in Kishtwar Forest Division.

Reference:- Cabinet Decision No. 70/8 Dated 31.03.2007

Government Order No: 168 /FST of 2007
D A T E D 09 - 04.2007

Sanction is accorded to diversion of forest land measuring 0.05 hectares or 1 Kanal instead of 3 Kanal and 12 marlas (0.18 Ha.) under Compartment No. 18/K in Block Nagni, Range Kishtwar, Kishtwar Forest Division for erection of tower at Bhumsheru Thathri by M/S BSNL on the following terms and conditions:-

1. The proprietary status of 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 user agency in any manner what so ever to any other agency.
4. The User Agency shall pay Net Present Value of the forest land to the tune of Rs. 29,000/- (Rupees Twenty-nine thousand only) instead of Rs. 1,04,400/- as calculated by the concerned DFO as per Hon'ble Supreme Court Order dated 30-10-2002 in I.A. No: 566 in Writ Petition (Civil) No: 202 of 1995 T.N.Godavarman Thirumalpad V/S Union of India.
5. Rent of Rs. 20,000/- (Rs. Twenty thousand only) per month is to be charged towards Government, 25% increase in rent will be charged every three years.
6. No permanent construction of building is permitted at the proposed site.
7. The user agency will furnish a bank guarantee of a Nationalized Bank equivalent to the amount of rent payable for the period of three years as a security deposit to be encashed in event of failure of the user agency to pay monthly rent regularly.
8. Before transfer of land Forest Department will execute an agreement with the user agency specifying all terms and conditions as laid down in the Govt. order sanctioning the diversion of forest land.
9. The possession of forest land diverted for non-forestry purpose under the orders of competent authority, should not be handed over to the user agency till all payments due against various components are not received in full by the Forest Department.
10. The user agency should ensure the availability of funds under appropriate heads for making payments due to the Forest Department as per the conditions stipulated in the order of transfer of forest land.
11. Any damage done to the forest by the user agency or its employes and contractors or people employed by them shall be charged from the user agency at the rate of ten times the standard rate of 1992.
12. The forest land so diverted shall return to the Forest Department when it is no longer required by the User Agency without any cost.
13. The possession of Forest land diverted for non-forestry purpose under the orders of the competent authority, should not be handed over to the user agency till all payments due against Compensation of trees, NPV/Compensation of land, Compensatory afforestation costs etc are not deposited with Chief Accounts Officer in the office of the PCCF. Before handing over the possession of the Forest land it should be further ensured that there are no outstanding dues with the said User Agency in respect of the cases sanctioned in the past.
14. The user agency shall submit an undertaking that in case of any upward revision of rates of Net Present Value, the user agency will pay the amount of differential Net Present Value.

H.O.

P. J. J. J.

The proposal stands cleared/ approved by the Advisory Committee in its 36th Meeting held under the Chairmanship of Chief Secretary.

By order of the Government of Jammu and Kashmir.

Sd/-
(Atal Dulloo), IAS
Commissioner/Secretary to Government
Forest Department

NO: PST/land/133/2006

Dated: 09 04.2007

Copy to the :-

1. Principal Chief Conservator of Forests, J&K Jammu.
2. Conservator of Forests, Working Plan and Research Circle, (Member Secretary) Advisory Committee.
3. Special Assistant to Hon'ble Minister for Forests.
4. Private Secretary to Hon'ble MOS Forests.
5. Private Secretary to Commissioner/ Secretary (Forests)
6. P.A.to OSD (Forests)
7. Government Order file (w.2.s.c)
8. Stock file.

[Signature]
(Rehana Batool)
Deputy Secretary to Government
Forest Department

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

NO: PCCF/FC/530/2962-48

Dated: 16/4/2007.

Copy for information and necessary action to:-

1. Chief Conservator of Forests, Jammu.
2. Conservator of Forests, Working Plan (Member Secretary to Advisory Committee).
3. Conservator of Forests, Chenab Circle, Doda..
4. Divisional Forest Officer, Kishtwar Forest Division.
5. Sub-Divisional Engineer, BSNL, Kishtwar.
6. Order File.

It is requested that all terms and conditions as laid down in Govt. Order be strictly adhered to and work should be allowed only after the whole amount has been paid by the User Agency.

[Signature]
(H.S. Salathia, IFS)
Nodal Officer