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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECTT: FOREST DEPARTMENT.

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Subject :- Diversion of 2.50 ha of Forest Land for construction of MHP Kehmil 4.00 MWS under IPP by Chief Engineer, Civil Investigatyion Design Wing, PDC Bemina, Srinagar in Kehmil Forest Division.

Reference: Cabinet Decision No. 94/7 dated 20.05.2008.

GOVERNMENT ORDER NO. 105 - FST OF 2008  
D A T E D ; 26 - 05 - 2008

Sanction is accorded to the diversion of forest land measuring 2.50 ha. falling under Compartment No. 15-16/D/RH in Block Dringyari, Range Ramhal, Kehmil Forest Division for construction of MHP Kehmil 4.00 MWS under IPP by Chief Engineer, Civil Investigation Design Wing, PDC Bemina, Srinagar 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. 23,00,000/- (Rs. Twenty-three lacs only) 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. The User Agency shall be bound to pay an amount of Rs. 24,47,300/- (Rs. Twenty-four lacs forty-seven thousand three hundred only) on account of compensation of 314 number of trees/poles of Deodar, Kail, Fir & Broad leaved species.
6. The User Agency shall pay Rs. 1,25,000/- (Rs. One lacs twenty-five thousand only) on account of compensatory afforestation to be carried over 5.00 ha.
7. The extraction of trees shall be done by the SFC/Forest Department on the basis of marking list approved by Conservator of Forests, Working Plan Circle.
8. Any damage done to the forest by the user agency or its employees 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.
9. The forest land so diverted shall return to the Forest Department when it is no longer required by the User Agency free of any encumbrances.
10. The user agency shall construct complete retaining/breast walls on the both sides of the road/railway line/earth work/tunneling etc., and take other necessary steps, so as to minimize soil erosion/land slips. In this regard, the user agency shall seek technical guidance from Director, Soil Conservation Department, J&K.
11. 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.
12. The user agency shall be responsible to get requisite clearance under any other relevant law in vogue.
13. 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.
14. The user agency shall ensure to get Environmental clearance of the over all project as per Environment Protection Act before taking up the execution of work if required under rules.

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15. 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.

The proposal stands cleared/ approved by the Advisory Committee in its 39<sup>th</sup> meeting held under the Chairmanship of the Chief Secretary on 12<sup>th</sup>, July, 2007.

By order of the Government of Jammu and Kashmir.

Sd/-  
Principal Secretary to Government,  
Forest Department.

NO:- FST/Land/41/2007

Dated: 26 - 05 - 2008.

Copy to the:-

1. Principal Chief Conservator of Forests, J&K, Jammu.
2. Commissioner/Secretary to Government General Adm. Deptt.
3. Commissioner/Secretary to Government, Power Dev. Deptt.
4. Conservator of Forests, Working Plan & Research Circle (Member Secretary) Forest Advisory Committee.
5. Chief Engineer, Civil Investigation Design Wing, PDC, Bemina Srinagar.
6. Spl. Assistant to Hon'ble Forest Minister.
7. Pvt. Secretary to Principal Secretary (Forests).
8. Government order file (w,2,s,c.)
9. Stock file.

(M. A. Hamdani)  
Under Secretary to Government,  
Forest Department.

\*\*\*Lala/

OFFICE OF THE PR. CHIEF CONSERVATOR OF FORESTS

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No: PCCF/FC/1634/467-71

Dated: 30-05-2008.

Copy for information to:-

1. Chief Conservator of Forests, Kashmir.
2. Conservator of Forests, Working Plan and Research Circle, Srinagar.
3. Conservator of Forests, North Circle, Sopore.
4. DFO, Kehmil Forest Division, Kralpora.
5. Chief Engineer, Civil Investigation, PDC, Bemina, Sgr.

H.S. Salathia, IFS

(Conservator of Forests)  
Nodal Officer

30/5/08

Govt. Order