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**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECTT: FOREST DEPARTMENT.**

Subject :- Diversion of 0.028 ha of Forest Land for Erection of Tower at Dera Wali Gali by Bharti Infratel Ltd., (Airtel) in Poonch Forest Division.

Reference: Cabinet Decision No. 89/7 dated 20.05.2008.

**GOVERNMENT ORDER NO. 223 - FST OF 2008
D A T E D ; 27 - 05 - 2008**

Sanction is accorded to diversion of forest land measuring 0.028 ha (11 Marlas) falling under Compartment No. 267/S in Block Bufliaz, Range Surankote, Poonch Forest Division for erection of tower at Dera Wali Gali by Bharti Infratel Ltd. (Airtel), 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. 16,240/- (Rs. Sixteen thousand two hundred forty 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. Rent of Rs. 11,000/- per month shall be charged from the User Agency.
6. 25% increase in rent shall be charged after every three years.
7. The user agency shall 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 en-cashed in event of failure of the user agency to pay monthly rent regularly.
8. Before transfer of land DFO (Territorial) 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 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.
10. No permanent construction of building is permitted at the proposed site.
11. The User Agency shall not be allowed to dump the debris on forest land.
12. 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.
13. The forest land so diverted shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
14. 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.
15. The user agency shall be responsible to get requisite clearance under any other relevant law in vogue.
16. 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.
17. 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 deposited with Chief Accounts Officer

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26

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.

18. Work on forest land shall be allowed only after amount deposited by the User Agency is credited in the official account of Chief Accounts Officer and information to this effect is communicated to the DFO concerned by the Pr. Chief Conservator of Forest's office.

The proposal stands cleared/ approved by the Advisory Committee in its 41st meeting held under the Chairmanship of the Chief Secretary on 5th March, 2008.

By order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to Government,
Forest Department.

NO:- FST/Land/82/41st /FCA/2008

Dated: 27-05-2008.

Copy to the:-

1. Principal Chief Conservator of Forests, J&K, Srinagar.
2. Commissioner/Secretary to Government, General Adm. Deptt.
3. Conservator of Forests, Working Plan & Research Circle (Member Secretary) Forest Advisory Committee.
4. M/S Bharti Infra Tel Ltd. (Airtel) B-2 South Block, Bahu Plaza, Jammu.
5. Spl. Assistant to Hon'ble Forest Minister.
6. Pvt. Secretary to Principal Secretary (Forests).
7. Government order file (w,2,s,c.)
8. Stock file.

(M. A. Hamdani)

Under Secretary to Government,
Forest Department.

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GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS SRINAGAR

No. PCCF/FC/698/ 716-20

Dated: 20.06.2008

Copy for information to the:

1. Chief Conservator of Forests, Jammu.
2. Conservator of Forests, WP& Rrs. Circle, Sgr.
3. Conservator of Forests, West Circle, Rajouri.
4. DFO, Poonch Forest Division.
5. M/s Bharti Infra Tel Ltd. (Airtel), B-2 South Block, Bahu Plaza, Jammu.

H.S. Salathia, IFS

(Conservator of Forests)
Nodal Officer

610