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5/3/21



**GOVERNMENT OF KERALA**

**Abstract**

Forest & Wildlife Department- Forest (Conservation) Act, 1980-Diversion of 0.998 ha of forest land for the construction of weir -in the upstream of vertical rock of the location and bring water through pen stock to the 1.5 MW Power House at downstream in Anakkulam stream at Kozhiyilakuthu in Mankulam Forest Division by M/s ABG Engineering Industries Pvt. Ltd. -Stage II approval-Sanction Accorded-Orders- issued

**FOREST & WILDLIFE (C)DEPARTMENT**

**G.O.(Rt)No.69/2021/F&WLD Dated,Thiruvananthapuram, 26/02/2021**

- Read 1. Letter. No.FC2-61895/2016 Dated. 07/07/2017 from the Principal Chief Conservator of Forests(Forest Land & Resources) , Thiruvananthapuram
2. Letter. No.F-No.4-KLB-1145/2018-BAN/1239 dated 26/11/2019 of Ministry of Environment, Forest & Climate Change, Regional Office, Bangalore
3. Govt. Letter. No C3/198/2020/F&WLD Dated.24/11/2020 addressed to Government of India, Ministry of Environment,Forests & Climate Change, Regional Office, Bangalore.
- 4.Letter.No.F.No.4-KLB1145/2018-BAN/1211,Dated 11/02/2021 from the Ministry of Environment, Forest & Climate Change, Government of India

**ORDER**

The Principal Chief Conservator of Forests(Forest Land & Resources) as per the letter read 1st above has recommended and forwarded the proposal for diversion of 0.998 ha of forest land under Section 2 of Forest (Conservation) Act, 1980 for the construction of weir -in the upstream of vertical rock of the location and bring water through pen stock to the 1.5 MW Power House at downstream in Anakkulam stream at Kozhiyilakuthu in Mankulam Forest Division by M/s ABG Engineering Industries Pvt. Ltd. The proposal is for establishing a small hydro electric project at Kozhiyilakuthu by constructing a weir across the Pampadumpara Stream. The M/s ABG Engineering Pvt Ltd is the User Agency.

2) As per the letter read 2nd paper above, the Ministry of Environment, Forest & Climate Change has conveyed its in-principle approval (Stage 1) under Section 2 of the Forest (Conservation) Act,1980 for a period of 5 years subject to the fulfillment of the following conditions:-

- 1.The legal status of forest land shall remain unchanged.
2. The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer before Stage- II approval.
- 3.The cost of raising plantation of ten times the number of trees to be felled shall be realised from the user agency. The location of the area identified for raising the plantation shall be furnished.
4. The State Government shall charge the Net Present Value for 0.998 ha. of forest area to be diverted under this proposal from the user agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995.

5. Additional amount of the Net Present Value (N.P.V) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the user agency. The user agency shall furnish an undertaking to this effect.
6. All the funds received from the user agency under the project shall be transferred /deposited to CAMPA fund only through (<https://parivesh.nic.in/>)
7. The project shall be completed in one dry season so that movement of men and materials are restricted.
8. The user agency shall seek permission from Forest Department for use of existing coupe road from Mankulam to the check dam site, as per the existing guidelines.
9. Trees shall not be removed in the submergence area.
10. The layout plan of the proposal shall not be changed without prior approval of Central Government
11. No labour camp shall be established on the forest land.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The forest area shall be used for the purpose for which it is granted. The total forest area utilized for the project shall not exceed 0.998 ha.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, Department or person without prior approval of Government of India.
15. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
16. The compliance report shall be uploaded on e-portal ([https://parivesh.nic.in](https://parivesh.nic.in/))
17. Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.

3) The compliance report on the above conditions furnished by the Principal Chief Conservator of Forests (Forest Management) & Nodal Officer has been forwarded to the Government of India as per the Government letter read 3rd paper above.

4) Accordingly, the Central Government has conveyed its approval (Stage II) for the above proposal as per the letter read 4th paper above subject to the following conditions:-

1. *The legal status of forest land shall remain unchanged.*
2. *The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.*
3. *Plantation of 10 times the number of trees to be felled shall be carried out at the cost of User Agency in the area identified by the State Forest Department at Anakulam Range.*
4. *User Agency shall restrict the felling of trees to minimum number in the diverted forest land and trees shall be felled under the strict supervision of the State Forest Department.*
5. *Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the user agency.*
6. *The project shall be completed in one dry season so that movement of men and materials are restricted.*

7.The User Agency shall seek permission from Forest Department for use of existing coupe road from Mankulam to the check dam site, as per the existing guidelines.

8.Trees shall not be removed in the submergence area.

9.The layout plan of the proposal shall not be changed without prior approval of Central Government.

10.No labour camp shall be established on the forest land.

11.No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

12.The forest area shall be used for the purpose for which it is granted. The total forest area utilized for the project shall not exceed 0.998 ha.

13.The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, Department or person without prior approval of Government of India.

14.The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.

15.User Agency shall provide free water for forest related activities / projects.

16.Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.

17.Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F.No.1 1-42/2017- FC dated 29/01/2018.

18.The State Government and user agency shall comply the provisions of all the Acts, Rules, Regulations, Guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

5) In the above circumstances, Government are pleased to accord sanction for final approval(Stage II) for the diversion of 0.998 ha of forest land for the construction of weir -in the upstream of vertical rock of the location and bring water through pen stock to the 1.5 MW Power House at downstream in Anakkulam stream at Kozhiyilakuthu in Mankulam Forest Division subject to the above conditions.

(By order of the Governor)  
**RAJESH KUMAR SINHA**  
**PRINCIPAL SECRETARY**

To:  
The Principal Chief Conservator of Forest & Head of Forest Force,  
Thiruvananthapuram  
The Principal Chief Conservator of Forest(Forest Land&Resources ) &Nodal Officer ,  
Thiruvananthapuram  
The Chief Conservator of Forests ( High Range Circle), Kottayam.  
The Divisional Forests Officer,Mankulam.  
The Managing Director, ABG Engineering (India) Pvt. Ltd..  
The Principal Accountant General /A&E, Kerala  
The Information and Public Relations ( Web & New Media)  
Stock File

Signature valid

Digitally signed by CHITHRA G S  
Date: 2021.03.01 14:24:44 IST  
Reason: Approved