

## Transmission

Ref.: KVTPL/CRZ/MoEF&CC/1128/20

Date: 28.11.2020

To,

**The Deputy Director General of Forests (Central),**  
Ministry of Environment, Forests & Climate Change,  
Integrated Regional Office, Ground Floor,  
East Wing, New Secretariat Building,  
Civil Lines, Nagpur – 440001

**Sub:** CRZ clearance for 400 kV Kharghar – Vikhroli Transmission line, Maharashtra –  
**regarding submission of Six monthly report on compliance status of CRZ  
Clearance conditions (for period April 20 – September 20)**

**Ref:** 1. Our letter no KVTPL/CRZ/MoEF&CC/923/20 dated 23.09.2020  
2. MoEFCC letter F.No. 11-17/2014-IA-III dated 01.09.2020  
3. MoEFCC letter no: F.No.11-17 /2014-IA-III dated 30.09.2015 & 09.11.2016  
4. Letter of Intent dated 12th December 2019 in favor of the ATL.

Dear Sir,

On subject matter, we would like to inform that due to inordinate delay in execution of 400 kV Vikhroli project by Tata Power Company Limited (TPCL), Maharashtra Electricity Regulatory Commission (MERC) **cancelled** the allocation of project of TPCL and project was awarded to Adani Transmission Limited (ATL) by Maharashtra State Electricity Transmission Company Ltd (MSETCL) through Tariff Based Competitive Bidding (TBCB). Brief note on Project status is enclosed as **Annexure 1**.

We would like to submit that MoEF CC vide above referred letter no. (2) dated 01.09.2020 had transferred CRZ clearance dated 30.09.2015 & its amendment dated 09.11.2016 in name of Kharghar Vikhroli Transmission Limited (KVTPL). (**Annexure-2**)

After receipt of transfer of CRZ clearance, KVTPL vide referred letter no. (1) dated 23.09.2020 informed MoEFCC about the commencement of work in non-mangrove CRZ II area.

Further, MoEF CC letter F.No. 6-MHA-02/2015-BHO/7471 dated 13/11/20 had transferred Final (Stage 2) forest clearance letter no. 6-MHA-02/2015-BHO/4571 dated 08.11.18 in name of KVTPL for diversion of 57,5092 ha of forest land for laying of 400 kV Kharghar to Vikhroli Transmission Line in Raigad, Thane, and Mumbai Suburban districts in State of Maharashtra.

Regarding Hon'ble Bombay High Court permission for implementation of project in mangrove area, KVTPL on 08.07.2020 had filed petition before Hon'ble High Court with prayer to grant its permission for implementation of 400 kV Kharghar -Vikhroli

**Kharghar Vikhroli Transmission Private Limited**

Adani Corporate House  
Shantigram, Near Vaishnodevi Circle  
S G Highway, Ahmedabad 382 481  
Gujarat, India

CIN No.: U40106MH2019SGC325347

**Registered Office:** 601, 6th Floor, Hallmark Business Plazam Opp. Guru Nanak Hospital, Bandra (East), Mumbai, 400 051

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## Transmission

line in mangrove area and its buffer zone. Hon'ble Court in its hearing held on 17.8.20 enquired about the transfer of permissions in the name of Kharghar Vikhroli and was of the view that they will pass the order of allowing the Petition once the permissions are transferred in the name of Kharghar Vikhroli. Permission of Hon'ble Bombay High Court is under progress. KVTPL hereby undertake that company shall not start any work in mangrove area till such time permission for implementation of project activities in mangrove area is granted by the Hon'ble Bombay High Court.

We are submitting herewith six monthly compliance report for period of April 2020 – September 2020 (**Annexure-3**).

We are also sending soft copy of this Six monthly compliance report on E-mail: [apccfcentral-ngp-mef@gov.in](mailto:apccfcentral-ngp-mef@gov.in); [eccompliance-mh@gov.in](mailto:eccompliance-mh@gov.in).

This is submitted for your information please.

Thanking you,

**For Kharghar Vikhroli Transmission Private Limited**



**(Santosh Kumar Singh)**  
Authorized Signatory



**Enclosed: As Above**

#### Project Status

- The execution of 400 kV Vikhroli project scheme, was identified by Electricity Regulator i.e. Maharashtra Electricity Regulatory Commission (MERC) as a critical project for strengthening of Mumbai transmission system and initially the same was planned by MERC to be implemented by Tata Power Company Limited (TPCL). Accordingly, TPCL had obtained various statutory approvals for the said project. However, as no significant progress of project by TPCL in execution, due to inordinate delay in execution of project, MERC vide its order dated 12.09.2018 **cancelled** the allocation of project of TPCL and directed the Maharashtra State Electricity Transmission Company Ltd (MSETCL) to conduct a competitive bidding process for selecting implementing agency for the said project on the basis of Tariff Based Competitive Bidding (TBCB).
- It is important to mention that MERC order dated 12.09.2018 was challenged by TPCL before Hon'ble Appellate Tribunal for Electricity (**APTEL**). APTEL vide its order dated 23.09.2019 upheld the MERC order dated 12.09.2018 and decided that, the statutory approvals/clearances obtained by TPCL from various statutory authorities in respect of the project shall be transferred to the successful bidder to avoid duplication of efforts.
- On 13.05.2019 Kharghar Vikhroli Transmission Private Limited (**KVTPL**) a Special Purpose Vehicle (**SPV**) was incorporated by MSETCL for the implementation of the project of setting up of "400 kV Vikhroli Receiving Station and associated incoming transmission lines for strengthening of Mumbai Transmission System" ("**Project**").
- Subsequently, bidding process was carried out by MSETCL and Adani Transmission Limited (**ATL**) was selected as the successful bidder to take over the project from TPCL, including transfer of all the project statutory approvals obtained for the Project by TPCL. The Letter of intent ("**LOI**") for "400 KV Vikhroli receiving station and associated transmission lines for strengthening of Mumbai Transmission System" (**Project**) dated 12<sup>th</sup> December 2019 came to be issued in favor of the ATL.
- It is submitted that 400 KV multi circuit Kharghar to Vikhroli transmission line & LILO of MESTCL's existing 400 kV Talegaon-Kalwa Transmission line are part of Project scheme awarded to the ATL through TBCB and as per Lol, the project is scheduled for commissioning by March, 2022.
- As per the terms of bid, ATL on 25.06.2020, acquired the SPV Company i.e. KVTPL and the same is now a 100% subsidiary of ATL.
- After receipt of transfer of CRZ clearance, KVTPL commenced the work in non-mangrove CRZ-II area and informed the same to MoEFCC vide its letter under reference (1) dated 23.09.2020.

#### **Kharghar Vikhroli Transmission Private Limited**

Adani Corporate House  
Shantigram, Near Vaishnodevi Circle  
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F. No. 11-17/2014- IA III  
Government of India  
Ministry of Environment, Forest and Climate Change  
(IA- III Section)

Indira Paryavaran Bhawan  
Jorbagh Road, New Delhi - 110003  
Dated: 1<sup>st</sup> September, 2020

To,  
M/s Kharghar Vikhroli Transmission Private Limited  
Adani Corporate House,  
Shantigram, Near Vaishnodevi Circle,  
SG Highway, Ahmedabad 382481 (Gujarat)

**Subject: 400 KV multi circuit Transmission line for (i) Dherand –Negothane  
(ii)Dherand-Palmbeach Road (iii) Kharghar–Vikhroli (Maharashtra)  
- Transfer of CRZ Clearance - regarding.**

Sir,

This has reference to your request for transfer of CRZ clearance issued by this Ministry *vide* its letter of even no., dated 30<sup>th</sup> September, 2015 and amended on 9<sup>th</sup> November, 2016 in the name of M/s Tata Power Company Ltd to M/s Kharghar Vikhroli Transmission Private Limited.

2. It is noted that pursuant to the cancellation of allocation of above project to M/s Tata Power Company Ltd by Maharashtra Electricity Regulatory Commission (MERC) *vide* its letter dated 12<sup>th</sup> September, 2018 and incorporation of Kharghar Vikhroli Transmission Private Limited (KVTPL), a Special Purpose Vehicle for the implementing the project of setting up of 400 KV Vikhroli Receiving Station and associated incoming transmission lines for strengthening of Mumbai Transmission System by Maharashtra State Electricity Transmission Company Ltd (MSETCL) *vide* its letter dated 13<sup>th</sup> May, 2019 and thus necessitating transfer of all requisite approvals in the new name of the new company.

3. M/s Tata Power Company Ltd has submitted the No Objection certificate for transfer of the said CRZ clearance to M/s Kharghar Vikhroli Transmission Private Limited. M/s Kharghar Vikhroli Transmission Private Limited has submitted an undertaking to abide by the terms and conditions stipulated in the CRZ clearance dated 30<sup>th</sup> September, 2015 and amended on 9<sup>th</sup> November, 2016 issued in the name of M/s Tata Power Company Ltd. The Letter of Intent for the above project was issued to M/s Adani Transmission Limited by MSETCL *vide* its letter dated 12<sup>th</sup> December, 2019.

4. In view of the above, it is informed that the CRZ clearance issued for the project viz. Laying of 400 KV multi circuit Transmission line for (i) Dherand – Negothane (ii) Dherand-Palmbeach Road (iii) Kharghar –Vikhroli (Maharashtra), by this Ministry *vide* its letter of even no. dated 30<sup>th</sup> September, 2015 and amended on 9<sup>th</sup> November, 2016, is hereby transferred from M/s Tata Power Company Ltd to M/s Kharghar Vikhroli Transmission Private Limited, on the same terms and conditions under which the said clearance was accorded.

5. This issues with approval of the Competent Authority.



**(Dr. H. Kharkwal)**  
**Scientist 'E'(CRZ)**

**Copy to: -**

1. The Secretary, Environment Department, Government of Maharashtra, 5<sup>th</sup> Floor, New Administrative Building, Mantralaya, Mumbai - 400032
2. The Chairman, (Environment) & Additional Secretary, Environment Department, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, 5<sup>th</sup> Floor, New Administrative Building, Mantralaya, Mumbai - 400032
3. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 110032.
4. The Member Secretary, Maharashtra Coastal Zone Management Authority, Government of Maharashtra, Environment Department, 5<sup>th</sup> Floor, New Administrative Building, Mantralaya, Mumbai - 400032
5. The Member Secretary, Maharashtra Pollution Control Board, Maharashtra Pollution Control Board, Kalpataru Point, 3<sup>rd</sup> and 4<sup>th</sup> floor, Opp. PVR Cinema, Sion Circle, Mumbai-400 022
6. The Deputy Director General (C), Ministry of Environment, Forest and Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building Civil Lines, Nagpur- 440001
7. Guard File / Record File / Notice Board.
8. Monitoring Cell.



**(Dr. H. Kharkwal)**  
**Scientist 'E'(CRZ)**

**F.No.11-17/2014-IA-III**  
Government of India  
Ministry of Environment, Forest & Climate Change  
(IA.III Section)

Indira Paryavaran Bhawan,  
Jor Bagh Road,  
New Delhi - 3

Dated: 30<sup>th</sup> September, 2015

**To**

The Head – Vikhroli Projects (Devl.),  
M/s Tata Power Company Ltd,  
Corporate Centre, A Block, 4<sup>th</sup> Floor,  
Sant Tukaram Road, Carnac Bunder,  
**Mumbai** – 09

**Sub: '400 KV multi circuit Transmission line' for i) Dherand -Negothane ii) Dherand – Palmbeach Road iii) Kharghar – Vikhroli (Maharashtra) by M/s Tata Power Company Ltd – CRZ Clearance - Reg.**

Sir,

This has reference to your proposal forwarded by the Member Secretary, Maharashtra Coastal Zone Management Authority (MCZMA) vide letter no. CRZ 2013/CR 265/TC 3 dated 07.04.2014 and your letters dated 19.08.2014, 19.09.2014 and 12.03.2015, to this Ministry for grant of CRZ Clearance in term of the provisions of the Coastal Regulation Zone (CRZ) Notification, 2011 under the Environment (Protection), Act, 1986.

2. The proposal for **'400 KV multi circuit Transmission line' for i) Dherand – Negothane ii) Dherand – Palmbeach Road iii) Kharghar – Vikhroli (Maharashtra) by M/s Tata Power Company Ltd**, was considered by the Expert Appraisal Committee (EAC) in the Ministry for Infrastructure Development, Coastal Regulation Zone, Building/ Construction and Miscellaneous projects, in its meetings held on 19<sup>th</sup> - 21<sup>st</sup> May, 2014, 29<sup>th</sup> September, 2014 – 1<sup>st</sup> October, 2014 and 9<sup>th</sup> – 11<sup>th</sup> March, 2015.

3. The details of the project, as per the documents submitted by the project proponents (PP), and also as informed during the above said EAC meetings, are reported to be as under:-

(i) The proposal involves construction of 400 kV multi circuit Transmission line for i) Dherand-Negothane ii) Dheand-Palmbeach Road iii) Kharghar-Vikhroli.

(ii) Tata Power has a generation capacity of about 1877 MW in the Mumbai license area. Electrical power requirement of the Mumbai City is growing very rapidly and is expected to reach about 4225 MW by 2015-16.

(iii) This requires either power import of about 1948 MW to be brought from outside Mumbai before 2015-16 or setting up of a new generating stations in Mumbai, which is not possible due to scarcity of land and environmental factors. Hence it is necessary to inject bulk power in to the Mumbai Transmission Grid system from Central & Western Grids which is an integrated part of National Grid.

(iv) The State Transmission Utility (STU) of Maharashtra has prepared a five year Transmission System Development Plan for Maharashtra which includes transmission projects to be implemented for Mumbai Metropolitan Area.

- (v) As part of above plan and to ensure the reliability of Power supply to Mumbai, Tata Power as transmission licensee of GoM has undertaken the following three major transmission lines projects for meeting the above objective.
- (vi) 400 KV Double Circuit (D/C) Transmission Line from (MSETCL) Nagothane to Dherand (45 Km).
- (vii) 400 KV Double Circuit (D/C) Transmission line from above Dherand to Vikhroli (55 Km).
- (viii) 400 KV Transmission Line from (MSETCL) Kharghar to Vikhroli (20 Km).
- (ix) Each Transmission Line tower has 4 legs and each leg rests on a pile type foundation of about 1.5 to 2.0 m diameter. The height of the towers will be approximately 50 meters and the distance between two towers will be approximately 350 m.
- (x) Each tower accommodates 4 number of power circuits of 400 KV voltage level. Each power circuit comprises of 3 current carrying conductors. In addition to the above, there will be top wire optical fibre guard wire which is essential for data transmission, communication, metering and protection of the power passing through the circuit.
- (xi) 123 transmission towers out of 334 transmission towers are in CRZ area. Environment Impact Assessment of the proposed Transmission Line Project was carried out by BNHS. About 1367 number of mangrove trees will get affected due to the proposed project.
- (xii) BNHS has suggested compensatory plantation of about 12,000 mangrove saplings. Mangrove plantation will be carried out in an area identified at Sarsole, Dist. Thane.
- (xiii) The proposal was considered in the 85<sup>th</sup> meeting of Maharashtra Coastal Zone Management Authority (MCZMA) held on 12<sup>th</sup> Sept. 2013. MCZMA has recommended the proposal to MoEF vide letter No. CRZ 2013/CR 265/TC 3 dated 07.04.2014.
- (xiv) Bombay High Court has passed an interim order on 27<sup>th</sup> January 2010 directing Tata Power to approach to the competent authority to seek permission in accordance with the law.
- (xv) DCF Alibag and DCF Thane have recommended our proposals of 400kV transmission lines for diverting Forest land under Forest Conservation Act, 1980. The cost of the project is Rs. 348.12 Crores.
- (xvi) MCZMA in its recommendation has mentioned that temporary pathway to tower locations in mangrove area is to be constructed on stilts.
- (xvii) The report on the various alternatives was submitted to Power Grid Corporation of India Ltd (PGCIL) for their views.
- (xviii) PGCIL have conveyed their views on the reports submitted by us and recommended that temporary approach pathway method may be the most optimal alternative, wherein permanent damage to mangroves will be the least
- (xix) Bombay Natural History Society (BNHS) have prepared the *Mangrove Conservation Plan* for the project and suggested the following mitigation measures:
- a. The approach pathways with suggested dimensions and routes (temporary pathway of max. 4 m wide including working space), during construction period, as per the EIA reports should be strictly followed.
  - b. Complete prohibition of disposal of waste such as left over construction materials and disposal of such leftover must be done in the pre designated areas outside mangroves.
  - c. The Right of way as demarcated or any other project activity should not restrict the flow of water to other mangroves and thus, adequate tidal water drainage system to be provided wherever necessary.

- d. Right of way should not be fully converted into concrete roads. Thus, on completion, dirt roads will be naturally repopulated by the mangroves.
- e. To compensate the loss of total 1367 mature mangroves (852 due to approach path and 515 due to tower foundations), plantation of multi-species mangrove saplings would be undertaken.
- f. Plantation will be carried out under expert guidance.

(xx) Tata Power has signed Tri-partite Agreement along with Forest Department, Government of Maharashtra and M/s. Swaminathan Research Foundation, Chennai for mangrove plantation.

(xxi) As per the agreement, mangrove re-plantation on 25 ha of degraded area in Survey. No.93, 99 and 100 of Sarsole Village in the vicinity of the project site.

(xxii) About 3,00,000 mangrove saplings of various species will be planted over the period of 5 years.

(xxiii) This activity will cover survival, assessment and re-plantation of mangroves.

(xxiv) The proposed species of mangroves to be planted are *Avicennia marina*, *Avicennia officinalis*, *Rhizophoramucronata*, *Cereopstagal*, *Sonneratiaapatela* and *Sonneratiaalba* as suggested by BNHS.

4. The EAC, after deliberation, in its meeting held on 9<sup>th</sup> – 11<sup>th</sup> March, 2015 recommended the project for grant of the CRZ Clearance. As per the recommendations of the EAC, the Ministry of Environment, Forest & Climate Change hereby accords CRZ Clearance for the above-mentioned project '**400 KV multi circuit Transmission line**' for i) **Dherand –Negothane** ii) **Dherand – Palmbeach Road** iii) **Kharghar – Vikhroli (Maharashtra)** by **M/s Tata Power Company Ltd**, under the provisions of the Coastal Regulation Zone Notification, 2011 and amendments thereto and Circulars issued thereon and subject to the compliance of the following specific conditions, in addition to the general conditions mentioned below:

#### **PART A – SPECIFIC CONDITIONS**

##### **I. Construction Phase**

- (i) 'Consent to Establish' shall be obtained from State Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.
- (ii) The Project Proponent shall use solid bricks/ ash bricks on geo-textile for roads which shall be removed after completion in satisfaction of Mangrove Cell, Government of Maharashtra.
- (iii) All the suggestion of Bombay Natural History Society (BNHS) regarding mangrove conservation plan shall be strictly complied with.
- (iv) All the recommendations and conditions specified by Maharashtra Coastal Zone Management Authority (MCZMA) vide letter no. CRZ 2013/CR 265/TC 3 dated 07.04.2014, shall be complied with.
- (v) Prior permission from Hon'ble High Court shall be obtained for activity in mangrove area and its buffer zone as applicable.
- (vi) The mangrove replacement programme shall be monitored and the progress reported on six monthly basis.

*std*

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- (vii) Construction activity shall be carried out strictly according to the provisions of CRZ Notification, 2011. No construction work other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area.

#### **PART - B. GENERAL CONDITIONS**

- (i) A copy of the clearance letter shall also be displayed on the website of the concerned State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tehsildar's office for 30 days.

- (ii) The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year-wise expenditure shall be reported to this Ministry and its concerned Regional Office.

5. The environmental/CRZ clearance is subject to their obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as applicable. The grant of environmental/CRZ clearance does not necessarily implies that forestry and wildlife clearance shall be granted to the project and that their proposals for forestry and wildlife clearance shall be considered by the respective authorities on their merits and decision taken. The investment made in the project, if any, based on environmental/CRZ clearance so granted, in anticipation of the clearance from forestry and wildlife angle shall be entirely at the cost and risk of the project proponent and Ministry of Environment, Forests & Climate Change shall not be responsible in this regard in any manner.

6. Officials from the Regional Office of MoEF&CC, Nagpur who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents/data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF&CC should be forwarded to the CCF, Regional office of MoEF&CC, Nagpur.

7. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.

8. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.

9. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

10. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.

11. The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded CRZ Clearance and copies of clearance letters are

available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment, Forests & Climate Change at <http://www.envfor.nic.in>. The advertisement should be made within Seven days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional Office of this Ministry at Nagpur.

12. This Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation v/s. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

13. Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

14. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.

15. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO<sub>2</sub>, NO<sub>x</sub> (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.

16. The environmental statement for each financial year ending 31<sup>st</sup> March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.

*SK*  
30/9/2015  
**(S. K. Srivastava)**  
**Scientist E**

Copy to:

1. The Secretary, Department of Environment, Govt. of Maharashtra, Mantralaya, Mumbai - 32
2. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 32
3. The Chairman, Maharashtra Pollution Control Board, Kalpataru Points, 3<sup>rd</sup> & 4<sup>th</sup> floor, Opp. Cine Planet, Sion Circle, Sion (E), Mumbai - 22
4. Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forests and Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur -1
5. Guard File
6. Monitoring Cell

*SK*  
30/9/2015  
**(S. K. Srivastava)**  
**Scientist E**

F.No.11-17/2014-IA-III  
Government of India  
Ministry of Environment, Forest and Climate Change  
(IA.III Section)

Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi - 3  
Dated: 9<sup>th</sup> November, 2016

To

The Head - Vikhroli Projects (Development),  
M/s Tata Power Company Ltd,  
Corporate Centre, A Block, 4<sup>th</sup> Floor,  
Sant Tukaram Road, Carnac Bunder,  
**Mumbai** - 9 (Maharashtra)

**Sub: '400 kV Multi Circuit Transmission line' for Dherand - Negrothane, Dherand - Palmbeach Road and Kharghar - Vikhroli in Mumbai (Maharashtra) by M/s Tata Power Company Ltd - Amendment in CRZ Clearance - reg.**

Sir,

This has reference to your letter No.TP/VK PRJ400kV/27/CRZ/363 dated 5<sup>th</sup> October, 2015 and subsequent letter dated 28<sup>th</sup> July, 2016, submitting the above proposal to this Ministry for amendment in the CRZ Clearance dated 30<sup>th</sup> September, 2015 in terms of the provisions of the Coastal Regulation Zone (CRZ) Notification, 2011 under the Environment (Protection) Act, 1986.

2. The project '400 kV Multi Circuit Transmission line' for i) Dherand -Negothane ii) Dherand - Palmbeach Road and iii) Kharghar - Vikhroli in Mumbai (Maharashtra) was earlier accorded CRZ Clearance in favour of M/s Tata Power Company Ltd by the MoEF&CC vide letter No.11-17/2014-IA-III dated 30<sup>th</sup> September, 2015.

3. The proposal for amendment in CRZ Clearance, was considered by the Expert Appraisal Committee (EAC) in the Ministry for Infrastructure Development, Coastal Regulation Zone, Building/ Construction and Miscellaneous projects, in its 154<sup>th</sup> meeting held on 22-23 December, 2015.

4. The details of the proposal, as per the documents submitted by the project proponent, and also as informed during the EAC meeting, are reported to be as under:-

(i) The proposal seeks amendment in CRZ Clearance to the project '400 kV Multi Circuit Transmission line' for i) Dherand-Negothane ii) Dherand-Palmbeach Road and iii) Kharghar-Vikhroli in Mumbai (Maharashtra) granted in favour of M/s Tata Power Company Ltd, to the extent that the specific condition at para 4 (A) (i) be deleted, which is read as under:-

*'Consent to Establish' shall be obtained from State Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974'.*

(ii) The request has been made due to the fact that the said project/activity is not covered under the present consent mechanism for the identified industrial units/activities, as required under the Air Act, 1981 and/or the Water Act, 1974.

SKJ

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5. The EAC, while considering the proposal vis-à-vis the submissions made by the project proponent in this regard, recommended that the Ministry may take a view in terms of the extant policy in this regard.

6. The project proponent has further informed that the transmission line project does not attract the provisions of the EIA Notification, 2006, and hence environmental monitoring report is not applicable to their project. It is also stated that on receipt of the amended CRZ Clearance, they will approach to Hon'ble High Court of Bombay for permission to undertake the project in mangrove and mangrove buffer zone.

7. On examination of the submissions of the project proponent, the Ministry of Environment, Forest and Climate Change hereby conveys its approval for deleting the specific condition at para 4 (A) (i) of the CRZ Clearance dated 30<sup>th</sup> September, 2015, and amendment in the CRZ Clearance accordingly under the provisions of the CRZ Notification, 2011 and subsequent amendments therein, subject to the condition that the project proponent shall submit the six monthly progress on mangrove replacement programme after the permission is obtained in this regard from Hon'ble High Court of Bombay.

8. All other conditions stipulated in the CRZ Clearance letter No.11-17/2014-IA-III dated 30<sup>th</sup> September, 2015, shall remain unchanged.

*SKS*  
9/11/2016

**(S. K. Srivastava)**  
**Scientist E**

Copy to:

1. The Secretary, Department of Environment, Govt. of Maharashtra, Mantralaya, Mumbai – 32
2. The Chairman, CPCB, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 32
3. The Chairman, Maharashtra Pollution Control Board, Kalpataru Points, 3<sup>rd</sup> & 4<sup>th</sup> floor, Opp. Cine Planet, Sion Circle, Sion (E), Mumbai - 22
4. The APCCF (C), MoEF&CC, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur - 1
5. Guard File
6. Monitoring Cell

*SKS*  
9/11/2016

**(S. K. Srivastava)**  
**Scientist E**

**Compliance report to the conditions stipulated in CRZ Clearance**  
**(Period: April 20 - September 20)**

**Project:** Laying of 400 kV Kharghar-Vikhroli transmission line

**Company:** Kharghar Vikhroli Transmission Pvt. Ltd (KVTPPL)

**Ref:** MoEFCC CRZ Clearance Letter F.No. 11-17/2014-IA-III dated 01.09.20,  
30.09.15 & 09.11.16

S No	Condition	Compliance Status
<b>4A</b>	<b>SPECIFIC CONDITIONS</b>	
i	Consent to Establish shall be obtained from State Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.	This condition stands deleted vide MoEFCC letter no. F.No.11-17/2014-IA-III dated 09.11.2016
ii	The Project Proponent shall use solid bricks/ ash bricks on geo-textile for roads which shall be removed after completion in satisfaction of Mangrove Cell, Government of Maharashtra.	Noted for compliance and same shall be complied during execution of project.
iii	All the suggestion of Bombay Natural History Society (BNHS) regarding mangrove conservation plan shall be strictly complied with.	Noted for compliance and same shall be complied during execution of project.
iv	All the recommendations and conditions specified by Maharashtra Coastal Zone Management Authority (MCZMA) vide letter no. CRZ 2013/CR 265/TC 3 dated 07.04.2014, shall be complied with.	Noted for compliance and same shall be complied during execution of project.
v	Prior permission from Hon'ble High Court shall be obtained for activity in mangrove area and its buffer zone as applicable.	<b>Being complied.</b>  KVTPPL in July, 2020 had filed writ petition before Hon'ble Bombay High Court seeking its permission to implement the project in mangrove areas.  Hon'ble Court in its hearing held on 17.8.20 enquired about the transfer of permissions in the name of Kharghar Vikhroli and was of the view that they will pass the order of allowing the Petition once the permissions are transferred in the name of Kharghar

## Transmission

S No	Condition	Compliance Status
		Vikhroli. Permission of Hon'ble Bombay High Court is under progress. Hon'ble High Court order dated 17.8.20 is enclosed as <b>Exhibit- 1</b> .
vi	The mangrove replacement programme shall be monitored and the progress reported on six monthly basis.	Noted for compliance and same shall be complied during execution of project.
vii	Construction activity shall be carried out strictly according to the provisions of CRZ Notification, 2011. No construction work other than those permitted in Coastal Regulation Zone Notification shall be carried out in Coastal Regulation Zone area	Agreed. Noted for compliance during execution of project.
<b>4B</b>	<b>GENERAL CONDITIONS</b>	
i	A copy of the clearance letter shall also be displayed on the website of the concerned State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries center and Collector's Office/ Tehsildar office for 30 days.	Not Applicable to Transmission line Projects.
ii	The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year-wise expenditure shall be reported to this Ministry and its concerned Regional Office.	Noted for compliance and same shall be complied during execution of project.
5	The environmental/ CRZ clearance is subject to their obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as applicable. The grant of environmental/ CRZ clearance does not necessarily implies that forestry and wildlife clearance shall be granted to the project and that their proposals for forestry and wildlife clearance shall be considered by the respective authorities on their merits and decision taken. The investment made in the project, if any, based on environmental/CRZ clearance so granted, in anticipation of the clearance from forestry and wildlife angle shall be entirely at the cost and risk of the project proponent and Ministry of Environment, Forests & Climate Change shall not be responsible in this regard in any manner.	Noted Final (Stage 2) forest clearance was granted by MOEFCC vide letter no. 6-MHA-02/2015-BHO/4571 dated 08.11.18 in favor of Tata Power Company Ltd for diversion of 57.5092 ha of forest land for laying of 400 kV Kharghar to Vikhroli Transmission Line in Raigad, Thane, and Mumbai Suburban districts in State of Maharashtra.  MoEF CC letter F.No. 6-MHA-02/2015-BHO/7471 dated 13/11/20 had transferred the Final (Stage 2) forest clearance dated 08.11.18 in name of KVTP. (Copy enclosed as <b>Exhibit- 2</b> )
6	Officials from the Regional Office of MoEF&CC, Nagpur who would be monitoring the	Noted.

**Kharghar Vikhroli Transmission Private Limited**

Adani Corporate House  
Shantigram, Near Vaishnodevi Circle  
S G Highway, Ahmedabad 382 481  
Gujarat, India

CIN No.: U40106MH2019SGC325347

Registered Office: 601, 6th Floor, Hallmark Business Plazam Opp. Guru Nanak Hospital, Bandra (East), Mumbai, 400 051

Tel +91 79 2555 7022

Fax +91 79 2555 7177

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## Transmission

S No	Condition	Compliance Status
	implementation of environmental safeguard should be given full cooperation, facilities and documents/ data by the project proponents during their inspection. A complete set of all the documents submitted to MoEF&CC should be forwarded to the CCF, Regional office of MoEF&CC, Nagpur.	<b>Complied.</b> A complete set of all the documents has been sent by Tata Power Company Ltd to CCF, Regional Office of MoEF&CC Nagpur vide letter dated 22.05.2017.
7	In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Ministry.	Noted
8	The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.	Noted
9	All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.	Noted
10	These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.	Noted
11	The project proponent should advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded CRZ Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry of Environment, Forests & Climate Change at <a href="http://www.envfor.nic.in">http://www.envfor.nic.in</a> . The advertisement should be made within Seven days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional Office of this Ministry at Nagpur.	<b>Complied by Tata Power Company Ltd.</b>  Advertisements were published by Tata Power Company Ltd in daily Indian Express, Loksatta and Krushival on 17.10.2015 and copies of newspapers have been submitted by them to Regional office of MoEF&CC at Nagpur vide letter dated 31.10.2015.

**Kharghar Vikhroli Transmission Private Limited**

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## Transmission

S No	Condition	Compliance Status
12	This Clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation v/ s. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.	Noted
13	Any appeal against this clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.	Noted
14	A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by the proponent.	Noted No suggestions/ representations were received by Tata Power while proposal was being processed. Copy of the CRZ clearance has been uploaded on Company website (i.e. ATL) and is available.
15	The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF&CC, The respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO <sub>2</sub> , NO <sub>x</sub> (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.	Noted. Copy of the CRZ clearance has been uploaded on Company website. The status of compliance of the CRZ clearance conditions has been sent to Regional Office of MoEF&CC, Nagpur. However, monitoring of criteria pollutants or critical sectoral parameters is not applicable for transmission line project (Linear project).
16	The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF&CC by e-mail.	Not Applicable. Since transmission line project is linear project and not being a process industry, environmental statement in Form-V is not applicable.

**Kharghar Vikhroli Transmission Private Limited**

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

CIVIL APPELLATE JURISDICTION

WP-ASDB-LD-VC-NO.169 OF 2020

...  
 Khargar Vikhroli Transmissions Pvt.Ltd. ...Petitioner  
 v/s.  
 Union of India & Ors. ...Respondents

....  
 Mr.Vikram Nankani, Sr.Advocate a/w Mr.Saket Mone, Mr.Subit Chakrabarty, Mr.Vishesh Kalra, Mr.Vishal Dushing and Mr.Abhishek Salian i/b Vidhi Partner for the Petitioner.

Mr.Anil C. Singh, ASG with Mr.Rui Rodrigues, Mr.Parag Vyas and Smt.Sharmila Deshmukh for Respondent No.2.

Mr.P.P.Kakade, GP a/w Mrs.Nisha Mehra, AGP for the State.

...

**CORAM : A.A. SAYED &  
 N.R.BORKAR, JJ.**

**DATED : 17 AUGUST 2020**

**P.C.:**

1. On 30 July 2020, after hearing the learned Counsel for the Petitioner, since the time of the Court was over, we informed the learned Counsel that we would pass necessary orders. However, after going through the papers, we are of the view that the prayers in the Petition can be considered only after the clearances/permissions accorded by various Authorities for execution of the project in question (which are at present in the name of M/s.Tata Power Company Ltd.) are transferred/obtained in the

name of the Petitioner.

2. List the Petition `for directions' after two weeks.
3. This order will be digitally signed by the Personal Assistant/Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

**(N.R.BORKAR,J.)**

**(A.A.SAYED, J.)**



भारत सरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS  
& CLIMATE CHANGE

Integrated Regional Office  
Ground Floor, East Wing  
New Secretariat Building  
Civil Lines, Nagpur - 440001  
apccfcentral-ngp-mef@gov.in

F.No. 6-MHA-02/2015-BHO / 7471

Date: 13.11.2020

To,

The Principal Secretary (Forests),  
Revenue and Forest Department,  
Hutatma Rajguru Chowk  
Madam Cama Marg  
Mantralaya, Mumbai - 400032.

**Sub: Proposal for transfer of User Agency for same purpose from Tata Power Company Ltd to Kharghar Vikhroli Transmission Private Limited in respect of proposal for diversion of 57.5092 ha of forest for laying of 400 KV Kharghar to Vikroli Transmission line in Raigad, Thane and Mumbai Suburban Districts in the State of Maharashtra - regarding.**

Sir,

The undersigned is directed to refer to APCCF & Nodal Officer (FCA), Maharashtra letter No. Desk-17/NC/RS-I/ID-12354/727/2020-2021 dated 04.11.2020 on the above subject seeking prior approval of the Central Government for transfer of User Agency for same purpose and to say that the said proposal has been examined and recommended by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords approval for change in name of User Agency from Tata Power Company Ltd to Kharghar Vikhroli Transmission Private Limited in respect of proposal for diversion of 57.5092 ha of forest for laying of 400 KV Kharghar to Vikroli Transmission line in Raigad, Thane and Mumbai Suburban Districts in the State of Maharashtra subject to the fulfilment of the following conditions:

- The new User Agency shall abide with the all conditions of Stage-II approval; an undertaking in this regard along with latest compliance report of all Stage-II conditions shall be submitted to Integrated Regional Office, MoEF&CC, Nagpur within 15 days of this approval.
- The User Agency shall deposit a transfer fee at the rate of 10% of NPV or Rs. 1,00,000/- whichever is less in the account of CAMPA.

This issues with the approval of Regional Officer (Central), Integrated Regional Office, MoEF & CC, Nagpur.

Yours faithfully,

- Sd.

(N K Dimri)

Technical Officer (Gr-I)

Copy to:

- The PCCF (HoFF), Government of Maharashtra, Nagpur.
- The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- User agency.
- Guard file.

(N K Dimri)

Technical Officer (Gr-I)



भारत सरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS  
& CLIMATE CHANGE

Regional Office (WCZ)  
Ground Floor, East Wing  
New Secretariat Building  
Civil Lines, Nagpur - 440001  
E-mail: apccfcentral-ngp-mef@ gov.in

F.No. 6-MHA-02/2015-BHO/4571

Date: 08.11.2018

To,

The Secretary (Forests),  
Revenue and Forest Department,  
Hutatma Rajguru Chowk  
Madam Cama Marg  
Mantralaya, Mumbai - 400032.

Sub: Diversion of 57.5092 ha of forest land in favour of M/s Tata Power Company Limited, Mumbai for laying of 400 KV Kharghar to Vikroli Transmission line in Raigad, Thane and Mumbai Suburban Districts in the State of Maharashtra - Regarding.

Sir,

The undersigned is directed to refer to State Government letter No FL.D-1314/CR-240/F-10 dated 09.01.2015 and APCCF & Nodal Officer (FCA), Maharashtra's letter no. Desk-17/NC/II/ID 12354/(55)/1247/14-15 dated 22.10.2014 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal of the State Government, 'in-principle' approval was accorded by the Central Government vide its letter of even number dated 14.08.2015. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra has now submitted a report on the compliance of conditions stipulated in the 'in-principle' approval and requested the State Government to grant final approval to the proposal.

In this connection, I am directed to say that on the basis of compliance report submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra vide his letter no. Desk-17/NC/II/ID 12354/(55)/762/2018-19 dated 02.07.2018 and letter no. Desk-17/NC/II/ID 12354/(55)/1456/2018-19 dated 22.10.2018 forwarding additional information, the Central Government hereby accords 'final approval' under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 57.5092 ha of forest land in favour of M/s Tata Power Company Limited, Mumbai for laying of 400 KV Kharghar to Vikroli Transmission line in Raigad, Thane and Mumbai Suburban Districts in the State of Maharashtra subject to following conditions:

- i. Legal status of the forest land shall remain unchanged
- ii. All the funds received from the user agency under the project shall be transferred to the Ad-Hoc Compensatory Afforestation Fund Management & Planning Agency (CAMPA) in Savings Bank A/c no. SB 01025218 Corporation Bank, Lodhi Complex, New Delhi - 110003 of Maharashtra State.
- iii. Compensatory Afforestation shall be taken up by the Forest Department over 116.00 ha, double degraded forest land (Comptt. No. 1023 of Padgha range, village Pachhapur, Comptt. No. 804 of Badlapur range, village Kanhor, Comptt. No. 1040 of

A. Suresh Kumar

Bhiwandi range, village Akhivli and Comptt. No. 773 of Murbad East range, village Temgaon/ Devpa, Division Thane) at the cost of User Agency. Compensatory Afforestation will be a mix of local indigenous species and monoculture of species will be avoided. The CA will be maintained for 7 years.

- iv. The cost of Compensatory Afforestation scheme including cost of survey, demarcation and erection of boundary pillars at the prevailing wage rate and maintenance thereof for 7 years shall be deposited in advance with the Forest department by the User Agency. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- v. Land identified for CA shall be clearly depicted on a Survey of India Toposheet of 1:50,000. The bearing of each corner point and distances between two successive points will be recorded along with the GPS readings of Geo coordinates (Latitudes & Longitudes).
- vi. The State Government shall charge the "Net Present Value" (NPV) for the 57.5092 ha of forest land to be diverted under the proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008 and 09/05/2008 in IA No. 566 in WP (Civil) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC(Pt. II) dated 18/09/2003 as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05.02.2009 in this regard and others.
- vii. Additional amount of the NPV of diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency, which shall furnish an undertaking to this effect.
- viii. The trees on strips would have to be felled but after stringing work is completed, natural regeneration will be allowed to come up. Felling/ pollarding/ pruning of trees will be done with the permission of the local forest officer wherever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line.
- ix. During construction of transmission line, pollarding/ pruning of trees located outside the above width of the strips, whose branches/ parts infringe with conductor stringing, shall be permitted to the extent necessary, as may be decided by local forest officer.
- x. Pruning of trees for taking construction/ stringing equipment through existing approach/ access routes in forest areas shall also be permitted to the extent necessary, as may be decided by local forest officer. Construction of new approach/ access route will however, require prior approval under the Act.
- xi. The route alignment through forest areas will not have any deviation. The maximum width or right of way for the transmission line on the forest land shall be 46 meters.
- xii. Below each conductor, width clearance of 03 meters would be permitted for taking the tension stringing equipment. Felling of trees will be restricted to a width of 3 mtr only below each conductor. The trees on such strips would have to be felled but after stringing work is completed, the natural regeneration will be allowed to come up. Felling/ pollarding/ pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line.
- xiii. In the remaining width of the right of way upto a maximum of 46 meters, trees will be lopped only to the extent required, for preventing electrical hazards by maintaining

A. Suresh Kumar

- minimum clearance of 5.5 meters between conductors and trees. The sag and swing of the conductors shall be kept in view while working out minimum clearance.
- xiv. In the case of transmission line to be constructed in hilly areas, where adequate clearance is already available, trees shall not be cut.
  - xv. The User Agency will defray the cost of removal of 1184 mangrove trees in the area that fall in diversion. However, only the required and minimum number of trees will be felled.
  - xvi. The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt) dated 05/07/2013 in support thereof before formal approval.
  - xvii. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
  - xviii. Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made there under and as amended from time to time regarding use of fly ash shall be fully complied with.
  - xix. The User Agency will install circuit breakers at suitable places besides maintaining necessary ground clearance to prevent electrocution of wild animals.
  - xx. Muck disposal, if required, should be taken up as per the scheme approved by the Forest Department.
  - xxi. Soil conservation measures, if required, should be taken up by the User Agency for which fund should be provided as per the current rate of works.
  - xxii. No damage shall be caused to the flora and fauna of the area.
  - xxiii. No labour camp shall be established on the forest land.
  - xxiv. The User Agency shall ensure that because of this project, no damage is caused to the Wildlife available in the area.
  - xxv. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage /felling of trees and pressure on the adjacent forest areas.
  - xxvi. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
  - xxvii. The User Agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of local dwarf species (preferably medicinal plants) in right of way under the transmission line and provide funds for execution of the said scheme to the State Forest Department.
  - xxviii. The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
  - xxix. The User Agency shall spend between 10-15% of their CSR budget every year of Maharashtra region on activities related to Protection, Promotion, Improvement of Forest, Wildlife and Environment, to be spent by them (as substantial chunk of Forest

A. Surash Kumar

land is also diverted) in Maharashtra region in consultation with Regional Office, Nagpur.

- xxx. The forest land shall not be used for any purpose other than that specified in the project proposal.
- xxxi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
- xxxii. The User Agency and the State Government shall ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines for the time being in force, as applicable to the project.
- xxxiii. The User Agency will defray the cost of medicinal plantation over 57.5092 ha as decided by the Forest Department.
- xxxiv. The User Agency will pay the compensation, if any, to the right holders under the FRA-2006.
- xxxv. The User Agency will pay the compensation, if required, to the Dali holders if such land is required for the project.
- xxxvi. As the project area is within 10 Km of the boundary of the Protected Area (SGNP), the User Agency will have to seek the clearance of Hon'ble National Green Tribunal with respect to the order dated 27/04/2005 in Writ Petition No. 1277/2000 before diversion of the forest land for the project.
- xxxvii. Permission of Hon'ble High Court shall be obtained for implementing the project in mangrove areas as per Bombay High Court order date 27/01/2010 in PIL No. 87/2006.
- xxxviii. The User Agency will submit the CRZ clearance before final approval if applicable.
- xxxix. While making construction, the project proponent should take utmost care to cause least interference with the tidal water flow. The access paths if any should be made with sufficient number of pipelines to facilitate tidal water flow to the adjoining mangrove areas.
- xl. The User Agency should take all precaution not to disturb any Mangrove area beyond permission area.
- xli. Any other condition, which this office may stipulate for conservation of flora and fauna as and when necessity arises.

Yours faithfully,

*Sd/-*  
(Suresh Kumar Adapa)  
Scientist 'D'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur
- iii. The Director (RoHQ), MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj New Delhi.
- iv. User agency.
- v. Guard file.

*A. Suresh Kumar*  
(Suresh Kumar Adapa)  
Scientist 'D'



भारत सरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE  
CHANGE

Regional Office (WCZ)  
Ground Floor, East Wing  
New Secretariat Building  
Civil Lines, Nagpur - 440001  
[apccfcentral-ngp-mef@gov.in](mailto:apccfcentral-ngp-mef@gov.in)

F. No. 6-MHA-02/2015-BHO/619

Dated: 7<sup>th</sup> July, 2016

To

The Secretary,  
Govt. of Maharashtra,  
Revenue & Forest Department,  
Mantralaya, Mumbai-400032

**Sub: Diversion of 57.5092 ha of forest land in favour of M/s Tata Power Company Limited, Mumbai for laying of 400 KV Kharghar to Vikroli Transmission line in Raigad, Thane and Mumbai Suburban Districts in the State of Maharashtra – regarding.**

Sir,

I am directed to refer to this Ministry's letter of even number dated 14.08.2015 on the above subject conveying Stage-I approval of the Central Government under the Forest (Conservation) Act, 190 and the State Government of Maharashtra's letter no. FLD-1314/CR-240/F-10 dated 19.05.2016 requesting this office to re-visit the conditions no. 27 and 33 of the Stage-I approval dated 14.08.2015 and to say that proposal along with the request of the State Government was considered by the Regional Empowered Committee (REC) in its meeting held on 23.06.2016 and the Committee, after examination of the proposal, inter-alia decided that condition no. 33 of the Stage-I approval dated 14.08.2015 which stipulates payment of cost of raising plantation of dwarf species over an area of 57.5092 ha may be deleted. The Committee also decided that in compliance to conditions no. 27, plantation of dwarf medicinal plants species under the available RoW of 13.0 ha, as assessed by the State Forest Department, may be raised by the State Forest Department at the project cost.

In view of the above decision of the REC, I am directed to inform that condition no. 33 of the Stage-I approval dated 14.08.2015 stands deleted. The State Government may inform the User Agency accordingly.

Yours faithfully,

  
(Charan Jeet Singh)  
Scientist 'C'

Copy to:

1. The PCCF, Government of Maharashtra, Nagpur.
2. The Nodal Officer FCA), O/o of the PCCF, Government of Maharashtra, Nagpur.
- ✓ 3. User Agency.
4. Guard File.

  
(Charan Jeet Singh)  
Scientist 'C'



भारत सरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS  
& CLIMATE CHANGE

Regional Office (WCZ)  
Ground Floor, East Wing  
New Secretariat Building  
Civil Lines, Nagpur - 440001  
E-mail: moefregionalofficenagpur@gmail.com

F.No. 6-MHA-02/2015-BHO/225

Date: 17/08/2015.

To,

The Principal Secretary,  
Govt. of Maharashtra,  
Revenue & Forest Department,  
Mantralaya, Mumbai-400032.

Sub: Diversion of 57.5092 ha Reserved Forest (Mangrove), Private Acquired Forest land for laying of 400 KV Kharghar to Vikroli Transmission line.

I am directed to invite a reference to your letter No. FLD-1314/CR-240/F-10 dated 09/01/2015 and APCCF & Nodal Officer letter No. Desk-17/NC/II/ID 12354/(55)/1247/14-15 dated 22/10/2014 on the above mentioned subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980.

After due consideration of the above proposal of the State Government, the undersigned, on behalf of the Central Government, hereby conveys in-principle approval for Diversion of 57.5092 ha Reserved Forest (Mangrove), Private Acquired Forest land for laying of 400 KV Kharghar to Vikroli Transmission line subject to the following conditions:-

1. Legal status of the forest land shall remain unchanged.
2. All the funds received from the User Agency under the project shall be transferred to the Ad-hoc Compensatory Afforestation Fund Management & Planning Agency (CAMPA) in Savings Bank A/c No. SB 01025218 Corporation Bank, Lodhi Complex, New Delhi-110003 of Maharashtra state.
3. Compensatory Afforestation shall be taken up by the Forest Department over 116.00 ha double degraded forest land (Comptt. No. 1023 of Padgha range, village Pachhapur, Comptt. No. 804 of Badlapur range, village Kanhor, Comptt. No. 1040 of Bhiwandi range, village Alkhivli and Comptt. No. 773 of Murbad East range, village Temgaon/Devpa, Division Thane) at the cost of the User Agency. Compensatory Afforestation will be of a mix of local indigenous species and monoculture of species will be avoided. The CA will be maintained for 7 years.
4. The cost of Compensatory Afforestation scheme including cost of survey, demarcation and erection of boundary pillars at the prevailing wage rate and maintenance there of for 7 years shall be deposited in advance with the Forest department by the User Agency. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. Land identified for CA shall be clearly depicted on a Survey of India Toposheet of 1:50,000. The bearing of each corner point and distances between two successive points

will be recorded along with the GPS readings of Geo coordinates (Latitudes & Longitudes).

6. The State Government shall charge the "Net Present Value" (NPV) for the 57.5092 ha of forest land to be diverted under the proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008 and 09/05/2008 in IA No. 566 in WP (Civil) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC(Pt. II) dated 18/09/2003 as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05.02.2009 in this regard and others.
7. Additional amount of the NPV of diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency, which shall furnish an undertaking to this effect.
8. The trees on strips would have to be felled but after stringing work is completed, natural regeneration will be allowed to come up. Felling/ pollarding/ pruning of trees will be done with the permission of the local forest officer wherever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line.
9. During construction of transmission line, pollarding/ pruning of trees located outside the above width of the strips, whose branches/ parts infringe with conductor stringing, shall be permitted to the extent necessary, as may be decided by local forest officer.
10. Pruning of trees for taking construction/ stringing equipments through existing approach/ access routes in forest areas shall also be permitted to the extent necessary, as may be decided by local forest officer. Construction of new approach/ access route will however, require prior approval under the Act.
11. The route alignment through forest areas will not have any deviation. The maximum width or right of way for the transmission line on the forest land shall be 46 meters.
12. Below each conductor, width clearance of 03 meters would be permitted for taking the tension stringing equipment. Felling of trees will be restricted to a width of 3 mtr only below each conductor. The trees on such strips would have to be felled but after stringing work is completed, the natural regeneration will be allowed to come up. Felling/ pollarding/ pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line.
13. In the remaining width of the right of way upto a maximum of 46 meters, trees will be lopped only to the extent required, for preventing electrical hazards by maintaining minimum clearance of 5.5 meters between conductors and trees. The sag and swing of the conductors shall be kept in view while working out minimum clearance.
14. In the case of transmission line to be constructed in hilly areas, where adequate clearance is already available, trees shall not be cut.

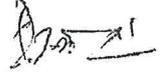
15. The User Agency will defray the cost of removal of 1184 mangrove trees in the area that fall in diversion. However, only the required and minimum number of trees will be felled.
16. The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt) dated 05/07/2013 in support thereof before formal approval.
17. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
18. Relevant directions contained in various notifications issued by the Central Government under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made there under and as amended from time to time regarding use of fly ash shall be fully complied with.
19. The User Agency will install circuit breakers at suitable places besides maintaining necessary ground clearance to prevent electrocution of wild animals.
20. Muck disposal, if required, should be taken up as per the scheme approved by the Forest Department.
21. Soil conservation measures, if required, should be taken up by the User Agency for which fund should be provided as per the current rate of works.
22. No damage shall be caused to the flora and fauna of the area.
23. No labour camp shall be established on the forest land.
24. The User Agency shall ensure that because of this project, no damage is caused to the Wildlife available in the area.
25. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage /felling of trees and pressure on the adjacent forest areas.
26. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
27. The User Agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of local dwarf species (preferably medicinal plants) in right of way under the transmission line and provide funds for execution of the said scheme to the State Forest Department.
28. The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the

area, including forest area and human settlements, adjoining the forest area being diverted for the project.

29. The User Agency shall spend between 10-15% of their CSR budget every year of Maharashtra region on activities related to Protection, Promotion, Improvement of Forest, Wildlife and Environment, to be spent by them (as substantial chunk of Forest land is also diverted) in Maharashtra region in consultation with Regional Office, Nagpur
30. The forest land shall not be used for any purpose other than that specified in the project proposal.
31. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
32. The User Agency and the State Government shall ensure compliance to provisions of all Acts, Rules, Regulations and Guidelines for the time being in force, as applicable to the project.
33. The User Agency will defray the cost of medicinal plantation over 57.5092 ha as decided by the Forest Department.
34. The User Agency will pay the compensation, if any, to the right holders under the FRA-2006.
35. The User Agency will pay the compensation, if required, to the Dali holders if such land is required for the project.
36. As the project area is within 10 Km of the boundary of the Protected Area (SGNP), the User Agency will have to seek the clearance of Hon'ble National Green Tribunal with respect to the order dated 27/04/2005 in Writ Petition No. 1277/2000 before diversion of the forest land for the project.
37. Permission of Hon'ble High Court shall be obtained for implementing the project in mangrove areas as per Bombay High Court order date 27/01/2010 in PIL No. 87/2006.
38. The User Agency will submit the CRZ clearance before final approval if applicable.
39. While making construction, the project proponent should take utmost care to cause least interference with the tidal water flow. The access paths if any should be made with sufficient number of pipelines to facilitate tidal water flow to the adjoining mangrove areas.
40. The User Agency should take all precaution not to disturb any Mangrove area beyond permission area
41. Any other condition, which this office may stipulate for conservation of flora and fauna as and when necessity arises.

After receipt of the compliance report on fulfilment of the condition Nos. 2, 4, 5, 6, 7, 15, 17, 33, 34, 35, 37 & 38 from the State Government, proposal will be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980 by this office.

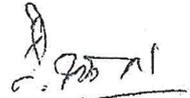
Yours faithfully



(A.K. Biswal)  
Conservator of Forests (Central)

**Copy to:-**

1. The Director, RO (HQ), Ministry of Environment, Forests and Climate Change, Agni C-wing, 3<sup>rd</sup> Floor, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi - 110003.
2. The Addl. Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Civil Lines, Nagpur, Maharashtra for information.
3. The Chief Conservator of Forests, Thane Circle, Thane, Maharashtra.
4. M/s Tata Power Company Ltd., Transmission Project, Sant Tukaram Marg, 4<sup>th</sup> Floor, Masjid Bunder, Mumbai.
5. Order File.
6. APCCF, Regional Office, Nagpur.



(A.K. Biswal)  
Conservator of Forests (Central)

