

Most Urgent

No. NHAI/15018/5/2021-ROJ/Forest/0

Dated: 15.01.2021

Addl. Principle Chief Conservator of Forest
& Nodal Officer (FCA) Rajasthan Jaipur
Arnay Bhawan , Jhalana Institutional Area Jaipur

Sub: Construction of toll plaza in LHS carriageway at Km 1054+967 to Km 1055+467 (New Ch 1055+228) & RHS carriageway at Km 1059+050 to Km 1059+450 (New Ch 1059+350) and widening of carriageway from 4-lane to 6-lane between proposed staggered Toll Plaza of NH-27 in the State of Rajasthan: **Regarding construction of Toll plaza.**

Ref: NHAI, PIU-Kota letter no. 2191 dated 31.12.2020 & 2276 dated 11.01.2021
(Copy enclosed)

Sir,

In reference to above cited subject, it is to submit that the construction work of Kota Bypass (including Cable Stayed Bridge across River Chambal) section of NH-27 was started on 12.04.2006 and actually completed on 29.08.2017.

2. It is to submit that MoEF, New Delhi vide their letter dated 01.12.2007 accorded Final Approval (Stage-II) for diversion of 111.637 Ha. forest land (95.048 Ha. Kota Forest Division & 16.589 Ha. National Ghariyal Sanctuary).
3. Consequently, DFO, Kota vide letter No. 14430 dated 05.12.2007 allowed to NHAI for commencing the construction work in diverted forest land 95.048 Ha. similarly, DCF (Wildlife) Kota vide letter no. 7860 dated 05.12.2007 also allowed for construction work in diverted area 16.589 Ha. of National Ghariyal Sanctuary.
4. After completion of Kota Bypass (including Cable Stayed Bridge across River Chambal), NHAI taken decision in year 2017 regarding collection of user fee for Kota Bypass section. Thereafter, NHAI was entered into an Agreement with M/s Parul Construction Co. for Construction of Toll Plaza on Kota Bypass, but Forest Department (Wildlife) Kota stopped work and directed to NHAI to take working permission for subject work.
5. Thereafter, NHAI PIU-Kota vide letter no. 7189 dated 12.09.2018 submitted proposal for Working Permission to APCCF & Nodal Officer (FCA), Jaipur. In this regard, APCCF & Nodal Officer, Jaipur vide their letter no. 3607-10 dated directed to DCF, Kota & DCF (Wildlife), MNP, Kota for their comments.
6. DCF (Wild Life), Kota vide his letter No. 10943 dated 28.09.2018 recommended the proposal stating that the location of two proposed Toll Plazas is 1.10 Km and 1.24 Km from the river Chambal and hence out of the boundary of National Chambal Ghadiyal Sanctuary. In the same letter DCF (Wild Life), Kota his also mentioned that GoI, MoEF & CC vide order dated 10.02.2006 has accorded Wild Life approval also.

7. Thereafter, CCF, Kota vide letter no. 7252-53 dated 27.09.2018 & CCF (Wildlife), Kota vide letter no. 4487 dated 01.10.2018 forwarded their recommendation for working permission to APCCF & Nodal Officer (FCA), Jaipur.
8. MoEF & CC, Regional Office, Lucknow raised some observations on the proposal and several letters exchanged between Forest Department and NHAI. And finally the proposal discussed in 42th REC meeting and it has been decided in REC that *"the State Government should be asked for site inspection of the said land by a senior officer not below the rank of CF to comment on extent of violation. The case of violation of FCA, 1980 should be dealt by the State Government under the provisions of Indian Forest Act, 1927 and other relevant State Acts and submit detailed report on the same with reasons that define the exceptional circumstances that may justify condonation."*
9. As per REC direction, CCF (Wildlife) Kota inspected the site and vide letter no. 8783 dated 31.12.2019 submitted their report with recommendation to APCCF & Nodal Officer (FCA), Jaipur. The proposal for working permission again included in REC Meeting dated 18.05.2020, wherein REC approved the proposal. Thereafter, MoEF & CC, Regional Office, Lucknow vide their letter no. 651 dated 29.05.2020 conveyed approval of proposed toll plaza and widening of carriageway. The same forwarded by NHAI, PIU-Kota vide letter no. 1116 dated 07.07.2020 to CCF (Wildlife), MNP, Kota and intimated to him that the work for construction of toll plaza will be started at the earliest.
10. Thereafter, NHAI PIU-Kota vide letter dated 12.07.2020 has issued LOA to M/s Apex Tarmac Pvt. Ltd., and subsequently, the work was started by Contractor from 27.08.2020. But Contractor vide letter no. 31 dated 24.12.2020 informed to NHAI that DCF (Wildlife) MNP, Kota has stopped the subject work.
11. In this regard, NHAI, PIU-Kota has approached with DCF (WL) MNP, Kota & CCF (WL) Kota on 28.12.2020 and submitted the working permission issued by MoEF & CC Lucknow and requested not to stop the construction of subject work. In this regard, NHAI, PIU-Kota vide letter no. 2191 dated 31.12.2020 has also brought above facts in notice of CCF (Wildlife), Kota and again requested to allow for construction work of widening & toll plaza.
12. Instead, allowing to NHAI for construction work, CCF (Wildlife), Kota vide letter dated 06.01.2020 has directed to PIU to get approval of National Wildlife Board (NBWL) and asked to apply it online through Parivesh Portal and directed to only commence the subject work after approval of NBWL.
13. It is pertinent to mention here that as mentioned in Para-6 above that during processing the case for working permission, DCF (Wildlife), Kota and CCF (Wildlife) Kota was of the opinion that the proposed site is out of Wildlife Sanctuary and the necessary Wildlife approval has already been accorded by GoI MoEF & CC vide their order dated 10.02.2006. Based upon these comments of the than DCF & CCF (Wildlife), Kota the proposal were forwarded to GoI through Nodal Officer and State Government and accordingly, the proposals got approved by GoI vide Order dated 29.05.2020.

14. CCF (Wildlife), Kota has stopped the work w.e.f. 21.12.2020 and vide his letter dated 06.01.2021, he has directed to PIU-Kota to get a fresh approval from National Board of Wildlife.
15. PD, PIU-Kota vide his letter dated 11.01.2021 has narrated all the facts to CCF (Wildlife), Kota and requested to get the work continue, else it will create unnecessary hindrance in the work as the work already got much delayed.
16. It is pertinent to mention here that presently traffic Jam occurs regularly at Toll Plaza as there are only 4-lanes, so it is very urgent to take up the widening and construction of toll plaza at Kota Bypass.

In view of above, it is requested that the case may please be examined at your end and direct the DCF & CCF (Wild Life), Kota not to stop the work and allow NHAI to construct the Toll Plaza as per the issued approval by the GoI.

Yours faithfully,

(M.K. Jain)
CGM (Tech.) cum Regional Officer

Copy to:

1. Member (Admn), NHAI HQ for information with request to take up the matter with MoEF, GoI for early action in the subject matter.
2. Principle Secretary, PWD Govt. of Rajasthan with the request to include this matter in the agenda of next High Power Committee meeting.
3. Principle Secretary, Forest, Govt. of Rajasthan Jaipur
4. Principle Chief Conservator of Forests (HoFF) Rajasthan Jaipur
5. CGM(T)-Rajasthan, NHAI-HQ.
6. Sh. B. Mukhopadhyay, Advisor (Env.), NHAI-HQ.
7. PD, NHAI, PIU-Kota for information and pursue the matter accordingly.