

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**(WESTERN ZONE) BENCH, PUNE**  
**MISC. APPLICATION Nos. 29/2013 AND 30/13 (WZ)**  
(In Application No.135(THC)/2013)

**CORAM:**

**Hon'ble Mr. Justice V.R. Kingaonkar**  
**(Judicial Member)**

**Hon'ble Dr. Ajay A. Deshpande**  
**(Expert Member)**

**B E T W E E N:**

Smt. Shobha Phadanvis,  
Aged 58 yrs.,  
Member of Legislative Assembly,  
Bazar Cbowk, Mul,  
District - Chandrapur

**....Applicant**

**V E R S U S**

The State of Maharashtra,  
Through : Chief Secretary,  
Maharashtra State, Mantralaya,  
Bombay - 32

**...Respondent**

**A N D**

Adani Power Maharashtra Ltd.,  
Company duly Incorporated & Registered  
Under Indian Companies Act,  
Sambhav House, Through : Vice  
President (Transmission) &  
Authorized Signatory, B-401,  
4<sup>th</sup> Floor, Thaper Enclave-II,  
Ramdaspath, Nagpur - 440 010

Applicant  
**.....Intervener**

**Counsel for Applicant:**

**Absent - Nemo**

**Counsel for Respondent :**

**Mr. Vikas Kulkarni, Adv.**

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**DATE : 13<sup>th</sup> January, 2014**

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**ORDER**

1 M/s. Adani Power Maharashtra Ltd., have filed Civil Application No.3394 of 2012 in Writ Petition No.1277 of 2000 before the High Court of Judicature at Bombay, Nagpur Bench seeking intervention which has been transferred to this Bench. The Applicant Company M/s. Adani Power Maharashtra Ltd., deals with the work of generation of electricity and intends to establish its power generation plant 3 x 660 MW capacity at Tiroda, Tq. Tiroda, District : Gondia. The Applicant submits that for the purpose of evacuation of Power generated at the Power Station at Tiroda, the Applicant Company also applied for transmission licence in accordance with Section 14 of the Electricity Act 2003 which has been granted by the Maharashtra Electricity Regulatory Commission on 6-7-2009.

2 The Applicant-Company planned to establish 400 K.V. Double Circuit Tiroda-Warora Transmission Line (QUAD) (hereinafter referred as the said Transmission Line) and after getting the necessary approvals, the Applicant-company finalized the route of the Transmission Line. The said Transmission Line was passing the various areas and while finalizing the route of the said Transmission Line due care was taken that the areas such as Forest, Urban and Rural

Residential and Commercial Localities, reservoirs, Coal Belts etc. are avoided. It is submitted that the said Transmission Line was passing through village Morpar, Tq. Tiroda, District Gondia which is by the side of the Forest, popularly known as “Nagzira” and the said Transmission Line falls outside the forest area of Nagzira. The Applicant submits that the area of Nagzira Forest as it was prevailing at the time of initiation of work of the Transmission Line was expanded for the Forest area/Buffer Zone, by the Forest Department and therefore, the said Transmission Line is now passing through the said expanded area, particularly with regard to the Transmission Line Tower Location Nos. 14, 15, 16 and 17 and it is submitted that Tower Location No.18 as well as Tower Location No.13/1 are outside the Cell boundary. The relevant maps are also annexed.

3 By this civil Application, the Applicant submits that there are 303 trees below the said Transmission Line at village Mandvi, between Tower location Nos. 17 and 18. Similarly, there are three (3) trees between Tower location No.13/1 and 13/2 at village Sonkhairi and five (5) trees between Tower location No.12/1 and 12/2 at village Munrpar Khairi. The said trees would be interrupting in the Transmission of electricity and therefore needs to be removed for said Transmission Activities and in terms may also prove to be danger for the nearby Forest areas.

4 The Applicant submitted that they have received necessary permission from the Ministry of Environment and Forest vide letter dated 22<sup>nd</sup> June 2012 which clearly indicates the required legal formalities have been completed and a sum of Rs.1,76,27,647/- (Rs. One Crore, seventy six lacs, twenty seven thousand and six hundred forty seven) has been deposited by the Applicant company for the necessary afforestation work and therefore, the Applicant has now approached this Tribunal to approve the cutting of the trees in context to the letter of Additional Principal Chief Conservator of Forest Government of Maharashtra, Nagpur dated 28-06-2012.

5 The Tribunal heard the matter and perused the Application of the Applicant/intervener and also the Affidavit filed by Shri S.V.R. Rao, Dy. Conservator of Forest, Gondia and noted the contents. The Tribunal further directed the Chief Conservator of Forest (CCF) to file an Affidavit stating the present status and compliance in this regard which has been filed on 30-10-2013. The CCF Nagpur submits that the Government of India has accorded in Principle approval for the diversion of 25.4193 Hectare of Forest land for construction of the said Transmission Line on 19<sup>th</sup> April 2012 imposing certain conditions to be fulfilled by the Applicant-intervener. It is also submitted that the Applicant-Intervener has made available 25.5283 Hectare of non Forest land of Furus, Tq. Chiplun, District : Ratnagiri for the compensatory afforestation and has

deposited amount of Rs.2,91,61,330/- (Rs. Two Crore, ninety one lacs, sixty one thousand, three hundred thirty) in adhoc CAMPA account. The Applicant-Intervener has given undertaking to comply with all the conditions imposed by Government of India and Government of Maharashtra and accordingly, Government of India accorded the formal approval for diversion of 25.4193 Hectare of forest land vide their letter dated 22<sup>nd</sup> June 2012.

6 The important conditions related to tree felling stipulated by Government of India to the said approval are reproduced below :

**Condition 3** : The felling will be confined to 3 meters below each conductor and to maintain a distance between the conductor and the tree 5.5 meters. The trees would not be pruned beyond the height.

**Condition 8(ii)** : Below each conductor, width clearance of 3 meters would be permitted for taking the tension stringing equipment. 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.

**Condition 8(iii)** : In the remaining width of the right of way up to a maximum of 52 meters, trees will be felled or loped to the extent required, for preventing electrical hazards by maintaining minimum clearance of 5.5 meters between the conductors and trees. The sag and swing of the conductors shall be kept in view while keeping out minimum clearance.

7 CCF Nagpur further submits that in pursuance of the order dated 10<sup>th</sup> October 2013, a field verification has been carried out and it is found that total of 1523 trees are existing in the diverted 25.4193 Hectare Forest land, out of which 1451 trees in Bhandara and Gondia district fall within 10 k.m. from the boundary of Wild Life Sanctuaries and 72 trees in Wardha district fall beyond 10 k.m. from the boundary of Wild Life Sanctuary. The Applicant-Intervener being the user agency requested to cut 303 trees in Bhandara district and 8 trees in Gondia district and therefore, permission is sought to remove 311 trees in diverted area in Bhandara and Gondia districts within 10 k.m. from the boundaries of Wild Life Sanctuary.

8 CCF Nagpur further submits that the necessary amount of expenditure as required for removal of 311 trees would have to be spent by the Applicant and the felling/pollarding/pruning of the trees will be done for the local forest officers whenever necessary to maintain the minimum electrical clearance of 5.5 meters between conductor and the trees. It is further submitted that in pursuance of the Hon'ble High Court, Nagpur Bench similar exercise of cutting/pruning on trees has been exercised in some other cases in the past.

9 Considering the submissions, we find justifiable reason to allow the cutting/pollarding/pruning of 311 trees as identified by the Forest Department subject to strict compliances by the Applicant and also the Forest Department.

The concerned Conservator of Forest shall personally supervise these cutting activities and submit a detailed compliance report of this Tribunal on completion of the work.

10 We further direct that the Applicant/Intervener is equally responsible to ensure that the afforestation activities being carried out at village Fulus, Tq. Chiplun, District Ratnagiri and shall carry out the necessary monitoring of the progress of the afforestation activities on regular basis. We also deem it proper to direct the Applicant as well as Forest Department to engage a retired District Judge/Higher Officer of Dy. Secretary level for verifying afforestation activities at the cost of Applicant to oversee the activity of tree cutting and submit a report. This report shall form part and parcel of the Annual Compliance Report to be submitted by the Applicant-company to Ministry of Environment and Forest, Government of India and Forest Department, Government of Maharashtra. The monitoring reports be submitted for period of five (5) years, as regards afforestation and compliances.

Accordingly, the Misc. Application is allowed and disposed of.

....., JM  
(Justice V. R. Kingaonkar)

....., EM  
(Dr. Ajay A. Deshpande)