



Debadityo Sinha

Vindhyan Ecology and Natural History Foundation
Address: 28/1, Ground Floor, Behind Meera Bai Mandir
Govindpuri, Kalkaji, New Delhi-110019

Mobile: +91-9540857338
debadityo@vindhyaachao.org
www.vindhyaachao.org

Ref No. VB/Del/2016/04/I

Date: 08-04-2016

To,

The Principal Chief Conservator of Forests
17, Rana Pratap Marg, Lucknow
Uttar Pradesh-226001

Subject: Regarding Forest Clearance of 1320 MW Thermal Power Plant of M/s Welspun Energy (U.P.) Pvt. Ltd at village Dadri Khurd, Mirzapur, U.P.

Respected Sir,

I am writing this letter in pursuance of my observation on Ministry of Environment's Forest Clearance website where the above mentioned project in subject is listed for forest clearance. Regarding this, I would like to make following submissions before you:

1. The Environmental Clearance is challenged in court

The Environmental Clearance (EC) of the project was challenged in October, 2014 by me and other some other local people in the National Green Tribunal, Principal Bench, New Delhi in Appeal no. 79/2014 *Debadityo Sinha & Ors vs Union of India & Ors*. The matter is reserved for judgment on 5th April, 2016. As a matter of fact, we would like to highlight the following important observations which came out from the documents submitted by the project proponent (PP) to MOEFCC while applying for EC:

- i) The PP concealed the involvement of forests for their project proposal in the Form I, based on which the EIA application was made in the year 2011. They have specifically said the project proposal will not attract provisions of Forest Conservation Act, 1980. This was in violation of the provisions of EIA Notification, 2006 and other Circulars and Notifications made thereafter by MOEFCC which clearly stipulates that the PP should disclose the involvement of forest for any technical reasons when applying for EC.
- ii) They also concealed the presence of any endangered animals and other protected animals under Schedule I in the EIA Report and no impact assessment were done for the same.
- iii) The project was appraised by showing the fact that the project site is lying on 97.58% barren land. While we have had made submissions before Expert Appraisal Committee since September, 2013 much before Environmental clearance that the project site involves forests and it is not barren as they claimed. During the court proceedings, they produced the revenue record where they were unable to show the project site is



barren, and according to them 'parti-bhoomi' is barren. One of the claim we made in the proceeding is that the project site itself was mostly forest which they started clearing in the year 2015.

2. Creating Fait Accompli by applying for Forest Clearance in Bits & Pieces

It is observed from the online records that the PP has applied for FC in bits'n'pieces and on different dates while their own EIA report clearly states the about the following components and they will require Forest Clearance

- i) 20 Km Railway Corridor from Project Site to Sarsongram Railway Station.
- ii) 1.5 km approach road from project site to SH-5
- iii) Water Pipeline corridor of 31 Km from project site to River Ganga via Upper Khajuri Reservoir
- iv) Transmission lines

It is observed from the website that they have not even applied for FC for the rail corridor and transmission lines. They have only applied for water pipeline and approach road in separate applications. However, they were required to apply for forest clearance compositely as single proposal and instead of separate applications.

It is also submitted that the Forest Clearance is applied only in 2015, much later than they have received the Environmental Clearance. While, the EIA Notification 2006, requires them to apply for Forest Clearance while applying for Environmental Clearance itself, the Project proponent deliberately did not apply for Forest Clearance in order to create a situation of fait accompli by taking environmental clearance first, and then applying for forest clearance so that they can mislead the EAC and FAC in order to obtain requisite clearances.

3. The project in its entirety will completely fragment Marihan Forest Range causing irreparable damage

As you may be aware that Marihan Forest Range is very critical wildlife habitat and is ecologically very fragile due to their dry deciduous nature. Alopi Dari, Jogia Dari, Chuna Dari, Upper Khajuri reservoir are very important water source for the animals. If this project establishes, by virtue of its rail corridor, roads, transmission lines will fragment the forest and will create immense disturbances. It would be irreparable and irreversible damage to the forests.

I request you to kindly consider the above mentioned facts while appraising this project for Forest Clearance. A composite Forest Clearance appraisal should be examined by your office and not for individual components. There is no doubt that if the project proponent would have applied for forest clearance for all of its components in one go, this office may be of the view that the project is better avoided.

Sincerely,

Debadityo Sinha
08/04/2016

Debadityo Sinha

For- Vindhyan Ecology &
Natural History Foundation



Copy marked to:

- 1. Additional Principal Chief Conservator of Forests (C),**
Ministry of Environment, Forest and Climate Change,
Regional Office (CZ),
Kendriya Bhawan, 5th Floor, Sector "H", Aliganj,
Lucknow – 226020

- 2. Chief Conservator of Forests**
Office of Chief Conservator of Forests-Mirzapur
Ghuruhupatti, Jogiabari Road
Mirzapur, U.P.-231001

- 3. Additional Director-General (FC)**
Ministry of Environment, Forests & Climate Change
5th Floor, Jal Block,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi-110003