

I/37858/2023

**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(Forest Conservation Division)**

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Indira Paryavaran Bhawan,  
Jor Bag Road, Aliganj,  
New Delhi - 110003

**Dated: 24<sup>th</sup> January, 2023**

To,

**The Principal Secretary (Forests),**  
Government of Uttar Pradesh,  
Lucknow.

**Subject: Representation received from Shri Debadityo Sinha, Managing Trustee, Vindhyan Ecology and Natural History Foundation, Mirzapur, Uttar Pradesh - reg.**

Madam/Sir,

I am directed to refer to a representation received from Shri Debadityo Sinha, Managing Trustee, Vindhyan Ecology and Natural History Foundation, Mirzapur, Uttar Pradesh which is self-explanatory **(Copy enclosed)**.

In this regard, the State Govt. is requested to take immediate necessary action into the matter as per prevalent Acts, Rules and Guidelines.

Yours sincerely,

Sd/-  
(Suneet Bhardwaj)

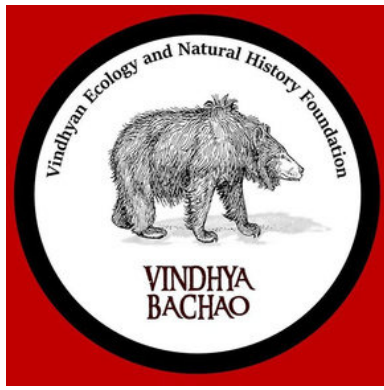
**Assistant Inspector General of Forests**

**Copy to:**

1. The PCCF (HoFF), Department of Forest, Government of Government of Uttar Pradesh, Lucknow;
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Lucknow;
3. The Nodal Officer (FCA), Department of Forest, Government of Government of Uttar Pradesh, Lucknow;
4. Shri Debadityo Sinha, Managing Trustee, Vindhyan Ecology and Natural History Foundation, Mirzapur, Uttar Pradesh.

Signed by Suneet Bhardwaj

Date: 27-01-2023 18:20:31



Reg. Office: 36/30, Shivpuri Colony  
Station Road, Mirzapur- 231001  
UTTAR PRADESH, INDIA

[www.vindhyabachao.org](http://www.vindhyabachao.org)

VINDHYAN ECOLOGY AND NATURAL HISTORY FOUNDATION

21st January 2023

The Chief Conservator of Forests- Mirzapur Mandal  
Environment, Forest & Climate Change Department  
Govt. of Uttar Pradesh

Sub- Damage to the forest land by constructing illegal approach road in Marihan Forest Range (Mirzapur Forest Division) towards the proposed site of M/s Mirzapur Energy (U.P.) Pvt Ltd in village Dadri Khurd, District Mirzapur (U.P.)

Sir,

I am writing this to apprise you about the illegal activities in the Marihan Forest Range in relation to the 1320 MW Mirzapur coal-based thermal power plant proposed in Dadri Khurd, Mirzapur by M/s Welspun Energy (U.P.) Pvt Ltd which is now owned by the Adani group.

I came to know that last night, there has been some construction activity inside Marihan Forest Range to construct an approach road to the proposed site for Mirzapur thermal power plant in the village Dadri Khurd. It is submitted that previously a small footpath (*pagdandi*) used to exist, which has been widened to approx. 3 meters now. There has been a massive clearing of trees, shrubs, and grasses, and the removal of rocky outcrops to level the land using heavy machinery. The forest area is catchment of several rivers and habitat of several protected wildlife species which is affected by such activity. As of the morning of 21st January 2023, they have started construction of the road till 1 km starting from the forest boundary on SH-5 at 24°58'19.90"N, 82°38'51.87"E till 24°58'33.25"N, 82°39'20.93"E inside the forest. As the work has been started only last night, we expect further widening and construction of the road on the particular land. Images of the under-construction road, a Google Earth screenshot of the location and a GPS file are attached as Annexure.

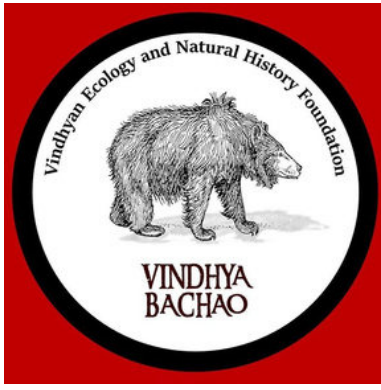
I submit that carrying out any non-forest activity inside the forest without required permissions is an offense under Indian Forest Act 1927, and the Forest Conservation Act 1980 as well as contempt of Supreme Court directions in the *T.N. Godavarman case*.

The 'Environment Clearance' of the project was set aside by the Hon'ble National Green Tribunal on 21st December 2016 vide judgment in Appeal No. 79/2014 (*Debadityo Sinha & Ors v Union of India & Ors*). The judgment observed that '*the entire process of consideration and appraisal of the proposal to grant EC is found tainted so as to render it less creditworthy than the one expected by law and as such makes it even more difficult to suggest the safeguards in order to render the project sustainable one.*' The judgment made a categorical direction that the proponent shall not carry out any developmental work at the project site and shall restore the area to its original condition.

The appellant gave several representations to the authorities regarding the involvement of forest land in the project site as well as project components like approach road, transmission line, water pipeline, etc which will fragment the forest, and wildlife habitats and destroy several water streams and catchment areas. The project proponent applied for forest clearance for the approach road and water pipeline (FP/UP/THE/14236/2015). As per the Parivesh portal of Govt of India, the proposal is yet to receive a forest clearance.

The forest clearance application (FP/UP/THE/14236/2015) applies for a diversion of only 8.34 Ha, while the area of the project site as mentioned in the Environment Clearance application was 445 Ha. The project site including the adjacent forests is rich in at least 24 Schedule I fauna (Wildlife Protection Amendment Act 2022) recorded with evidence which includes Sloth Bear, Striped Hyena, Leopard, Rusty Spotted Cat, Jungle Cat, Desert Cat, Blackbuck, Chinkara, Bengal Fox, Asian Palm Civet, Small Indian Civet, Sambar Deer, Grey Mongoose, Ruddy Mongoose, Mugger Crocodile, Indian Courser, Egyptian Vulture, Indian Vulture, Bengal Monitor, Indian Spotted Eagle, Indian Peafowl and many other protected wildlife species. The forest range where the project site is situated is the only habitat of Asiatic Wild Cats (Desert Cat) in the entire state of Uttar Pradesh. In fact, in the year 2019, based on a camera trap study, a proposal for the declaration of the 'Sloth Bear Conservation Reserve' was forwarded by the Divisional Forest Officer, Mirzapur.

The fact that the project site itself is forest and rich in wildlife has been one of the grounds based on which the National Green Tribunal delivered the judgment dated 21 December 2016 categorically observing that, '*Facts revealed before us do not show that any member of the EAC or Expert member of WII conducted any site visit of the project to assess the gravity of exception taken to the project upon the issues raised in relation to the forest and wildlife. Appraisal of the project in this regard, therefore, becomes questionable.*'



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VINDHYAN ECOLOGY AND NATURAL HISTORY FOUNDATION

I also wish to highlight that the project site itself is proposed on forest and no permission under Section 2 of the Forest Conservation Act, 1980 has been sought by the project proponent. The proposed project site is contiguous to Reserve Forests from all sides of the proposed project boundary. As per an Uttar Pradesh Gazette Notification No. 617/XIV dated October 18, 1952- Forest Department, available with the Directorate Printing and Stationery UP- Prayagraj, 1643 Acres (665 Ha) land in village Dadri Khurd where the project site proposed, was already allotted to 'Forest Department' in the exercise of Section 117 of U.P. Zamindari Abolition and Land Reforms Act 1950. As per the documents accessed at Divisional Forest Office-Mirzapur, only 262.16 acres (106 ha) of land was notified under Section 20 of the Indian Forest Act, 1927 while the remaining 1380.84 acres (558.8 ha) of land, although yet to be notified under Section 20 of the Indian Forest Act, 1927 is recorded as 'forest' in the 1952 notification.

Therefore, any activity in and around the project site will attract provisions of the Indian Forest Act, 1927, Forest Conservation Act, 1980 as well as directions of the Hon'ble Supreme Court in the *T.N. Godavarman case*.

I informed the Range Officer, Marihan Forest Range on the telephone today morning i.e 21.01.2023. I was informed that there has been no forest clearance granted to the project site or any component of the project including approach road.

I request you take strict action against the violators and impose compensation for damage to the flora and fauna inside the forest.

Thanks and Regards,

Debadityo Sinha  
Managing Trustee,  
Vindhyan Ecology & Natural History Foundation  
36/30, Shivpuri Colony, Station Road  
Mirzapur, U.P.- 201304  
[www.vindhyabachao.org](http://www.vindhyabachao.org)

*Recipient Sanctuary Wildlife Service Award, 2019  
Member, IUCN- Species Survival Commission- Bear Specialist Group*

Copy to:

- Divisional Forest Officer- Mirzapur
- District Magistrate, Mirzapur
- Superintendent of Police, Mirzapur
- Commissioner, Mirzapur
- Chief Secretary, Govt. of Uttar Pradesh
- Principal Chief Conservator of Forest- HOFF, U.P.
- Addl Principal Conservator of Forest, Regional Office- Ministry of Environment, Forest and Climate Change, Govt. of India
- Inspector General of Forest, Ministry of Environment, Forest and Climate Change, Govt. of India



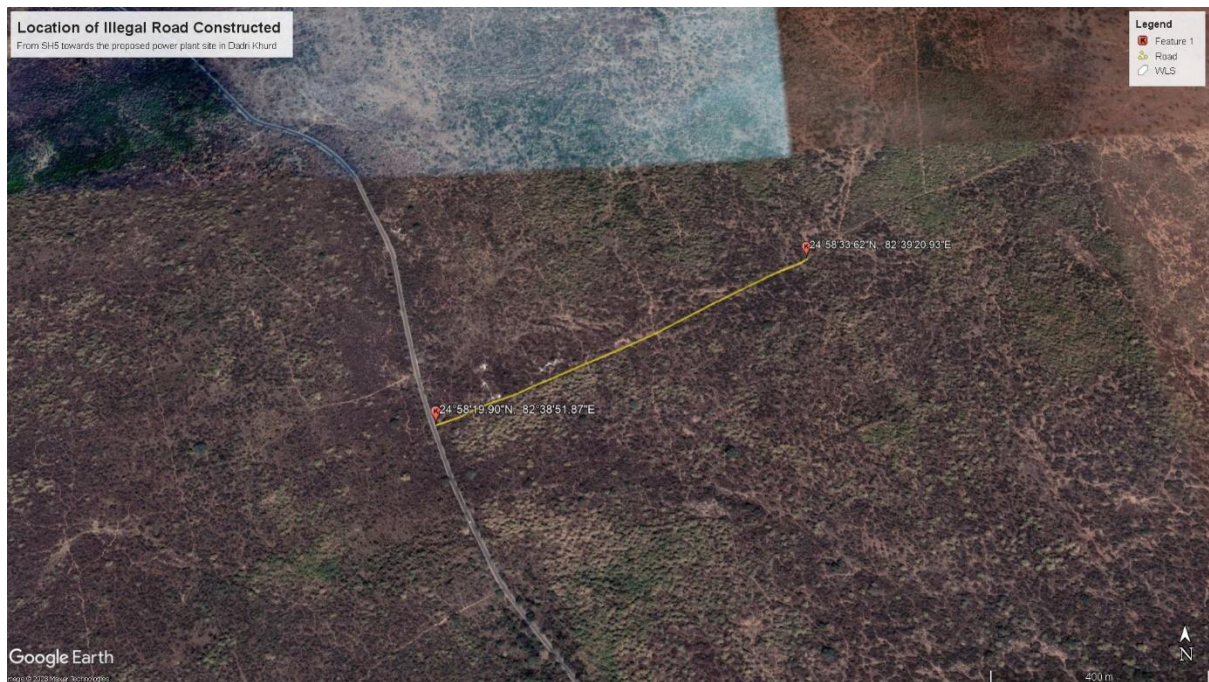
## Annexure











Map can be viewed and downloaded at:

[https://www.google.com/maps/d/viewer?mid=1dBJYNNWchJAAW-pUEY9c\\_c1s227pA1M&ll=24.97409301487431%2C82.6517965&z=18](https://www.google.com/maps/d/viewer?mid=1dBJYNNWchJAAW-pUEY9c_c1s227pA1M&ll=24.97409301487431%2C82.6517965&z=18)

Short link:

[https://bit.ly/road\\_dadri](https://bit.ly/road_dadri)