

[2008] 8 S.C.R. 152

T.N. Godavaraman Thirumulpad
v.
Union of India and Ors.
I.As. No. 826 etc.
In
(Writ Petition © No. 202 of 1995)

May 9, 2008

[K.G. BALAKRISHNAN, CJI, Dr. ARIJIT PASAYAT AND S.H. KAPADIA, JJ]

The Order of the Court was delivered by

On 28th March, 2008, we had passed an order regarding payment of Net Present Value (NPV) accepting the recommendations made by CEC which were more or less acceptable to MoEF. In that order we had also indicated that exemptions from payment of NPV have to be granted in respect of certain categories. However, it is brought to our notice that certain typographical mistakes had crept in that order as to categories to which such exemptions are to be granted. Therefore, we direct that as regards exemptions from payment of NPV, the last part of that order reading "We are of the view..... (x) construction of the transmission lines" on pages 10 to 11 shall stand substituted with the following :-

Category

- i) Schools
- ii) Hospitals
- iii) Children's play ground of non commercial nature
- iv) Community centres in rural areas
- v) Over-head tanks
- vi) Village tanks,
- vii) Laying of underground drinking water pipeline upto 4 diameter and
- viii) Electricity distribution line upto 22 KV in rural areas.

Relocation of villages from the National Parks/Sanctuary to alternate forest land

Collection of boulders/silts from the river belts in the forest area

Laying of underground optical fibre cable

Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages

Underground mining

CEC

Full exemption upto 1 ha. of forest land provided :

- (a) no felling of trees is involved;
- (b) alternate forest land is not available;
- (c) the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and
- (d) the area is outside National Park/Sanctuary

Full Exemption

Full exemption provided :

- (a) area is outside National Park/Sanctuary;
- (b) no mining lease is approved/signed in respect of this area;
- (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee;
- (d) the activity is necessary for conservation and protection of forests; and
- (e) the sale proceeds are used for protection/conservation of forests

Full exemption provided :

- (a) no felling of trees is involved; and
- (b) areas falls outside National Park/Sanctuary

Full exemption provided these are strictly in accordance with MoEF's Guidelines dated 18.9.1990.

50% of the NPV of the entire area

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.