

WEST BENGAL INDUSTRIAL DEVELOPMENT CORPORATION, GOVT. OF WEST BENGAL

PROCEDURE FOR PROCESSING APPLICATIONS FOR PERMISSION FOR FELLING TREES IN NON FOREST AREAS AS WELL AS INDUSTRIAL PARKS - BY THE DEVELOPERS

The Government of West Bengal has passed the West Bengal Trees (Protection & Conservation in Non-Forest Areas) Act, 2006. This is an Act to encourage and promote plantation of trees and to protect and conserve trees, particularly those looked upon as sacred groves or identified as belonging to an endangered species or given the status of heritage, bearing in mind that these have great environmental value and are a renewable resource.

In order for a developer to fell a tree or otherwise dispose of any tree, has to make an application to the concerned authority. The concerned authority on being satisfied with regard to the legality of the documents towards the proof of ownership or lease of land on which such tree stands and after making an inquiry, in such a manner as may be prescribed, grant permission, in writing, to fell tree. Below is the complete procedure for obtaining the permission for felling of trees. The below mentioned procedure and timeline for grant of permission for felling of trees is according to the West Bengal Trees (Protection & Conservation in Non-Forest Areas) Act, 2006.

Submission of Application

- a. The developer has to apply for felling of trees in non-forest areas in Form I (B).
- b. The application has to be filled up and signed by the applicant.
- c. For the purpose of obtaining permission to felling tree, the applicant shall pay Rs.1000/- to the Competent Authority. Either payment can be done directly to the competent authority or receipt of payment may be attached with the application.
- a) Application along with acknowledgement of fee payment and attachments, have to be submitted in the office of the competent authority.

Field Inquiry

- a. On receipt of the application, the Competent Authority either himself conduct the inquiry or depute a suitable official amongst his sub-ordinates for the purpose.
- b. Inquiry will be completed within 30 days from the date of receipt of the application.
- c. Inquiry Officer shall intimate the applicant regarding the date and time of field inquiry and the applicant can be present during the inquiry in person or may depute his authorized person.
- d. The Inquiry Officer may also invite some local prominent person to be present during the inquiry.
- e. Inquiry Officer may also consult and consider the report of Gram Panchayat, or Municipality or Municipal Corporation or notified area authority or the industrial township as the case may be.
- f. The Inquiry Officer will submit his report to the competent authority in Form II.

Clearance Certificate

The competent authority may, after being satisfied on proper scrutiny of the plantation plan and completing the field inquiry, if necessary, that the proposed plantation of trees as shown in the plantation plan in accordance with the provisions of this act under the Rules made thereof approve the plantation plan in “quadruplicate” under his signature with proper stamp and seal and issue the certificate of clearance in Form IV.

Provided that the Competent Authority shall, before issuing certificate of clearance, obtain the concurrence of West Bengal Pollution Control Board.

Sanctioning of building/Construction Plan

The authority sanctioning the building or otherwise construction plan, shall, before approving such plan require the developer to produce before him both the certificate of clearance as issued and the plantation plan as approved under this act and verify whether the proposed plantation as shown in the plantation map is properly incorporated in the building or otherwise construction plan. After being satisfied, the Sanctioning Authority shall certify stating that this plan is compatible with the plantation plan.

Plantation Requirement

- The developer shall undertake plantation of trees for at least 20% of the total area in the same plot or plots of land as approved by the Competent Authority.
- The total number of trees to be planted shall be at least 5 times number of trees to be felled.
- The competent authority may fix the norms for plantation of trees in a particular area regarding choice of species, preparation of different species, spacing and maintenance.
- Plantation shall be implemented within such period as may be specified in the certificate of clearance before the development project is initiated.

Felling Permission

The competent authority shall grant permission for felling of trees to the applicant in Form III provided that no permission to felling trees shall be given to developer unless he has obtained certificate of clearance from the competent authority and sanction of the building order or construction plan from the appropriate authority. The competent authority shall, on receipt of an application in respect of any tree, issue an acknowledgement to the applicant, and after making inquiry, shall dispose of the application, within forty five days of the receipt of such application, either giving permission to fell such tree or rejecting the application giving reasons thereof.