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No. 5-ORC157/2012-BHU

भारत सरकार / Government of India

पर्यावरण एवं वन मंत्रालय / Ministry of Environment & Forests

552, पर्यावरण भवन, सी जी ओ कॉम्प्लेक्स

लोधी रोड, नई दिल्ली - 110003

14 August 2013

To

Stage - I order

The Principal Secretary,
Forest & Environment Department,
Government of Odisha,
Bhubaneswar.

Sub:- Diversion of 8.4963 ha of forest land for establishment of Mahanadi Institute of Medical Science & Research at Talcher by Mahanadi Medical Education Trust of M/s Mahanadi Coalfields Ltd. in Angul Forest Division of Angul district, Odisha.

Sir,

I am directed to refer to your letter No. 10F (Cons)-36/2012-24184/F&E dated 26.12.2012 on the above mentioned subject seeking prior approval of the Government of India under section 2 of Forest (Conservation) Act, 1980.

2. After careful consideration of the proposal of the State Government, the Central Government hereby agrees for diversion of 8.4963 ha of forest land for establishment of Mahanadi Institute of Medical Science & Research at Talcher by Mahanadi Medical Education Trust of M/s Mahanadi Coalfields Ltd. in Angul Forest Division of Angul district, Odisha, subject to the fulfillment of the following conditions.

1. The State Govt. shall realize the Net Present Value (NPV) of forest area diverted under this proposal from the user agency as pre Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
2. Compensatory Afforestation shall be raised and maintained over double the degraded forest land i.e. 8.4963 ha. X 2 = 16.9926 or 17.00 ha identified in Dera PRF of Talcher Range of Angul district. The user agency shall transfer the cost of compensatory afforestation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to the State Forest Department. The cost of subsequent maintenance as and when required and demanded by the Forest Department shall also be borne by the user agency.
3. An undertaking from the user agency shall also be obtained to the effect that in case the rates of NPV are revised upwards, the additional/differential amount shall be paid by the user agency.
4. The State Government shall deposit Net Present Value and all other funds with the Ad-hoc Body of Compensatory Afforestation Fund Management and Planning Authority (CAMPA), in SB Account No.SB01025222 of Corporation Bank, CGO Complex, Phase-1, Lodhi Road, New Delhi - 110 003 (RTGS/IFSC No.CORP0000371) or in SB Account No.344902010105428 of Union Bank of India, Sunder Nagar, New Delhi - 110 003 (RTGS/IFSC No.UBIN0534498) by RTGS/NEFT modes, as per the instruction communicated vide letter No.12-2/2010-CAMPA dated 13.05.2011 and dated 24.06.2011.

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5. The State Forest Department/User Agency shall submit the surveyed sketch of 8.4963 ha. forest land proposed for diversion, giving forward and backward bearing of each demarcation pillars and distance between them. The State Forest Department/User Agency shall submit the GPS reading of each demarcated pillar giving the latitude and longitude.
6. The State Forest Department/UA shall submit the surveyed sketch of 17.00 ha of degraded forest land identified in Dera PRF of Talcher Range of Angul district for raising compensatory afforestation and demarcate the area proposed for CA, giving the forward and backward bearing and GPS reading of each demarcation pillars/stations and distance between them. The latitude and longitude of those pillars/stations shall also be marked.
7. The user agency shall prepare green belt scheme approved by the competent authority for implementation at the project in consultation with State Forest Department. The scheme shall also have provision for undertaking plantation within the vacant spaces available in the Medical College premises apart from 1.2137 ha of land earmarked to be maintained as Green Belt. The green belt scheme shall be submitted before Stage-II approval.
8. The user agency shall take appropriate measures at project cost for prevention of soil erosion in consultation with Forest Department and other professional experts.
9. The user agency shall take appropriate measures for protection of wildlife available in the area in consultation with Forest Department.
10. The user agency shall undertake proper Medical waste disposal measures for Indoor and Outdoor patient.
11. The user agency shall submit separate proposal for diversion of 23.20 ha of forest land in Baishnab R.F. used in violation of Forest (Conservation) Act, 1980.
12. No labour camps shall be established on the forest land.
13. The user agency shall provide alternate fuel to the labourers and staff working at the site so as to avoid any damage and pressure on the adjacent forest area.
14. The forest land shall not be used for any purpose other than that specified in the proposal.
15. The user agency shall ensure that there shall be no damage to the available forest, wildlife, if any by the user agency or by the Labourers/Contractors engaged by them.
16. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under all other Acts, Rules/Regulation as applicable to such project.
17. The user agency will obtain the clearance under the provision of ST&OTFD (Recognition) of Forest Rights) Act, 2006 before final forest clearance of the project and will submit certificate towards settlement of all claims and rights over the proposed forest land under the Act, as per guidelines of Ministry communicated vide letter No.11-9/1998-FC (Pt) dated 30.07.2009 and 03.08.2009 in support thereof.
18. The State Government will submit the proposal for regularization of encroachment of 23.20 ha of forest land which is already in their possession and also the same will be considered under the provisions of the Forest (Conservation) Act, 1980 and guidelines thereunder and penal CA, NPV as per rules would be charged before Stage-II approval is considered.
19. The State Government of Odisha will fix responsibility for violation/encroachment and take necessary action and report to the Regional Office, Bhubaneswar before Stage-II approval.


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- 20. Any other conditions that the Central Government or Addl. PCCF (Central) of Eastern Regional Office, Bhubaneswar may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.
- 21. In case of non-compliance of any of the above conditions, the concerned Divisional Forest officer shall report through the State Govt. to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest(Conservation) Act, 1980 on 25.10.1992.


3. After receipt of the compliance report on fulfillment of the conditions as stipulated above by the Regional Office, Bhubaneswar, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency shall not be effected by the State Government till formal order approving diversion of forest land is issued by the Central Government.

Yours faithfully,


 (Pradeep Kumar)
 Director

Copy to:-

- 1. The Principal Chief Conservator of Forests, Forest Department, Government of Odisha, Aranya Bhawan, C.S.Pur, Bhubaneswar - 16.
- 2. The CCF and Nodal Officer, Forest Department, Government of Odisha, Aranya Bhawan, C.S.Pur, Bhubaneswar - 16.
- 3. The Divisional Forest Officer, Angul Forest Division, Angul, Odisha.
- 4. The General Manager, Jagannath Area, Mahamdi Coalfields Ltd., Talcher, Angul, Odisha.
- 5. Monitoring Cell, MoEF
- 6. Guard File.


 (Pradeep Kumar)
 Director