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(22)

File No. 8-176/1997-FC (Vol.)
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Jor bagh Aliganj Road,
New Delhi - 110003.

Dated: 11th January, 2019.
11th March.

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To:

The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: Diversion of 29.41 ha of forest land (20.89 ha fresh forest land and 8.52 ha of forest land for re-diversion out of already diverted forest area of 227.89 ha for Kulda OCP of Mahanandi Coalfields Ltd.) in Sundargarh Forest Division of Sundargarh District, Odisha for construction of Basundhara Coal Washery (10 MTY) by M/s Mahanadi Coalfields Limited.

Sir,

I am directed to refer to the State Government's letter No. YOF(Cons)91/2016/16137/F&E dated 29.08.2016 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys its 'in-principle' approval for diversion of 29.41 ha of forest land (20.89 ha fresh forest land and 8.52 ha of forest land for re-diversion out of already diverted forest area of 227.89 ha for Kulda OCP of Mahanandi Coalfields Ltd.) in Sundargarh Forest Division of Sundargarh District, Odisha for construction of Basundhara Coal Washery (10 MTY) by M/s Mahanadi Coalfields Limited under Forest (Conservation) Act, 1980 subject to fulfilment of the following conditions: -

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over the non-forest land equal in extent to the forest land being diverted within three years of Stage -II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non- forest land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;
- (iii) 25% of CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land;

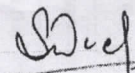
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- (iv) The admissible identified non-forest land for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the same shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
- (v) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- (vi) The User Agency shall transfer the cost of raising and maintaining the **compensatory afforestation** at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State **through online portal**. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vii) The User Agency shall transfer the funds for **the Net Present Value (NPV)** of the forest land being diverted under this proposal from the User Agency as per the 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 **through online portal** of CAMPA account of the State Concerned;
- (viii) At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (ix) User Agency should ensure that the Compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- (x) State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- (xi) **Since an area of 8.52 ha of forest land is being re-diverted from already diverted forest area of 227.89 ha for Kulda OCP of Mahanandi Coalfields Ltd.) in Sundargarh Forest Division of Sundargarh District, Odisha for construction of Basundhara Coal Washery (10 MTY) by M/s Mahanadi Coalfields Limited, therefore, the land use plan and mining plan shall be got approved before Stage-II Clearance and a copy of the same be submitted to this Ministry for record;**
- (xii) The user agency shall prepare and implement Risk Management Plan and the user agency shall take all necessary measures to prevent fire hazards;
- (xiii) Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- (xiv) The User Agency shall obtain the Environment Clearance as per the provisions of the

- (xv) Environmental (Protection) Act, 1986, if required;
- (xv) No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xvi) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal and the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xviii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xix) The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xx) The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- (xxi) Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
- (xxii) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,

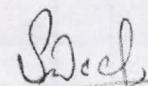


(Sandeep Sharma) 11.3.15

Asstt. Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, O/o the PCCF, Government of Odisha, Bhubaneswar.
3. The Addl. PCCF (Central), Regional Office, Bhubaneswar
4. Monitoring Cell, FC Divisions, MoEF&CC
5. Guard File



(Sandeep Sharma) 11.3.15

Asstt. Inspector General of Forests (FC)