

(PARIVESH 1.0)**Minutes of the Meeting of the Advisory Committee (AC) meeting held on
16.04.2025****Agenda No. 1****File No. 8-69/2003-FC**

Sub: Proposal for diversion of 128.97 ha. of Reserved Forest for Open Cast Mining Project in Namchik-Namphuk Coal Fields in Changlang district of Arunachal Pradesh. – regarding request for transfer of lease in respect of diversion of forest land for open cast coal mining in Namchak Namphuk Coal Mine in Changlang District of Arunachal Pradesh along with Stage-I and Stage-II approval granted in favour of M/s. Arunachal Pradesh Mineral Development & Trading Corporation Limited to M/s. Coal Pulz Private Limited (Online Proposal No. FP/AR/MIN/611/2003)- regarding.

1. The above stated agenda item was considered by the Advisory Committee in its meeting held on 16.04.2025. The DIGF (Central), Regional Office, MoEFCC, Shillong and Nodal Officer, Government of Arunachal Pradesh attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. Proposal relates to diversion of 128.97 ha of forest land for Open Cast Coal Mining Project which was granted in-principle approval on 9.06.2004. Subsequently, based on the request received from the Government of Arunachal Pradesh to grant phase wise approval, final approval over 39.02 ha of forest land was granted by the Ministry on 10.04.2006 for which CA and NPV was paid by the user agency.
 - ii. The State Government in 2010 had requested the Ministry to consider final approval in respect of balance forest area of 89.95 ha as the user agency had paid the amount of CA and NPV. Thereafter till 2014, correspondence has been made by the Ministry with the State to submit compliance of in-principle approval and also with the Regional Office to submit the inspection report.
 - iii. In the meantime the coal block was de-allocated and now it has been auctioned to M/s Coal Pulz Private Limited vide vesting order dated 17.08.2023 and accordingly, the Ministry of Coal (MoC) vide their letter dated 5.09.2023 requested MoEF&CC to transfer the approval granted from M/s APMDCL to new allottee in accordance with the provisions of the relevant guidelines issued by the Ministry.
 - iv. The Ministry, after examination of the request of the MoC, vide its letter dated 11.10.2023 requested additional details from the State viz. details of CA and NPV deposited, status of transfer and mutation of CA land, justification for delay in the submission of compliance report, KML

- files of the CA and diverted land, etc. A site inspection of the area was also requested from the Regional Office.
- v. The State Government vide their letter dated 18.01.2024, submitted the information. Regional Office vide their letter dated 28.03.2024 also submitted the inspection report. The Regional Office in its inspection reported no violation of the Adhiniyam and also reported that mining operations are suspended since 2012-13 and no sign of working were observed during the inspection. However, the surrounding area is under immense pressure of illegal mining.
 - vi. Certain violations in the area located outside the approved area of 39.02 ha were observed by the Ministry and accordingly comments of the Regional Office were requested on 12.09.2024. The State Government was also requested on 17.06.2024 to submit the complete compliance of in-principle approval, along with comments on the violation observed in the area and a copy of biodiversity Plan.
 - vii. The State Government vide their letter dated 12.08.2024 submitted their reply viz. compliance of in-principle approval, copy of Biodiversity Plan and informed that no non-forestry activity has been carried out in the area located outside the approved area. There has been further correspondence with the State to seek further additional detail which was replied by the State vide their letters dated 17.12.2024 and 12.02.2025. Regional Office vide its letter dated 26.02.2025 has also submitted its comments on the proposal.
 - viii. The Regional Office in its comments has mentioned that following:
 - a. Compliance of the conditions of Final Approval by the earlier UA for 39.02 ha was found to be satisfactory.
 - b. The rest of the area of 89.95 out of 128.97 ha for which the IPA has been granted by the Ministry has not been utilized and not handed over to the earlier user agency and presently free from encroachment and other encumbrances.
 - c. CA is to be raised over non-forest land
 - ix. As regards to CA, the Committee further noted the following:
 - a. As per the in-principle approval, the CA was to be raised over an equivalent non-forest land of 128.97 ha. Out of which CA has been raised over 39.02 ha as per recent reports received from the State.
 - b. In August, 2003, the State Government had confirmed the availability of 130 ha of non-forest land for CA which was also reported to be mutated in favour of the State Forest Department.
 - c. As per documents submitted in the past an area of 200 ha of non-forest land was identified in the Papumpare District for which draft notification was also submitted by the State on 6.01.2004.
 - d. Subsequently, in May 2018 an area of 112 ha in Papumpare District has been notified as Village Reserve Forest by the State Government.
 - e. Now the State Government has proposed compensatory afforestation over 180 ha of degraded forest land in lieu of balance forest land of 89.95 ha. No detail pertaining to transfer and mutation of non-forest land informed earlier has been provided by the State.

- x. The Nodal officer clarified to the Committee that out of 112.86 notified as VRF, only 39.02 ha of land pertains to the extant proposal. Nodal Officer further informed the Committee that no non-forest land is available in the State for raising compensatory afforestation and accordingly, CA has been proposed over degraded forest land in respect of balance forest land of 89.95 ha.
 - xi. After deliberations on the information submitted by the State Government, Regional Office and submissions made by the Nodal Officer, the Committee noted the following:
 - a. In-principle approval was granted with the stipulation of CA over non-forest land, now the CA has been proposed over degraded forest land in lieu of 89.95 ha. Although as per extant rules and guidelines, the CA in the forest rich States can be undertaken over degraded forest land subject to submission of certificate by the State on non-availability of non-forest land, however, as the non-forest land was already identified and mutated in favour of the State Forest Department, the State Government therefore, should provide the status of said land.
 - b. Proposal involves change in the land use which has been proposed as per approved mining plan. As per guidelines dated 26.12.2024, change in land use can be allowed if it is as per approved mining plan. However, the land use proposed in the proposal should be in consonance with the land use proposed in the approved Mining Plan.
 - c. In-principle approval granted to M/s APMDC needs to be transferred in favour of M/s Coal Pulz Private Limited.
 - d. As per the extant guidelines, area of safety zone is to be included in the total diverted area. The in-principle approval granted on 9.06.2004 does not include safety zone area of 4.68 ha. The same needs to be included in the diversion proposal and accordingly, the total area to be diverted becomes 133.65 ha.
 - e. 1Regional Office of the Ministry has reported the satisfactory compliance of approvals granted by the Ministry to the coal block.
 - xii. Committee, after taking stock of the factual situation, opined that before taking further view on the proposal, the State Government should ensure complete compliance of the in-principle approval by providing the detail of non-forest land identified in 2003 for CA, inclusion of safety zone area in the diversion proposal.
4. **Decision of the Advisory Committee:** The Committee, after detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong and Nodal Officer, Government of Arunachal Pradesh, desired that before taking further view on the proposal, the following additional information may be furnished by the State Government for its further consideration by the Committee:
- i. Justification of the State Government for proposing CA over degraded forest land instead of non-forest land as was approved in the in-principle approval. It may also be informed whether certificate from a suitable officer certifying the non-availability of non-forest land has been obtained by the user agency.

- ii. Detail of 130 ha of non-forest land identified and mutated in favour of the State Forest Department to raise CA in lieu of forest area diverted under this proposal.
- iii. Area of 4.63 ha earmarked for safety zone should be included in the proposal and accordingly, updated detail of CA and area proposed for diversion should be submitted by the State. Proposal of CA should be submitted in accordance with the provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023.
- iv. Component wise breakup or land use given in the approved Mining Plan and proposed in the proposal appears to be varying, the State Government should therefore ensure that land use proposed in the proposal are in consonance with the land use proposed in the approved Mining Plan.

Agenda No. 2

File No. 3ASC/131/2022-GHY

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 diversion of 5.11 ha of deemed forest land for operation of Bheleuguri Stone Mahal in favour of Md. Kamal Ahmed in Doboka Reserved Forest under Nagaon Division, in Hojai District of Assam (Online proposal No. FP/AS/QRY/148460/2021)- regarding.

1. The above stated agenda item was considered by the Advisory Committee in its meeting held on 16.04.2025. The DIGF (Central), Regional Office, MoEFCC, Shillong attended the meeting. Nodal Officer, Government of Assam did not attend the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. Legal status of the land proposed for diversion is dictionary meaning forests. Out of total forest area of 5.11 ha, 4.14 ha has been proposed for mining, 0.86 for safety zone and 0.11 ha has been proposed for approach road.
 - ii. Vegetation density of the area has been reported to be 0.0 (Eco Class-I) having 19 project affected trees out of which 8 trees have been proposed to be felled.
 - iii. Compensatory afforestation has been proposed over equivalent 5.11 ha of non-forest land in a single patch at Monglai Phunglo Village of Dima Hasso District. CA scheme with financial outlay of Rs. 30,48,363/- has been submitted. Site suitability certificate has been submitted by the DCF concerned.
 - iv. Proposal does not form the part of any Protected Area of Eco-sensitive Zone. Nearest Protected Areas viz. Laokhowa Burchapori WLS, Kaziranga NP and East Karbi Anglong WLS are located at a distance of 36.65 km, 48.66 km and 50.45 km, respectively from the area proposed

for diversion. The proposed forest area falls within the notified Elephant Reserve, the CWLW of the State has recommended the proposal with mitigation measures.

- v. There are another 2 mines viz. Lankajuri and Beldenga mines located in the close vicinity of the extant mine. It is reported by the Regional Office that these mines form a cluster of mines. Proposal for another two mines have also been submitted by the State Government for the prior approval of the Central Government.
- vi. No Violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been reported by the concerned DFO. The proposal doesn't involve displacement of persons as reported by the State Govt.
- vii. The Regional Office of the Ministry has conducted the site inspection of the area and recommended that the project is site-specific and the presence of stone is found in the proposed hillock and found nowhere in the nearby non-forest land. Considering the many infrastructure projects of the state like highways, railways etc. the supply of boulders for the projects is essential. Hence, the project is recommended. Other observations of the Regional Office are given as under:
 - a. The area is already mined as observed during field visit. An area of 0.9 ha has been approved vide Regional Office letter dated 26/09/2000. The area however appears to have been worked for more than 0.9 ha.
 - b. Proposed mine is planned for a supply of stone of 70,000 cum per year and 3,50,000 cum for 5 years, as indicated in the mining Plan. Given the fact that part of the area is already mined and safety zone is also carved out from the mining lease, the balance area may not be sufficient to meet the annual production 350000 cum in 5 years, which may lead to mining from un- diverted area to meet the required target. State government need to take utmost caution on this matter.
- viii. Proposal was earlier considered by the Advisory Committee in its meeting held on 23.09.2024 wherein the Committee desired additional information viz. recommendation of CWLW, comments of PE Division, comments of the Regional Office on the cluster of mines located in the area and measures proposed for transportation, revised tree enumeration and site suitability certificate from the DCF.
- ix. In pursuance to the observations of the Advisory Committee, the State Government has furnished the information along with the comments of the CWLW. The CWLW has recommended the proposal with mitigation measures such as manual mining operations without blasting, no mining between sunset and sunrise, deposition of 2% project cost in the corpus fund to mitigate human-elephant conflict, etc.
- x. The Project Elephant Division in their comments has inter-alia mentioned that proposed site is completely within the critical elephant habitat and Kaziranga – Karbi Anglong Elephant Reserve.
- xi. The Regional Office has also furnished the information inter-alia informing that cluster of mines viz. Bheluguri, Beldenga and Lankanjuri mines are located at a distance of more than 500 meters from each other. The Regional Office also informed that mined out material from these mines will be transported to the nearby existing stone crushers units from where

it will be further transported to different parts of the State. The existing stone crushers are located within a distance of 0.7 km to 1.5 from the mine cluster.

- xii. Another 4 mines have also been approved by the Ministry in the past and two more proposals are under consideration in the State. The Regional Office has also reported that there are 18 old mines in the area. In addition to these mines few more approvals have been given in the Doboka Reserved Forest by the Regional office. Committee opined that a clear picture of total mining leases operating in the areas, status of approvals granted by the Central Government and status of reclamation measures needs to be intimated by the State.

4. Decision of the Advisory Committee: The Committee, after deliberation and discussion with the DIGF, Regional Office, Shillong desired that following additional details may be furnished by the State for its further consideration by the Committee:

- i. To have a holistic view of the area, details of total mines operating in the areas, closed, and new mining leases proposed by the State may be furnished along with the detail of area involved and status of approval, if any, obtained under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- ii. The Regional Office in its inspection report has reported excess area worked out by the user agency in the already approved area. Detail of excess production, if any, realized from the approved area and remedial or penal action, including action under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, taken by the State Government may be informed to the Ministry.
- iii. The State Government may furnish its comments on the observation of the Regional Office regarding production capacity of the mining lease which appears to be not attainable given the area proposed for diversion.
- iv. The State Government may furnish its comments on the feasibility of the recommendation of the CWLW regarding manual mining operations without blasting vis-à-vis mining operations suggested in the approved Mining Plan.
- v. The State Government shall clarify whether the extant mining lease and other mining leases, proposed in the Doboka Reserved Forest, fulfills the criteria of cluster mining as per the relevant guidelines issued by the Ministry.

Agenda No.3

File No. 3ASC/152/2022-GHY

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Sri Bishnu Ram Bordoloi, Assam for non-forestry use of 5.12 ha. of Reserved forest for Operation of Beldenga Stone Mahal in Doboka Reserved Forest under Nagaon Division, Hojai District in the State of Assam (Online proposal No. FP/AS/QRY/153044/2022)- regarding.

1. The above stated agenda item was considered by the Advisory Committee in its meeting held on 16.04.2025. The DIGF (Central), Regional Office, MoEFCC, Shillong attended the meeting. Nodal Officer, Government of Assam did not attend the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. Extant proposal relates to diversion of 5.12 ha of Reserved Forest land for operation of Beldenga Stone mines in favour of Shri Bishnu Ram Bordoloi in Doboka Reserved Forest under Nagaon Division, in Hojai District of Assam for extraction of stone and boulder and to meet the demand of government infrastructure projects.
 - ii. Legal status of the forest land is Reserved Forests. Mining has been proposed in 4.32 ha while 0.68 ha and 0.12 ha have been proposed for safety zone and approach road respectively.
 - iii. Canopy density of 0.1 has been reported with 13 project affected trees.
 - iv. Distance from nearest Protected Area is 40.55 km from Laokhowa WLS. The proposed forest area falls within the Kaziranga-Karbi Anglong Elephant Reserve.
 - v. Compensatory Afforestation has been proposed over an area of 5.12 ha equivalent non forest land in Thlanghoi Village area falling within the jurisdiction of Garampani Range of Dima Hasao Forest Division, Haflong District, Assam
 - vi. The validity of lease is 5 years with the maximum quantity of Stone recommended for extraction is 2,50,000 CuM. Mining plan has been approved by the Directorate of Geology & Mining, Assam on 08.12.2021 which is valid up to 07.12.2026.
 - vii. No violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been reported.
 - viii. The Regional Office, after preliminary examination, additional information related to wildlife, compensatory afforestation, reclamation plan, etc. was sought from the State Government on 30.12.2022, 11.09.2023 and 14.11.2023. The State Government vide its letter dated 22.12.2023 furnished the reply to the observation.
 - ix. The Regional Office in their recommendations made in the inspection report mentioned that the project is site-specific and the presence of stone is found in the proposed hillock and found nowhere in the nearby non-forest land. Considering the many infrastructure project of the state like highways, railways etc. the supply of boulders for the projects is essential. Hence, the project is recommended. The Regional Office recommended the proposal with the following conditions:
 - a. The boundary of the CA land, if not demarcated on ground, should be demarcated immediately to avoid confusion and possible encroachment.
 - b. The State Govt has to ensure that the Mining area and the Safety zone is properly demarcated with pillars. Moreover the safety zone

- after demarcation with pillars ought to be afforested and kept intact throughout the operation of the mine.
- c. Regular monitoring of the project by DFO, CCF/CF to ensure strict adherence to conditions and reclamation regime.
 - x. The matter related to impact of stone mining in the area has been deliberated by the Committee while discussing the agenda item pertaining to the Bheleuguri Stone mining lease of M/s Md. Kamal Ahmed. The observations made therein will be applicable in the extant case also.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, recommended that observations made in the agenda item pertaining to the Bheleuguri Stone mining lease of M/s Md. Kamal Ahmed shall apply mutatis mutandis in the extant proposal also. In addition to said observations, the following detail shall be submitted by the State for its further consideration by the Committee:
- i. The KML file of the proposed area depicting the safety zone area should be uploaded on PARIVESH by the State Government.
 - ii. Discrepancies in the area of safety zone and number of trees as revealed in the inspection report shall be rectified and accordingly updated in the online proposal in PARIVESH.
 - iii. Examination of Google Earth Satellite Imagery revealed an unmetalled road in the area proposed for CA. The State Government may clarify whether the said road is being used by the local communities for connectivity or otherwise and alternate means of connectivity, if required, in case the same is closed to ensure protection of proposed CA land.

Agenda No.4

File No. 3ASC/148/2022-GHY

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Md. Imdad Ali, Assam for non-forestry use of 5.42 ha. Reserved forest for operation of Lankaijuri Stone Mahal in Doboka Reserved Forest under Nagaon Division, Hojai District in the State of Assam (Online proposal No. FP/AS/QRY/155191/2022)- regarding.

1. The above stated agenda item was considered by the Advisory Committee in its meeting held on 16.04.2025. The DIGF (Central), Regional Office, MoEFCC, Shillong attended the meeting. Nodal Officer, Government of Assam did not attend the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. Extant proposal relates to diversion of 5.42 ha of Reserved Forest land for operation of Lankaijuri Stone mines in Doboka Reserved Forest under

- Nagaon Division, in Hojai District of Assam for extraction of stone and boulder and to meet the demand of government infrastructure projects.
- ii. Legal status of the forest land is Reserved Forests. Mining has been proposed in 4.37 ha while 0.63 ha and 0.42 ha have been proposed for safety zone and approach road respectively.
 - iii. Canopy density of 0.1 has been reported with 13 project affected trees.
 - iv. Distance from nearest Protected Area is 40.82 km from Laokhowa WLS. The proposed forest area falls under Kaziranga-Karbi Anglong Elephant Reserve.
 - v. Compensatory Afforestation has been proposed over an area of 5.42 ha equivalent non forest land in Thlanghoi Village area falling within the jurisdiction of Garampani Range of Dima Hasao District, Assam with financial outlay of ₹35,23,934/-. CA suitability certificate is submitted. Undertaking for mutation and notification of the identified non forest land for CA site is also submitted.
 - vi. No violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 have been reported. Certificate to this effect has been submitted by DFO concerned.
 - vii. The validity of lease is 5 years with the maximum quantity of Stone recommended for extraction is 2,00,000 CuM (1,50,000 CuM for contract holder and 50,000 CuM for various development work). The Mining Plan has been approved by Directorate of Geology & Mining, Assam on 08.06.2022 and is valid up to 07.06.2027.
 - xi. After preliminary examination of the proposal by the Regional Office, additional information related to wildlife, compensatory afforestation, reclamation plan, etc. was sought from the State Government on 30.12.2022, 11.09.2023 and 14.11.2023. The State Government vide its letter dated 22.12.2023 furnished its reply.
 - xii. The Regional Office in their recommendations made in the inspection report mentioned that the project is site-specific and the presence of stone is found in the proposed hillock and found nowhere in the nearby non-forest land. Considering the many infrastructure projects of the state like highways, railways etc. the supply of boulders for the projects is essential. Hence, the project is recommended. The Regional Office recommended the proposal with the following conditions:
 - a. The boundary of the CA land, if not demarcated on ground, should be demarcated immediately to avoid confusion and possible encroachment.
 - b. The State Govt. has to ensure that the Mining area and the Safety zone is properly demarcated with pillars. Moreover the safety zone after demarcation with pillars ought to be afforested and kept intact throughout the operation of the mine.
 - c. Regular monitoring of the project by DFO, CCF/CF to ensure strict adherence to conditions and reclamation regime.
 - xiii. The matter related to impact of stone mining in the area has been deliberated by the Committee while discussing the agenda item pertaining to the Bheleuguri Stone mining lease of M/s Md. Kamal Ahmed. The observations made therein will be applicable in the extant case also.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong recommended that observations made in the agenda item pertaining to the Bheleuguri Stone mining lease of M/s Md. Kamal Ahmed shall apply mutatis mutandis in the extant proposal also. In addition to said observations, the following detail shall be submitted by the State for its further consideration by the Committee:
- i. The KML file of proposed area depicting the safety zone area should be uploaded on PARIVESH by the State Government.
 - ii. Discrepancies in the area of safety zone and number of trees as revealed in the inspection report shall be rectified and accordingly updated in the online proposal in PARIVESH.
 - iii. Examination of Google Earth Satellite Imagery revealed an unmetalled road in the area proposed for diversion. The State Government may clarify whether the said road is being used by the local community for connectivity or otherwise and alternate means of connectivity, if required.
 - iv. Violation of the conditions of earlier approval granted for 0.9 ha of forest land by utilizing excess area than the approved area has been reported by the Regional Office. Action taken by the State Government against the illegal mining as per extant Acts including the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 will be furnished by the State.

Agenda No. 5

File No: 8-02/2024-FC

Sub: Proposal for seeking prior approval of the Central Govrnment under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s NMDC-CMDC Limited for non-forestry use of 682.2722 ha (570.100 ha inside lease and 112.1722 ha outside lease) forest land for Bailadila Iron Ore Deposit-4 Mine in Dantewada Forest Division, South Bastar, Dantewada District in the State of Chhattisgarh (Proposal No. FP/CG/MIN/146694/2021).

1. The agenda for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer, Govt. of Chhattisgarh and DDGF (Central), Regional Office, MoEF&CC, Nagpur attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The Government of Chhattisgarh vide their letter no. 5- 39/2023/10-2 dated 02.02.2024 submitted the proposal seeking prior approval of the

- Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to the Ministry .
- ii. The total forest area under the proposal is 682.2722 ha of forest land which is located in Dantewada Forest Division, District:- Dantewada, Chattisgarh.
 - iii. The proposed forest area is Reserved forest (670.177 ha) and Revenue forest (12.0952 ha) with canopy density of 0.6 (Eco Class-1) and 3,40,330 number trees have been proposed to be felled.
 - iv. The Compensatory Afforestation has been proposed on 836.436 ha double Degraded Forest Land (DFL) in Jajgir-Champa forest division and 530.302 ha double degraded forest land in Marwahi forest division (totaling 1364.5444 ha) Total patches of the CA land are 41.
 - v. As per justification submitted by User Agency, the proposal has been submitted to achieve the targets set by National Steel Policy-2017 and to increase the iron ore production capacities of 100 MTPA by 2030. Accordingly, NMDC has targeted to achieve Iron Ore production of 100 MTPA by 2030. Out of this, 86 MT is planned from the Bailadila Sector. Out of this, NMDC planned for opening up of green field projects and enhance capacity expansion of brown field projects. Projects identified under green field were Bailadila Iron Ore Deposit-13 and 4.
 - vi. The State Government has recommended the proposal subject to following conditions :-
 - a. There is possibility of negative effect on tree-fern species available in gali-nalla due to mining activities. Therefore, a study to be conducted by expert of ICFRE, Dehradun to ascertain the minimum distance of mining and infrastructure activities from tree-fern areas.
 - b. Apart from this, construction of conveyor belt under infrastructure construction is proposed at compensatory afforestation site located in block no. in 1826 and 1827. It would be appropriate to charge a compensatory amount separately in lieu of the compensation afforestation affected land for the conveyor belt construction.
 - vii. There is an existing tree fern area inside the mining lease which is a rare species and is important from the conservation point of view. However, the said tree fern area of 76.496 Ha has not been included in the forest diversion application and no non-forestry use has been planned in the tree fern area.
 - viii. The state forest department had undertaken the study of the 'Bailadila Deposit-4 Mine of NMDC-CMDC Ltd. to ascertain the safe distance from the existing tree fern habitat before carrying out mining activities and infrastructure development", from the Indian Council of Forestry Research and Education, Dehradun. The ICFRE in its report has recommended/advised various preventive measures/steps to be taken for the conservation of the tree fern area located inside the mining lease. The salient recommendations of the ICFRE study report are as under:-
 - a. During the mining operations when the workings will go deeper, the bottom benches will be formed below the bed of the Galli Nalla in the North and South Blocks. As per the

conceptual mining plan, the Northern Block will be backfilled by the mine waste generated from the South Block, and the South Block will be reclaimed by forming a water reservoir. Moreover, the horizontal distance of the bottom benches formed in the north and south blocks will be at a distance of more than 332m and 251m respectively and there will be no adverse effect on the water regime and the tree fern habitat. However, the user agency has been advised to restrict the initial mining operations to at least 5m above the Galli Nalla bed across the strike of the deposit in the North Block. On reaching the Bench levels in the North Pit to the corresponding levels of the Galli Nalla, the impact of mining operations on Galli Nalla may be monitored periodically on various environmental parameters, particularly for seepage of water. Based on the results, further deepening of the mining activity may be planned.

- b. No float ore mining shall be undertaken on the eastern slope of the western ridge of Deposit-4 /western slope of Galli Nalla.
 - c. No loose stacking of minerals be made on the eastern slope of the western ridge of Deposit-4 /western slope of Galli Nalla.
 - d. The proposal has been made to dump mine waste for the first 3 years on the eastern slope of Deposit-4 as Dump No. 1. The proposal has to be revoked and no mine waste dumping should be done on the eastern slope of the western ridge.
 - e. The user agency should follow the recommended safe distance of 150 meters and 191 meters respectively towards the west and east of Galli Nalla bank for mining operations subject to the strict adherence to the implementation of environment protection measures suggested in Chapter 7 of the ICFRE Report.
- ix. The proposal was examined in the Ministry and the Ministry has sought certain details from State Government which include justification of submitting the proposal as proposal for diversion of 665.230 ha forest land for Bailadila iron ore mine in favour of NMDC was rejected by the Central Govt vide letter dated 17/04/2017, whether before opening up new area a study to assess the maximum permissible production level which can be sustained ecologically without hampering the existing natural resources has been conducted in the Bailadila Mountain Range and reasons for proposing infrastructure component on forest land etc.
- x. The State Government has informed that the proposal for diversion of 665.230 Ha. forest land for Bailadila Iron Ore mine was rejected by Forest Advisory Committee of Ministry of Environment, Forest and Climate Change, Government of India with letter number F.No. 8-12/2016-FC dated 17.04.2017 and mentioned about Opening of new pristine forest area for mining especially deposit -4 will have adverse impact on the local ecological regimes specially water and tree fern and therefore opening of the new mining area in Deposit-4 containing

pristine forest does not deserve consideration for diversion under the Forest (Conservation) Act, 1980 and is not recommended for approval by committee due to adverse effects on tree fern and biodiversity rich area. In present proposal also, State Government has conducted proper ecological study by ICFRE to ascertain impact of mining on local ecological regimes.

- xi. The State Government has also informed that until now, no such ecological study to assess the maximum permissible production level which can be sustained ecologically has been undertaken in the Bailadila Hills. Further, it is informed that the User Agency is finding very difficult in getting Non-Forest land for infrastructure beyond the Bailadila Reserve Forest.
- xii. As per DSS analysis report, the High resolution satellite imagery shows the presence of dense forest inside the proposed forest land for diversion. The instant proposal falls under Inviolable or in high conservation zone (HCV) category. The Compensatory afforestation (CA) has been proposed over forest land twice in extent to the forest land proposed for diversion and its software calculated area is found 1521.74 ha (software calculated). CA has been proposed in total 41 patches located in Bilaspur and Janjgir Champa districts of Chhattisgarh state.
- xiii. The Site Inspection of the proposal was carried out by Shri C.B. Tashildar, AIGF, Regional Office, Nagpur on 06.12.2024 and 07.12.2024. During the site visit, a built-up area (Road and downhill conveyor) was noticed inside the ML area of Deposit-04. The user agency has informed that the said area belongs to the infrastructure for the downhill conveyor system of the Bailadila Iron Ore Deposit-5 of the NMDC Ltd. and the same was constructed before the year 1980. The user agency has also provided the Survey of India toposheet, sheet number E44J2 dated 1973, where the said road can be seen in existence.
- xiv. After examining the proposed activity under the project and cross-verified during the site inspection, AIGF (C), Regional Office, Nagpur opined that, as the User Agency has proposed the forest area for diversion, for mining and transportation of Iron Ore, which will enable the user agency to achieve the production of 100 MTPA by year 2030 and is in-line with National Steel Policy-2017. Hence, it is opined that the proposed area for diversion is site-specific for the project and the user agency has further informed that the project is conceptualized with environmentally friendly practices like the use of covered conveyor belts, dry disposal of tailings using filter press technology etc.
- xv. The proposal is recommended by DDGF (Central), Regional Office, Nagpur subject to the following:-
 - a. The observations and recommendations made by the ICFRE shall be followed in toto with regard to the tree fern area.
 - b. Appropriate decision for pre-1980 structures as observed during the site inspection may be taken by the competent authority.
- xvi. The State Govt had earlier submitted a proposal for diversion of 665.230 ha forest land for Bailadila iron ore mine in favour of NMDC

which was rejected by the Central Govt vide letter dated 17/04/2017. In the earlier proposal, as per recommendation of FAC in its meeting held on 24.08.2016, the Ministry constituted a Committee under the Chairmanship of ADGF (FC) to visit the site and submit its comments whether opening of new areas is necessary or reserve base already available in mining leases which have been already approved by the Central Government in the name of user agency will meet the demand of iron ore.

- xvii. After thorough examination of the mining leases of the M/s NMDC, the Committee concluded following:
- a. Currently, the NMDC has 9 mining leases granted in their favour and out of total 9 mining leases, 6 mining leases 3 in Kirandul and 3 in Bachel are currently operational All these mining leases have approved production capacity of 36 MTPA and so far the NMDC could attain a maximum production level of approximately 23 MTPA.
 - b. Past trend of estimated reserves in the existing mining leases of NMDC revealed the substantial increase in the mineral reserve base which is most likely to increase further in future. Currently, the NMDC has reserves (excluding the reserves of Deposit-13 and Deposit-4) almost 2 times of the Reserves estimated initially at the time of commencement of mining operations. These reserves are likely to increase with further deep exploratory drilling. Mineral reserve base (proven + probable) appears to be sufficient to sustain the iron ore requirement in near future.
 - c. The area covered under Deposit-4 has rich forests, except in rock exposed areas, with average density 0.8 or more. Opening of such forest rich area may have adverse impact on the ecological regime of the area.
 - d. The NMDC has its mining leases spread over an area of approximately 8 Sq. Km. in the Bailadila Mountain Range. Given the state of limited natural resources in the area viz. water bodies, unique tree species, wildlife, etc. and also the local infrastructure viz. roads, railway track, there is need to assess the ecologically sustainable production level in the area. So far, there is no such baseline study available for the region to suggest the cap of maximum production which can be harnessed from the area. Therefore, before opening up new area a study to assess the maximum permissible production level which can be sustained ecologically without hampering the existing natural resources should be conducted in the Bailadila Mountain Range.
 - e. The Committee also observed that with the advancement of mining operation in Deposit-10 and Deposit – 4 (if considered for approval), the microclimate supporting the Tree Fern will likely to be destroyed which may cause the loss of Tree Ferns Species. Therefore, in order to maintain the microclimate of the area enough to support the Tree Fern habitat, catchment area falling in the mining lease should be

enriched to ensure development of water resources. However, mining and development of water resources are inversely related and cannot go hand in hand. Therefore, giving due consideration to the unique 'Tree ferns species found in the area, special conservation, protection and development measures for "tree ferns' species should be implemented in the area after conducting a scientific study in the area and if needed, the area of mining lease may be further reduced to sustain the functions of microclimate.

- f. Removal of iron ore from the top of the hill will slowly reduce the height of the hill and the altitude will be reduced from 1200 meters to 600 meters, thereby exposing the habitat of the endangered Tree Fern species and will adversely affect their habitat making it unsuitable for survival. Also the dust and other debris will add to the woes of the Tree Ferns.
 - g. The area is dominated by pristine forests with an average density of 0.8.
- xviii. In view of the above, the Committee recommended that NMDC has sufficient iron ore reserve base in its mining leases. Opening of the new pristine forest area for mining especially Deposit-4 will have adverse impact on the local ecological regimes specially water sources and Tree Ferns and therefore opening of the new mining area in Deposit-4 containing pristine forests does not deserve consideration for diversion under the Forest (Conservation) Act, 1980 and is not recommended for approval.
- xix. In view of the above recommendation of the Committee, the FAC in its meeting 28.02.2017, after thorough deliberation on the inspection report submitted by the Committee headed by ADGF (FC) decided not to recommend the proposal and this recommendation of FAC was accepted by the Competent Authority and the proposal was rejected by the Ministry.
- xx. The Committee observed that the proposal was earlier rejected based upon the recommendations of a committee headed by ADGF wherein the committee inter-alia observed that before opening up new area a study to assess the maximum permissible production level which can be sustained ecologically without hampering the existing natural resources should be conducted in the Bailadila Mountain Range. The state has to give a detailed justification addressing the concerns raised by the said committee.
4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO, Nagpur and Nodal Officer, Govt. of Chattisgarh and after going through the facts of the proposal the Committee decided to '*defer*' the proposal with the following observations:-
- i. The State Govt. shall give a detailed pointwise justification addressing the concerns raised by the Committee headed by ADGF(FC) based upon which the Advisory Committee in its meeting held on 28.02.2017 decided not to recommend the proposal.
 - ii. The State Govt. shall examine and inform whether existing mines are working on the peak capacity levels or otherwise. The authentic data of production of iron ore from the Bailadila region shall be submitted in

this regard. In case, the peak capacity of the existing mines is not being utilized, the justification for the instant proposal shall be re-examined and submitted accordingly.

- iii. An ecological study to assess the maximum permissible production level which can be sustained ecologically shall be undertaken in the Bailadila Hills by the State Government and report be submitted for further decision on the matter.
- iv. As per DSS analysis, 235 ha DFL proposed for Compensatory Afforestation has been found to be Medium Dense Forest(MDF). In this regard, the state shall provide suitable area for compensatory afforestation as per applicable guidelines.
- v. The tree fern area has not been included in the diversion proposal. In this regard, justification for not excluding the said area from the mining lease shall be submitted.
- vi. Part of the area included in the earlier diversion proposals is overlapping with the instant project. The details of the said area and the components for which it is being used and its proposed future land use shall be provided.

Agenda No. 6

File No. FC-6/GJB-46/2022-GNR

Sub: Diversion of 0.0555 ha. (Online 0.0388 ha.) Protected Forest for construction of approach road for factory of Maruti Suzuki India Ltd. abutting o SH-7 at Km. 36.850 right side at S. NO. 79 at Village: Sitapur & at Km. 43.250 left side at S. NO. 335 at Village: Hansalpu, Taluka Mandal, District Ahmedabad in favour of General Manager, Maruti Suzuki India Ltd., Old Palam Gurgaon Road Gurgaon. (FP/GJ/Others/20758/2016).

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer, Govt. of Gujarat and DIGF (Central), Regional Office, MoEF&CC, Gandhinagar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The Government of Gujarat with their recommendation submitted the proposal online vide letter no. FCA-1022/2-02/22/SF-81/F dated 16th June, 2022 on Parivesh portal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980 to Regional Office, Gandhinagar.
 - ii. The total forest area under the proposal is 0.0555 ha (0.0388ha as per online proposal) of forest land which is located in village:- Hansalpu, Taluka:- Mandal, District:- Ahmedabad, Gujarat.

- iii. The proposed forest area is protected forest with canopy density of 0.0 (Eco Class-4) and no trees have been proposed to be felled.
- iv. The proposal was examined in the Regional Office, Gandhinagar and Regional Office has sought certain details from State Government which include details of violation, action take for violation under Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980 and reasons for considering the proposal for diversion instead of regularization of encroachment.
- v. The State Government has informed that the User Agency has constructed the RCC road in 388 Sq.m. area of the proposed diversion area in year 2018 without prior approval of the Government of India. Action has been taken by registering the first crime report No. 08/2018-19 dated 06/11/2018 by the Range Forest Officer, Mandal. In addition to the area demanded by the user agency, User Agency has constructed the RCC road in 167 Sq.m. area in year 2021 without prior approval of the Government of India. Action has been taken by registering the first crime report No. 01/2021-22 dated 20/06/2021 by the Range Forest Officer, Mandal. User Agency has constructed RCC road in 555 sq.m. area in two stages without prior approval of the Government of India. Hence, an undertaking to pay penal NPV and Penal CA has been obtained from the User Agency-Maruti Suzuki India Limited.
- vi. The State Government has also informed that for the said violation, disciplinary action has been taken against Shri S. V. Barot, Beat Guard and Shri J. B. Bhatia, Forester-Vithalapur and In-charge Range Forest Officer-Mandal under the Gujarat Civil Services (Discipline and Appeal) Rules-1971. Further, it was also informed that the User Agency Maruti Suzuki India Limited is an international automobile company. Considering economic and infrastructure development in the State, the Government of Gujarat had signed an MoU with the User Agency. The approach road in question is the only option to access the land allotted to the User Agency under the said MoU. Further, the land in question is adjacent to the area declared as SH-7 Ahmedabad-Viramgam road side protected forest. In view of above, State Govt. has requested to approve the proposal with a condition of payment of penal NPV by the User Agency.
- vii. The Compensatory Afforestation has been proposed on 1.00 ha degraded Forest Land in Block/Compartment/Survey No.- 58, Village-Palanpur Range & Tehsil- Halol, District- Panchmahal.
- viii. As per DSS analysis report, the user agency has submitted the present proposal for diversion of 0.0553 ha. (software calculated) instead of 0.0388 ha as per proposal. The State Government has proposed compensatory afforestation over forest land. Total area of proposed CA land is found 1.015 ha (software calculated).

- ix. The Site Inspection of the proposal was carried out by Shri Shrawan Kumar Verma, DIGF, Regional Office, Gandhinagar on 24.02.2025. DIGF (C), Regional Office, Gandhinagar has recommended the proposal diversion of 0.0555 ha forest land for non-forest purpose for construction of approach road for factory of Maruti Suzuki India Limited with general, standard and following specific conditions:-
 - a. The penalty for violation for use of 0.0555 ha forest land for non-forest purpose shall be equal to NPV of the forest land per hectare for each year of violation from the date of actual violation as reported by the forest department with maximum up to five (5) times the NPV plus 12 percent simple interest till the deposit is made.
 - b. The action has to be initiated against the officers who are responsible for violation under Section 3A & 3B for allowing violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - c. (c)The User Agency shall carryout at its cost Penal CA on one Km length of ROW on both sides on both the locations with suitable species decided by the State Forest Department after constructing chain linked fencing and maintaining it as Green Cover.
 - d. User Agency shall provide at its cost required number of Solar Pumps as given by the Forest Department for the CA and Penal CA for irrigating the CA plantation.
 - x. The area proposed for diversion is less than one hectare and in this regard the Rule 13(5)(b) provides that in such cases the cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation. Keeping in view the violation in the instant case the committee observed that the user agency may be asked to provide the cost of compensatory afforestation over degraded forest land of at least one hectare.
4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DIGF (Central), RO, Gandhinagar and Nodal Officer, Govt. of Gujarat and after going through the facts of the proposal, the Committee recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.0555 ha. Protected Forest for construction of approach road for factory of Maruti Suzuki India Ltd. abutting o SH-7 at Km. 36.850 right side at S. NO. 79 at Village: Sitapur & at Km. 43.250 left side at S. NO. 335 at Village: Hansalpu, Taluka Mandal, District Ahmedabad in favour of General Manager, Maruti Suzuki India Ltd., Old Palam Gurgaon Road Gurgaon subject to the general, standard and following specific conditions:-
- i. The penalty for violation shall be equal to NPV of forestland per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the

- NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
- ii. The area proposed for diversion is less than one hectare and in this regard the Rule 13(5)(b) provides that in such cases the cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation. In this regard the user agency shall provide the cost of compensatory afforestation over degraded forest land of at least one hectare.
 - iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.
 - iv. The State Government shall initiate disciplinary action against the officials concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.

Agenda No. 7

File No. 8-41/2009-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s HPPCL for non-forestry use of 909 ha. (Original proposed 901.00 ha.) of forest land for Construction of Renukaji Dam Project in Sirmour District in the State of Himachal Pradesh (Online Proposal No. FP/HP/IRRIG/631/2009)- regarding.

1. The agenda item was considered by the AC in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The State Government of Himachal Pradesh vide letter No.FFE-B-F/(2)/34/2009 dated 30.04.2009 submitted above mentioned proposal seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 909 ha. (Original proposed 901.00 ha.) of forest land for Construction of Renukaji Dam Project in Sirmour District in the State of Himachal Pradesh.

- ii. The Committee was informed that after examination of the proposal, 'in-principle' approval was accorded vide Ministry letter dated 20.02.2015 with a condition that:

"Compensatory Afforestation over degraded forest land on the mountain slopes along the River Giri downstream of the proposed Dam, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency. This area is estimated at 939 ha and therefore Compensatory Afforestation is required over 1879 ha".

- iii. As the area proposed for diversion was 909 ha, details of CA for 1840.8640 ha was submitted by the State Government along with compliance report. After examination of KML in the Ministry, it was observed that three CA sites pair in Nahan Forest Division and one CA site pair in Rampur Forest Division was found to be overlapping. The same was communicated to the State Government on 29.10.2024.
- iv. Accordingly, State Government vide letter No.Ft.48-1775/2018 (FCA) dated 05.03.2025 submitted revised CA details of few patches. CA details are as under:

Sl. No.	Name of the Division	Old CA site name	Old CA area (ha)	New CA site name	New CA area (ha)
1.	Nahan	RF Bhogpur Kotla C-1=40 hect. of Kotla beat	40.2786	Bhagpur Kotla C3	40.2
		RF Bhogpur Kotla C-4=02 hect of Neron Beat	2.0110	RF Bhogpur Kotla C5	5.3 ha
		RF Bhogpur Kotla C-4=03 hect of Neron Beat	3.0241		
		RF Trilokpur C-3 Trilokpur beat = 20 hect	20.0763	RF Trilokpur C2	20.2
2.	Nalagarh	churangal shamlat 5	4.9960	Beli Dyor Shamlat	5.0
		HATHEORA 4	4.0025	DPF Raitwali	4.0
3.	Una	Sarkaru beat	30.370 (21 ha. is MDF). Remaining 9.37 ha. is retained	Reuka Ji	31.706 ha (instead of 21 ha.). 31.706 is proposed + 9.37= 41.076 ha
4.		D-5 Gahan C-	12.0523	D-10 Bagalti C3	5.0

	Rampur	4 12 ha		UP Chachi	7.0
		D-6 Peojna C-4 3 ha	3.0462	D-9 Tangridhar C2	3.0
		D-115 Ruhan (Makroli) (10 Hectare)	10.1975	Makroli	10.0
Total			109.0545		130.7 + 9.37 = 140.776

- v. The Committee was further informed that as per request of the State Government, validity of Stage- I approval dated 20.02.2015 was extended for 2 years w.e.f. 20.02.2022 vide Ministry letter dated 29.03.2022 subject to submission of following information immediately:
- KML files/DGPS maps of the proposed forest land and proposed CA area.
 - Revised list of the enumeration of the trees.
 - Revised CA scheme with revised cost structure/site suitability certificate.
 - NPV shall be paid at revised rate.
 - Compliance of Stage I stipulations.
- vi. The Government of Himachal Pradesh vide their letter No. Ft.48-1775/2018 (FCA) dated 16.02.2024 submitted a report on compliance of conditions stipulated in the Stage- I approval accorded by the Ministry vide letter dated 20.02.2015. Examination of the said compliance in the Ministry revealed certain shortcomings and the same was communicated to the State Govt. vide this Ministry's letter dated 15.03.2024.
- vii. The Government of Himachal Pradesh vide letter No.Ft.48-1775/2018 (FCA) dated 12.07.2024 submitted information as sought vide Ministry letter dated 15.03.2024. After examination of information submitted by the State Government, it was observed that the information submitted by the State Government is incomplete, the same was communicated to the State Government on 29.10.2024.
- viii. The, Government of Himachal Pradesh vide letter No.Ft.48-1775/2018 (FCA) dated 05.03.2025 which was received in the Division on 18.03.2025 submitted information as sought vide Ministry letter dated 29.10.2024. Summary of the compliance report is as under:

Sl. No.	Query raised by MoEF&CC on 10.12.2024	Reply from the State Government on 17.03.2025
1.	KML file of alternative road identified by the State Government was submitted, KML files were analyzed by the DSS cell of this Ministry and it was observed that the details submitted could not read	It is mentioned that the revised KML file of alternative road is attached along with the letter. However, KML files were analyzed by the DSS cell of this Ministry and it was observed that the details

	by DSS. Consolidated single KML file of alternative road needs to be submitted by the State Government.	submitted could not read by DSS. Consolidated single KML file of alternative road needs to be submitted by the State Government.
2.	Permission of NBWL for changing the conditions imposed by the NBWL on the matter of construction of Fish ladders in Renuka Dam and Dadahu Barrage in compliance to condition No. xxvi (f) of Stage- I approval is not complied. The State Government has said that issue regarding waiving off the condition regarding construction of Fish Ladder at Renukaji Dam has been forwarded to the Addl. Deputy Inspector General of Forests (WL) MoEF&CC, New Delhi by PCCF (WL) HP on 27-06-2024. The State Government is requested to provide present status on the matter.	It is mentioned that user agency has intimated that condition for the construction of Fish Ladder has been waived off by the Standing Committee of NBWL vide 80 th meeting dated 15.10.2024, copy of the same is attached. Undertaking of user agency regarding construction of fish hatcheries on upstream and downstream of the dam is attached.
3.	The KML files has been examined by the DSS cell of this Ministry, it was observed that three CA sites pair in Nahan Forest Division and one CA site pair in Rampur Forest Division is found to be overlapped. In this regard the State Govt. is requested to kindly submit the revised KML files of the overlapping areas.	It is mentioned that user agency has intimated that four CA sites of Nahan Forest Division (65 ha.) appearing at Sr. No. 69 to 71 and 90 of DSS analysis report have been replaced by new CA sites namely RF Bhogpur Kotla C5 (5.3 ha.), Bhagpur Kotla C3 (40.2 ha.) and RF Trilokpur C2 (20.2 ha.) Hard copy of the land suitability certificate, KML file, DFPS map and Sol toposheet of the new sites are enclosed. The two overlapped CA site of Rampur Forest Division i.e. DPF 92 and D-115 Ruhan (Makroli) have been revisited by DFO Rampur and found D-115 Makroli site as submitted earlier was inadvertently wrongly plotted. Now, this site i.e. D-115 Ruhan (Makroli) is correctly depicted on map and accordingly KML file DGPS map and toposheet of the new site is enclosed. CA site in DPF 92 may be retained as such.
4.	The Legal status of proposed CA sites can not be verified due to unavailability of Recorded Forest Area (RF/PF) boundary for the	It is mentioned that digitalization of compartment wise forest boundary of the State of Himachal Pradesh is in the process. However, copy of the

	State of Himachal Pradesh on DSS application. State Government is requested to submit KML file of compartment boundary of area proposed for Compensatory Afforestation.	Division wise/ compartment wise boundaries as made available by the GIS Cell of HP Forest Department is submitted. However, the details submitted by the State Government could not read by DSS cell of this Ministry. Revised KML file needs to be submitted.
5.	National Authority, CAMPA vide OM dated 25.10.2024 has requested that information may kindly be furnished in prescribed 12-point proforma, so that desired report could be furnished at earliest. The requisite information in prescribed proforma may be submitted to NA, CAMPA.	Details of payment received from the State Government was forwarded to National, CAMPA through mail on 26.03.2025. National, CAMPA vide letter dated 27.03.2025 addressed to PCCF & HoFF, Govt. Himachal Pradesh have confirmed the receipt of payment of ₹13,69,04,241/- towards CAT plan.
6.	The State Government shall provide reasons for delay in submission of Compliance report of Stage-I approval, which was valid till 19.02.2024.	Reason for delay is mentioned as under: □ The Renukaji Dam Project is a "National Project" with stakes of six states of Upper Yamuna River Basin viz. Delhi, Haryana, Uttar Pradesh, Uttarakhand, Rajasthan and Himachal Pradesh. There is MoU of 1994 allocating water of Yamuna River between these States and water stored in reservoir of Renukaji Dam Project shall also be distributed in these states in the ratio so stipulated. 90% of the funding of the Project (excluding power component) is to come from Gol and 10% from these riparian/beneficiary states in the ratio of their respective share in Yamuna Water. All the funds for the Construction/ Statutory & Non-statutory clearances of this Project has to be received from Gol and other beneficiary states. □ The Ministry of Environment, Forest & Climate Change (MoEF & CC), Govt. of India had accorded 'In-Principle (Stage-1) approval for the diversion of

		<p>909.00 ha of forest land for construction of Renukaji Dam Project in favour of HPPCL vide letter F. No. 8-41/2009-FC dated 20.02.2015.</p> <ul style="list-style-type: none"> □ The Stage-I Approval was subjected to fulfillment of various conditions apply by MoEF & CC. The key condition was regarding Deposit of Mandatory Levies. As per conditions pointed at Sr. No. (iv), (v), (vi), (xviii) and (xxvi) Le. Depriting of Cost of Compensatory Afforestation at the current wage rate, Net Present Value (NPV) of forest land being diverted, Cost of Catchment Area Treatment Plan (CAT) and 5% of Project cost for Management & development of the sanctuary be deposited in the State Ad-hoc CAMPA Account. □ The same amount could not be deposited due to non-availability of funds from the Govt. of India. The payment and confirmation of the same by Ad-hoc CAMPA is one of the pre-requisites for issue of Stage-II Forest Clearance. □ Due to non-signing of "Interstate Agreement" and "CCEA approval funds required for Stage-II forest clearance could not be received. Further, the Interstate Agreement was signed on 11.01.2019 to codify stakeholder rights and liabilities. □ Accordingly, MoEF & CC was requested to extend the validity of "In-Principle approval" for two years and 1st extension was granted upto 19.02.2022. □ As the Stage-I Forest Clearance was only valid upto 19.02.2022, MoEF & CC was again requested to extend the validity and MoEF
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		<p>& CC vide letter dated 29.03.2022. Accordingly, the Second extension was granted for 2 more years i.e. upto 19.02.2024 subject to submission of following information which are as under:</p> <ol style="list-style-type: none"> 1) KML file:/DGPS maps of the proposed forest land and proposed area. 2) Revised list of the enumeration of trees. 3) Revised CA Scheme with revised cost structure/ site suitability certificate. 4) NPV shall be paid at revised rate. 5) Compliance of Stage-I stipulations. <p>□ All the mandatory/statutory clearances from various Ministries /Departments were obtained and Cabinet Committee of Economic Affairs (CCEA) approval was accorded on 15.12.2021. Subsequently, after receiving the funds from the Government of India and from other beneficiary States an amount of ₹622,76,00,196/- was deposited in CAMPA funds on 12.05.2022.</p> <p>□ To comply with the condition at Sr. no. 3 of extension of validity of 'In-Principle' approval, revised site suitability certificates of proposed CA Sites had to be obtained from the concerned Divisional Forest Officers (DFO's). Previously, a total of 1818 ha of degraded forest land in six Forest Divisions was proposed for Compensatory Afforestation. But the concerned DFO's had Intimated that only 552.30 ha. area is available/suitable for plantation under CA Scheme in their Divisions. Subsequently, the</p>
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		<p>issue was raised with the Conservator, Nahan, and later with Pr. CCP (HoFF), Shimla on 27.01.2023 & GoHP. Then the Forest Department identified CA land through GIS and instructed field units to as its suitability and the total land Le.1818 ha was Identified in 18 forest divisions of HP is September 2023. Accordingly, CA Scheme was prepared by the concerned DFO's</p> <p>□ The information/data regarding revised of tree enumeration and revised CA Scheme with revised cost structure/site suitability certificate was submitted to MoEF&CC along with compliance of Stage Clearance vide Nodal Officer FCA Shimla letter No. Ft. 48-1775/2018 (FCA) dated 16.02.2004. Some observations were raised by MoEF&CC vide AIGF, MoEF&CC letter dated 15.03.2024, which have been attended and reply submitted to MOEF&CC.</p> <p>□ Further, as per DFO Renukaji letter dated 13.02.2024, additional amount of ₹41,30,51,704/-of revised cost of CA Scheme has also been deposited in CAMPA on 28.06.2024.</p> <p>It is submitted in Due to non-availability of funds from Govt. of India the pre-requisites conditions i.e. Deposition of Funds for different Mandatory levies as pointed out by MOEF&CC could not be carried out. And, due to change in the revised site suitability certificates of proposed CA Sites which was identified in 18 different forest divisions of Himachal Pradesh, the compliance of Stage-I could</p>
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		not be taken up before 19.02.2024. Further, it is humbly submitted that no major delay was perform in any manner in respect of State Govt. As such, the observation raised at Sr. no. (iv) be waived off in the Interest of Govt. of H.P.
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- ix. The Committee was also informed that all compensatory levies have been realized from the User Agency and the same has been deposited into the account of National, CAMPA.
 - x. During the discussion in the meeting, the State Nodal Officer has also requested to extend the validity of the 'in-principle' approval for further 2 year period from the validity of last extension i.e. 19.02.2024 to 18.02.2026.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee recommended modifications in the 'In-principle' approval granted dated 20.2.2015 in favour of M/s HPPCL for non-forestry use of 909 ha. (Original proposed 901.00 ha.) of forest land for Construction of Renukaji Dam Project in Sirmour District in the State of Himachal Pradesh as under:-
- a. The validity of the 'in-principle' approval shall be extended for further 2 year period from the validity of last extension i.e. 20.02.2024 to 19.02.2026.
 - b. Condition No. xxvi (f) of Stage- I approval pertaining to construction of Fish ladders in Renuka Dam and Dadahu Barrage shall be read as 'The State Government shall construct fish hatcheries on upstream and downstream of the dam'.
 - c. The Compensatory Afforestation shall be carried out on degraded forest land double the extent of forest land diverted proposed across the State. Approved CA schemes for patches not provided till date, may be submitted.

Agenda No. 8

Proposal No. FP/JH/ENCRH/42933/2019

Subject: Proposal seeking Ex-post fact approval under Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 1.66 Ha jungle-jhari land for construction of Sponge Iron Plant by M/s Shri Balaji Industrial Engineering Limited at Badajamda Village, Chaibasa Forest Division under Chaibasa District of Jharkhand State (Online No. FP/JH/ENCRH/42933/2019) - regarding.

1. The above stated agenda item was considered by the Advisory Committee in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Jharkhand vide their letter No Van-Bhumi-21/2022-3884 dated 01.10.2024 forwarded a fresh diversion proposal to obtain prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, on the above to the Regional Office, Ranchi.
 - ii. The Nodal Officer, Govt. of Jharkhand informed that the present proposal is for ex-post facto approval for diversion of 1.66 Ha of GMJJ forest land/Revenue forest land under jurisdiction of Revenue Department of State Govt. of Jharkhand. The 1.66 Ha forest land under question is part of 6.73 Ha premises of M/s Shri Balaji Industrial Engineering Limited, a sponge Iron making industrial unit conceived as Sri Balaji Industrial Products Ltd in 2004 with a total installed capacity of 0.12 MTPA. The unit is located at Bara Jamda village in Paschim Singhbhoom, Jharkhand.
 - iii. The State Govt. has informed that for establishment of this industrial unit around 10 acres of land was purchased from private landholders in 2004-05 and additional 19.41 acre adjacent revenue land was requested from state government in 2005 out of which 6.48 acres revenue land was identified for allotment vide Deputy Commissioner, Paschim Singhbhoom's letter dated 09.03.2006 against a sum of Rs.37,26,163/-.
 - iv. Upon deposition of the required amount, the Deputy Commissioner, Paschimi Singhbhoom allotted 2.48 acres of desired revenue land out of total 6.48 acres vide its letter dated 23.08.2007 to the company. Rest 4 acres of the Revenue land under consideration was of Jungle Jhari land type for which DC vide its letter dated 12.07.2007 requested DFO Chaibasa to provide for no objection certificate from competent authority so that formal allotment for this remaining land could also be issued to the company. Subsequently, on guidance/directions from DFO, the user agency applied for diversion of this 4 acres i.e., 1.66 Ha Revenue forest (GMJJ land) in accordance to the provisions of Forest (conservation) Act, 1980 on 16.08.2007.
 - v. EDS to this application was issued by DFO vide its letter dated 21.08.2007 which apart from other short comings of application, also highlighted the inadequacy of Non-forest land identified for

compensatory afforestation in Giridih district. While the processing of diversion application was moving back & forth, the company continued its construction operation work on its land including Revenue forest land in anticipation of NOC from Forest department as corresponding amount was already paid by them to Revenue department.

- vi. Meanwhile, as Iron & Steel industry was one of the worst victims of Global financial crisis of 2008, this unit came on the verge of closure and hence was demerged as Balaji Industrial Engg. Ltd since 06.2.2008 from other unit of the parent company to keep the latter immune of the underperformance of earlier.
- vii. Later, this industrial plant revived as Sri Balaji Industrial Engineering Ltd and therefore the project proponent started to pursue the application of 1.66 Ha forest land diversion afresh owing to the changed firm name.
- viii. By this time, online application through PARIVESH portal was only option for forest diversion application, therefore user agency applied online for contextual ex-post facto diversion in 2019 which was accepted by nodal officer in 2022 after completion of FRA related process.
- ix. The applied area is part of Sri Balaji Industrial Engg Ltd premises that is a sponge Iron making unit with an installed capacity of 12 MTPA in Barajamda village (near Odisha border) of Paschimi Singhbhum situated around 60 kms from district headquarter Chaibasa town. The industrial unit is operating from a premises of 6.73 Ha area which includes 1.66 Ha of forest land under jurisdiction of Revenue department of Jharkhand. Rest 5.07 Ha is non forest land. An existing railway track to Chaibasa passes adjacent to Southern boundary of the premises.
- x. Canopy density of the proposed area is reported as 0.1. No trees felling involved in the project.
- xi. It has been further apprised by the Nodal Officer, Govt. of Jharkhand that the proposed forest land of 1.66 Ha solicited for ex-post facto approval is Jungle – Jhari land under the jurisdiction of state Revenue Department. The Forest Department of the state neither manages for administrative point of view such land nor does exercise any jurisdiction over such revenue forest lands nor does maintain any record for such lands. Since the applied land is already part of the industrial unit premises and under use for the purpose, it is practically vegetation less and is not of significant vulnerability for erosion.
- xii. The State Govt. reported that the entire area of Chaibasa Forest Division comes under Elephant Reserve of Singhbhum. Therefore in spite of the fact that ex-post facto approval of walled land may not directly hinder the wildlife habitation/movement, such approval must contribute to augment the conservation measures in surrounding/nearby forest areas. There are no protected

archaeological/heritage/culturally rich or strategically important site located in the proposed area.

- xiii. As the application is for ex-post facto approval, therefore the non-forestry work on forest land already has happened. This amounts to violation of forest laws/regulations. The Nodal Officer, Govt. of Jharkhand further apprised that in consonance to the demand note issued by the concerned revenue authorities vide letter dated 09.03.2006, the user agency deposited the required amount and thereafter only they started work on land under consideration in anticipation of all the requisites done. Therefore, the year 2006 may be considered the year since violation is continued. Since forest department has no jurisdiction on this forest land, they only played a facilitator role for getting the approval done under the Van Adhiniyam 1980 as per the request made by revenue department vide its letter dated 12.07.2007. The State further submitted that neither Revenue authorities nor forest authorities of State government have issued any order to user agency to do non-forestry work on this 1.66 Ha GMJJ land. Therefore, no authority from the state has been involved in violation of Van Adhiniyam, 1980 in present proposal. The user agency in their representation to the State Forest Department requested that this violation was result of an un-intentional folly and the company is committed to correct it by way of this application for ex-post facto approval and the extant application soliciting ex-post facto approval was not arisen out of any compulsion like environmental clearance etc.
- xiv. The DDGF(C), RO, Ranchi apprised the committee that the land under application is already within the walled premises of the industrial plant and hence already under use. Therefore, the proposal is site specific. The applied 1.66 Ha GMJJ land is part of 6.73 Ha plant premises and is presently under complementary use for the plant. Some part of the applied area is under shade where coal-carrying trucks were standing at the time of inspection. Few areas were also seen being used for ore dump/storage. Few structures were also seen built on the applied land. User agency informed them as transfer house, godown, ramp etc. The detailed land use of plant in forest and non-forest land both is as under;

Land use Break-up				
S.No	Land use	Ha	JJ Land (Ha)	Non-forest land (Ha)
1	Coal shed	0.263	0.144	0.119
2	Coal dump	0.081	0.056	0.025
3	Control room and Kline	0.654	0.065	0.589
4	Ore dump	0.615	0.246	0.369
5	Product shed, PH and	0.198	0.012	0.186

	BIN			
6	Bunker, Ramp and Screen	0.114	0.073	0.041
7	Transfer house and Hopper	0.056	0.023	0.033
8	Godown	0.021	0.011	0.01
9	Coal crusher and Ground Bunker	0.099	0.00	0.099
10	Chimney and ESP	0.060	0.00	0.06
11	Water tank	0.075	0.00	0.075
12	Back filter and Gas plant	0.010	0.004	0.006
13	Washing plant and filter press	0.131	0.00	0.131
14	Houses and Workshop	0.063	0.00	0.063
15	Quarter	0.044	0.00	0.044
16	Sponge shed	0.033	0.00	0.033
17	Office, weigh bridge and security room	0.045	0.009	0.036
18	Oil tank	0.005	0.00	0.005
19	Charcoal dump	0.021	0.00	0.021
20	Existing road within total area boundary	0.066	0.00	0.066
21	Area left for plantation	4.076	1.017	3.059
	Total	6.730	1.660	5.070

- xv. The Nodal Officer, Govt. of Jharkhand informed that the State Govt. recommended to regularize the proposed area with a view to obtain the Non-forest land for CA which shall be twice in extent to the forest land being diverted through instant proposal. Hence, the Compensatory afforestation proposed over 3.70 ha non-forest land at village-Semarkodi and Karmatand and the DFO, Girdiah given suitability certificate for carrying out plantation work.
- xvi. It has been further informed that the Site Specific Wildlife Management plan under the supervision of State Forest Department shall be implemented and the user agency is agreed to bear such cost.

- xvii. The committee noted that the DDGF (C), Regional Office, Ranchi has not submitted their clear recommendation on the proposal and further observed that most of activities under use in the forest land are non-site specific in nature. Further, the area is within the Singbhum Elephant reserve. The use of forest land for such non-site specific activities in violation of all norms is not justifiable.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Jharkhand, the Committee observed that the illegal use of forest land for proposed non-site specific activities in violation of all norms is not justifiable and therefore the committee recommended to '**reject**' the proposal for non-forestry use of 1.66 Ha jungle-jhari land for construction of Sponge Iron Plant by M/s Shri Balaji Industrial Engineering Limited at Badajamda Village, Chaibasa Forest Division under Chaibasa District of Jharkhand State.

Agenda No. 9

F. No. 8-56/2009-FCpt

Sub: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand - regarding.

1. The agenda for above subject proposal was considered by the Advisory Committee in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi were present in the meeting. Nodal Officer, Government of Jharkhand was not present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. While deliberating on the proposal, Advisory Committee observed that:
 - i. The above cited proposal was accorded Stage-I approval vide Ministry's letter dated 11.05.2010 and Stage-II/ final approval vide letter dated 17.09.2010, subject to fulfilment of conditions prescribed therein.
 - ii. User Agency i.e. M/s NTPC vide their representation dated 09.10.2018 and 18.01.2022 requested for amendment in condition no. 8 of Stage-II/ final approval dated 17.09.2010 and condition no. 7 of Stage-I approval dated 11.05.2010 which states that "*The user agency will take up programme for at least 50 m green belt along the sides of the Pakwa nallah and Dumhani nallah from the initial years under the supervision of the state forest department*"

- iii. The said request was considered by the Advisory Committee (AC) in its meeting held on 09.12.2022 and 25.04.2023 wherein the Committee recommended to modify the condition no. 8 in Stage-II approval as under:

'The user agency shall restore and conserve the Khorra Nalla (west) and Pakwa Nalla (east) watersheds on priority basis under supervision of the forest department and expert hydrologists/agencies and develop their watershed status as per the Survey of India toposheet no. 73 E/I. A greenbelt of 100 meters on either side of both Khorra Nalla and Pakwa Nalla shall be maintained'.

The Committee further observed that in total disregard to the conditions of approval the user agency has mined out the area and changed the course of the Dumuhani nala, which was actually required to be protected and maintained as green belt. Keeping this in view the Committee recommended that the penalty shall be imposed for violation committed over the forest area (1026.438 ha) without approval equal to five times the normal NPV plus simple interest of 12 % from the date of actual violation committed till the deposition of penalty shall be imposed.

- iv. On the basis of the above said recommendations of the Advisory Committee, and with the approval of the competent authority the Ministry vide letter dated 25.05.2023 has issued Modification in condition of Stage-II approval.
- v. Thereafter the User Agency has filed a case in Hon'ble NGT against the demand for penal NPV raised by the State Government wherein an Appeal No. 20 of 2023 is filed by NTPC titled as NTPC Vs. The State of Jharkhand & Ors. before the Hon'ble NGT(EZ), Kolkata where the prayers of the appellant are as under:
 - a. *To set aside the letter dated 25.05.2023 issued by the MoEF;*
 - b. *To set aside the demand notice dated 14.06.2023 received from DFO Hazaribagh for realizing of penal NPV;*
 - c. *To stay the letter dated 25.05.2023 issued by the MoEF;*
 - d. *For such further and other reliefs as the nature and circumstances of the case may require.*
- vi. Further the Secretary, Ministry of Power vide their DO No. 11/25/2023-Th.1 dated 30.10.2023 proposed to hold a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&CC) & Ministry of Coal for amicable resolution of the issue.
- vii. Thereafter, the Ministry vide letter dated 10.11.2023 requested the State Government to furnish the updated status of the proposal and status of the compliance of the conditions stipulated in the Stage-I approval along with the report/comments on the court matter in the instant case.
- viii. Further, the user agency i.e. NTPC Limited vide their representation dated 09.11.2023 requested to reconsider the matter as below:

- a. *Waiving of penal NPV imposed on the NTPC for Pakri-Barwadih coal mining project.*
 - b. *Delinking of Stage-II forest clearance of Pakri Barwadih (North-West) with the deposition of penal NPV of PBCMP.*
 - c. *Permit to maintaining of green belt of 15 m along Pakwa and Khora Nala in line with the regulation no. 149 of Coal Mines regulation, 2017.*
- ix. The matter was discussed in the Ministry and it was decided that since the conditions have been stipulated in the approval as per the recommendations of the Advisory Committee, therefore the State Government shall submit a point wise report/comments on the representation of the User Agency along with its recommendations and thereafter the matter would be placed before the Advisory Committee for appropriate decision in the matter. The same was conveyed to the State Government vide letter dated 22.01.2024.
- x. The State Government vide their letter dated 05.04.2024 furnished their comments without any recommendation stating that the Central Government is the competent authority for amendment or reconsideration of the conditions imposed in approvals granted under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- xi. Thereafter, the proposal was placed before the Advisory Committee (AC) in its meeting held on 30.04.2024 wherein the Committee observed that the State Govt. has just forwarded the representation of the User Agency without any specific comments, recommendations and view point of the state on the matter. Accordingly, it was decided that the State Govt. be requested to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and submit a point-wise detailed report to the Ministry. The committee also took note of the court case filed by the User Agency with respect to challenging the decision of the Ministry and the demand note of penal NPV raised by the DFO and sought the update in this regard in the future meetings.
- xii. The Ministry vide its letter dated 20.05.2024 requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the Nodal Officer, Government of Jharkhand shall present the same before the Advisory Committee.
- xiii. Further the Hon'ble NGT vide order dated 03.05.2024 has inter-alia directed as under:

7. "we are of the view that a decision with regard to the imposition of penalty of 857,52,85,944.32/- (Rupees Eight Hundred Fifty Seven Crores Fifty Two Lakhs Eighty Five Thousand Nine Hundred Forty Four and Thirty Two Paise only) against the NTPC Ltd., Appellant, needs to be taken by the Ministry of Environment, Forest and Climate Change expeditiously at its level, since Stage-II Forest Clearance of PB-NW is interlinked with the deposition of Penal NPV of PBCMP as mentioned in the letter dated 09.11.2023.

8. We, therefore, direct the Ministry of Environment, Forest and Climate Change, Respondent Nos.2&4 herein, to take a decision in the matter expeditiously within a period of three months i.e., by 31.07.2024 and file affidavit in this regard by 16.08.2024”.

- xiv. The proposal was again considered by the AC in its meeting held on 07.06.2024 wherein the Committee observed that the State Govt. has not provided any specific comments, recommendations and view point of the state on the matter and keeping in view the factual position/field situation the Nodal Officer, Government of Jharkhand was requested to give a presentation before the Advisory Committee which has not been done. Accordingly, it was decided that the State Govt. shall carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF) Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xv. The Ministry vide letter dated 26.06.2024 has requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xvi. The proposal was again considered by the AC in its meeting held on 04.07.2024 wherein the Committee observed that the PCCF (HoFF), Government of Jharkhand was requested to give a presentation before the Advisory Committee which has not been done. Accordingly, it is again reiterated that the State Govt. shall carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xvii. The Ministry vide letter dated 26.07.2024 has requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xviii. The proposal was again considered by the AC in its meeting held on 27.08.2024 wherein the PCCF (HoFF), Government of Jharkhand has given a detail presentation in front of Advisory Committee and the Committee observed that in total disregard to the conditions of approval the user agency has mined out the area and changed the course of the Dumuhani nala, which was actually required to be protected and maintained as green belt. Keeping this in view the Committee recommended to continue with the penalty imposed for violation committed over the forest area (1026.438 ha) without approval equal to five times the normal NPV plus simple interest of 12 % from the date of actual violation committed till the deposition of penalty shall be imposed.

- xix. On the basis of the above said recommendations of the Advisory Committee, and with the approval of the competent authority the Ministry vide letter dated 01.10.2024 conveyed the same to the State Government.
- xx. In reference to the case filed by User Agency in Hon'ble NGT against the demand for penal NPV raised by the State Government. In this regard, the Ministry has filed its additional affidavit in the Appeal No. 20 of 2023 titled as NTPC Vs State of Jharkhand and ors. in the Hon'ble NGT Eastern Zone, Kolkata wherein the Hon'ble NGT vide judgment dated 21.01.2025 disposed off the matter inter-alia directing as follows:

“57. The Minutes of the Meeting held on 27.08.2024 further mentions that after the letter of the State Government recommending levying of penal CA and penal NPV in respect of 37.2 Ha. of forest land used by the user agency in violation of the Forest (Conservation) Act, 1980, the Regional Office, MoEF & CC, Ranchi, submitted letter dated 25.11.2022 referred to in the Agenda No.8 of the Minutes of the Meeting with a site Inspection Report and assessed the area involved in violation to be 156 Ha. and made a tentative assessment of penalty amounting to Rs.81,89,82,060/- (Rupees Eighty-One Crore Eighty-Nine Lakhs Eighty-Two Thousand and Sixty only). We have considered this aspect of the matter and we find that this 156 Ha. was already a part of the entire mining area other than the mining area of 37.2 Ha. of forest land falling within the Do Muhani Nallah area and, therefore, it cannot be said that the damage or degradation caused to the environment as a result of the mining activities of the Appellant would be in violation of Condition No.8 of Stage-II Forest Clearance over the entire area of 156 Ha. We also find that in the letter of the Regional Office, MoEF & CC dated 25.11.2022 it is acknowledged that as per the Forest Conservation Guidelines Handbook penal NPV is two times of the normal NPV as per para 1.21 (iii) of the Forest Conservation Guidelines Handbook yet it has assessed penalty for “Fait-accompl” violation at 156 X 35 times NPV + Afforestation cost amounting to Rs.81,89,82,060/- (Rupees Eighty-One Crore Eighty-Nine Lakhs Eighty-Two Thousand and Sixty only). We find that there is absolutely no basis for computing penal NPV at 3.5 times of the NPV and the Respondents have to strictly follow the FC Guidelines Para 1.21 (iii) of the Forest Conservation Guidelines Handbook and penal NPV cannot be computed at more than two times of the normal NPV. We also do not find any basis for extending the total area of violation of forest area to be 1026.438 Ha. when in fact the area which is actually affected as assessed by the State Government is 37.2 Ha.

58. We are, therefore, of the view that the entire computation of penalty in the impugned order dated 25.05.2023 and the order dated 14.06.2023 is absolutely illegal and erroneous and needs to be re-examined by the MoEF & CC.

59. The conspectus of the details, documents and guidelines clearly indicate that it is not the case of violation of Forest (Conservation) Act, 1980, but violation of a condition stipulated under the grant of Forest Clearance. The condition extends only to 37.2 Ha. and the NTPC is a

public utility body.

60. We, therefore, allow this Appeal and set aside that part of the order dated 25.05.2023 in so far as it imposes penalty on the Appellant at the five times of the NPV on the entire forest area of 1026.438 Ha. and the order dated 14.06.2023 imposing penalty at Rs.857,52,85,944.32/- (Rupees Eight Hundred Fifty-Seven Crore Fifty-Two Lakhs Eighty-Five Thousand Nine Hundred Forty-Four and Thirty-Two Paisa only) on the Appellant. The matter is remitted to the MoEF & CC to re-consider the same and determine penalty strictly in accordance with law and the observations made hereinabove.

61. In view of the directions passed in Appeal No.20/2023/EZ, the Original Application No.63/2023/EZ is accordingly disposed of. "

- xxi. The proposal was placed before the Advisory Committee (AC) in its meeting held on 05.03.2025. The Advisory Committee noted that the issue of the penal Net Present Value (NPV) imposed on the entire proposed diversion area of 1,026.438 hectares had been extensively deliberated in four previous meetings. The Committee further observed that in order to take a decision on the matter, it would be important to deliberate upon examine the same in consultation with the State government.
- xxii. The Advisory Committee decided to defer the proposal for discussion in the next Advisory Committee meeting. The Advisory Committee desired that the HoFF/Nodal Officer, Forest Department Govt. of Jharkhand should be present in person in the next AC meeting with detailed facts for further discussion on the matter. The recommendation of Advisory Committee was conveyed to the State Government vide Ministry's letter dated 13.03.2025.
- xxiii. The committee deliberated on the matter in detail and observed that as per the directions of Hon'ble NGT the penalty cannot be imposed on the entire forest area in the mining lease and the quantum of penalty is required to be reconsidered accordingly.
- xxiv. The Committee also observed that the state had reported the non-forestry activity/violation over an area of 37.2 ha only. However, the conditions of approval specifically mentioned that the Dumuhani nala shall not be used for mining and a green belt shall be maintained along the same. The User Agency however violated the said condition and diverted the Nala in violation of the conditions of approval. All the goods and ecosystem services in the entire stretch of the nala have been affected due to diversion/breaking up of the nala. Keeping the same in view, the length of the entire stretch of the Nala and the entire area involved in said nala has been adversely affected.
- xxv. Keeping above in view, the committee observed that a detailed analysis of the area involved in the entire stretch of the nala is required to be done for further clarity and decision in the matter.

4. Decision of Advisory Committee: The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi. After going through the facts of the proposal and keeping in view the orders of Hon'ble NGT, the Committee observed that a detailed analysis of the area involved in the entire stretch of the nala is required to be done for further clarity and decision in the matter. Accordingly, the

committee deferred the proposal and desired that a detailed DSS analysis of the area involved in the entire stretch of Dumuhani Nala shall be carried out and placed before the Advisory Committee for further decision in the matter.

Agenda no. 10

File No. 8-60/1996-FC

Sub: Proposal for change in land use of 150.89 ha. from already diverted 246.46 ha forest land in favour of Project Seabird in Sy. No.7A1A1 of Nellurkanchinbail village, Belekeri Hobli, Ankola Taluk, Uttara Kannada District (Karwar Forest Division) for construction of Naval/Civilian Airport.- regarding.

1. The above stated agenda was considered by the Advisory Committee (AC) in its meeting on 16.04.2025. The corresponding details of the agenda may be seen at www.parivesh.nic.in. The DDGF (Central), RO, Bengaluru and Nodal Officer, Government of Karnataka were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with the examination of the proposal in the DSS were presented and explained by the Member Secretary. The Committee was also apprised of the relevant provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam (VSESA), 1980 Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - a. The Ministry vide letter No. 8-472/1983-FRY dated 31.10.1986 (Pg.32/ToC) has accorded final approval for diversion of 2259 ha of forest land for establishment of third Naval Base at Karwar, state of Karnataka subject to the following conditions:
 - b. The legal status of the land would remain unchanged.
 - c. The forest areas that are being transferred to the Navy, but which will not be actually used by them would be fenced off and no felling, nor grazing will be permitted and the forest cover thereon will be effectively maintained.
 - d. The actual felling of trees will be confined to 200 ha. of forest lands.
 - e. The Navy Will hand over the wood felled by them to the State Forest Department.
 - f. The State Forest Department will make arrangements for the supply of the fuel wood to the labour free of cost and recover its value from the Navy.
 - g. The compensatory afforestation will be raised over 200 ha. of non-forest lands identified for the purpose.
 - h. The State Government will ensure adequate rehabilitation of 25 families to be displaced as per plan of rehabilitation out by them.
 - i. After 11 years the Govt. of Karnataka vide letter dated 03.02.2001 had submitted a proposal for diversion of 246.46 ha for Naval Air Station for Project SeaBird at Karwar to obtain prior approval of Central Government under Section 2 (1) (ii) of Van (Sanrakshan Evam Sambardhan) Adhiniyam, 1980.
 - j. The Ministry had accorded 'in-principle' approval vide letter No. 8-60/1996-FC on 13.07.2001 for diversion of 246.46 ha subject to the following conditions:

- k. Immediate action should be taken for transfer and mutation of equivalent non-forest land in favour of the State Forest Department.
- l. The user agency will transfer the cost of Compensatory Afforestation over equivalent non-forest land (revised as on date to incorporate existing wage structure) in favour of the State Forest Department.
- m. The actual non-forestry use in this area including 2259 ha. of forest land diverted for the purpose earlier shall be restricted to 200 ha. only. The rest of the area shall be maintained/developed as a green cover/forest.

After receipt of compliance report on fulfillment of the above conditions 2(a) and 2(b) from the State Govt., formal approval will be issued by Central Govt. under Section -2 of Forest (Conservation) Act, 1980. Transfer of forest land to the user agency should not be affected by the State Govt. till the formal orders are issued by the Central Government.

- n. After careful consideration of the proposal of the State Government the Ministry vide letter No.8-60/1996-FC dated 16.10.2001 had accorded final approval for diversion of 246.46 ha for **Naval Air Station for Project SeaBird at Karwar** subject to the following conditions:
 - a. Legal status of forest land shall remain unchanged.
 - b. The actual non-forestry use in this area including 2259 ha. of forest land diverted for the purpose earlier shall be restricted to 200 ha. only. The rest of the area shall be maintained/developed as a green cover/forest.
 - c. Other conditions stipulated the diversion of 2259 ha of forest land for the same project.
 - d. Any other condition which the State Government or Chief Conservator of Forests (Central), Regional Office, Bangalore may stipulate from time to time in the interest of afforestation and protection and improvement of flora and fauna of the area.
- o. In the final approval letter dated 16.10.2001 it has also been mentioned that the matter has been considered by the Ministry holistically and this is to clarify that compensatory afforestation shall be stipulated in lieu of the forest land, which is actually being put to non-forestry use i.e. 200 ha. As the compensatory afforestation in respect of this non-forestry use has already been stipulated and complied with in the earlier proposal of diversion of 2259 ha. forest land for the same project, no further compensatory afforestation shall be insisted upon. Therefore, the Central Government hereby deletes the conditions 2 (a) and 2 (b) stipulated in its above mentioned letter dated 13.7.2001.
- p. The Addl. Chief Secretary, Forest, Ecology and Environment Department, Government of Karnataka vide their letter No.ACS/FEE/144/2024-25 dated 13.08.2024 forwarding the proposal to obtain the prior approval under Section 2 (1) (ii) of the Van (Sarankshan Evam Sambardhan) Adhiniyam, 1980. The details of the proposal are as under:

- a. The DDG (PI), Project SeaBird Karwar vide letter dated 19.09.2023 has requested for usage of 150.89 Ha of forest land in Sy. No.7A1A1 of Nellurkanchinbail village, Belekeri Hobli, Ankola Taluk, Uttara Kannada District (Karwar Forest Division) for construction of Naval/Civilian Airport out of the already diverted forest land in favour of Project Seabird. The same has been recommended by the Deputy Conservator of Forests, Karwar Division, Karwar and Conservator of Forests, Kanara Circle, Sirsi vide letter dated 18.10.2023 and 12.08.2024.
- b. Accordingly, the O/o Principal Chief Conservator of Forests (Forest Conservation) and Nodal Officer (FCA) vide letter dated 24.04.2024 has recommended the same to Government of Karnataka and further, Government of Karnataka to Government of India.
- c. In response, Government of India, Regional Office, Bengaluru vide letter dated 11.07.2024 has informed that the proposal is related to change in land use with respect to diversion of 246.46 ha of forest land for Naval Air Station for Project Seabird, which was already processed and approved by the MoEF&CC. As per Sub Rule 2 of Rule 10 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, competency of processing of the above-mentioned proposal lies with MoEF&CC, New Delhi and to submit the proposal in completeness to the Ministry.
- d. Accordingly, the Deputy Director General (PI), Project Seabird, Arga, Naval Base, Karwar has submitted the proposal vide letter dated 12.08.2024 to DCF, Karwar and requested permission for usage of 150.89 ha. forest land. The same has been recommended by DCF, Karwar letter dated 12-08-2024 to Nodal Officer.
- e. Further, It has been informed that, a total of 2505.46 Ha of forest land has been leased to Project Seabird, Ministry of Defence from MoEF & CC vide letter dated 31.10.1986 and 16.10.2001 and Government of Karnataka vide letter dated in 04.12.1986 and 25.02.2002 two phases (2259 Ha + 246.46 Ha) for establishment of Naval Base at Karwar with an it of 200 Ha being permitted for non-forestry purpose and remaining area to be maintained green cover. Accordingly, the extent of diverted forest land utilized for non-forestry purpose by the user agency is as under:

Diversion of forest land sanctioned year	Total forest land diverted (ha.)	Area permitted for non-forest utilization (Ha)	Area already utilized (Ha.)
1986	2259	200	195.24
2002	246.46		
	2505.46	200.00	195.24

- q. Further, an exercise was carried out to ascertain the land use pattern of forest land to be utilized for non-forestry purpose from the diverted

forest land to Navy for establishment of Naval Air Station are tabulated below:

Description	Diversion of Forest Land sanctioned year	Lease Land in Ha.	Land to be utilized
Forest land allocated at Nellurkanchinbail F.Sy.No:7A1A1 village	2002	246.46	150.89

- r. Further, it has been found from the documents that the land use pattern for the Air strip has been drawn by Design Consultant and it is envisaged that an unavoidable quantity of about 150.89 ha. of forest land for non-forestry purpose is inevitable in F. Sy. No:7A1A1 at Nellurkanchinbail for realising Naval Air Station along with allied facilities. **It is imperative to mention that the State Government also has joined hands with the Indian Navy for construction of a civil terminal.** Since most of the area earmarked for the airport falls under F. Sy. No: 7A1A1A1, non-availability of forest land would jeopardize the entire process. Hence, the user agency has requested to permit usage of 150.89 ha of forest land from F. Sy. No: 7A1A1 at Nellurkanchinbail already diverted to the Navy.
- s. In view of the above, for progress of the project of National importance and to meet the maritime and strategic requirement of Indian Navy, it is recommended to approve the utilization of 150.89 Ha out of 246.46 Ha of diverted forest land in Forest Survey Number 7A1A1 Nellurkanchinbail village, Belekeri Hobli, Ankola Taluk, Uttara Kannada District (Karwar Forest Division) for construction of Naval / Civil Airport.
- t. Further, it has been informed that the proposal along with maps submitted by the field officers and the user agency is hereby enclosed for your reference and the same is recommended to the Ministry of Environment, Forests & Climate Change, New Delhi for approval.
- u. After the examination of the proposal for change in land use submitted by the State Govt. the Ministry vide letter dated 30.09.2024 requested the State Govt. to submit the additional information for further action in the matter. In response to the Ministry's letter dated 30.09.2024, the reply has been submitted by the State Govt.
- v. As the project involves provision of a civil airport, in this regard whether the land which was diverted earlier to the Navy is required to be transferred to another agency was asked. In this regard the State has informed that the Project Seabird, Naval Base, Karwar has stated that the proposed Naval Air Station would be used for dual purpose, with a civil enclave being constructed by the State Government. The ownership of the land diverted earlier to the Indian Navy would continue to be with the Indian Navy. The operation control of the dual airfield planned at Karwar would be with the Indian Navy. However, the airfield would have a civil terminal, with civil aircraft apron taxi links connecting the apron with the main runway. The civil aircraft terminal

would be outside the Naval premises and would be under the control of Airport Authority of India (AAI)/GOK. In India, there are 04 international and 19 domestic Civil Enclaves at Military airbases. These civil enclaves are operated and maintained by the Airport Authority of India (AAI). The AAI is responsible for managing civil aviation infrastructure, which are designated areas within the military air bases used for civilian air traffic. While the military oversees the airfield and security, the AAI handles passenger facilities, terminal operations, and other civil aviation-related functions. Acquisition of an additional 97 acres 4 gunta (57.25 acres for runway extension, 35 acres for construction of civil enclave and 4.85 acres for diversion of existing facilities), is in progress by GoK.

- w. The State Govt. has informed that the User Agency i.e. DDGPI, Project Seabird, Naval Base, Karwar has submitted that the benefits due to construction of airport at Karwar can be divided into Tangible and intangible.
- x. The Regional Office, Bengaluru has submitted the Site Inspection Report. The DDGF (Central), RO Bengalurur has informed that the area is already released and in possession of the User Agency and the project is located in the strategic location. Therefore, the proposal for change in land use is recommended being a Central Government project with a condition to take up Compensatory Afforestation over non forest land as per the condition stipulated by the MoEF&CC, New Delhi in relation to diversion of 2259.0 ha. and 246.6 ha. in favour of Project SeaBird. A detailed site inspection report is enclosed for kind information and further necessary action.
- y. The Ministry vide letter No. 8-472/1983-FRY dated 31.10.1986 has accorded final approval for diversion of 2259 ha of forest land for establishment of third Naval Base at Karwar, state of Karnataka. Only 200 Ha was allowed to be felled. CA was asked for 200 Ha NFL.
- z. The Ministry also had accorded '*in-principle*' approval for diversion of 246.46 ha for Naval Air Station for Project SeaBird at Karwar vide letter No. 8-60/1996-FC on 13.07.2001 with CA on 246.46 Ha NFL.
- aa. The Ministry vide letter No.8-60/1996-FC dated 16.10.2001 had accorded final approval for diversion of 246.46 ha for Naval Air Station for Project SeaBird at Karwar. Final approval stated that out of total area - 2259 Ha + 246.46 Ha – only 200 Ha will be used for non-forestry purposes. **Therefore, the CA condition mentioned in Stage-I approval for 246.46 Ha was deleted while issuing its final approval, with justification.**
- bb. Accordingly, the extent of diverted forest land utilized for non-forestry purpose by the user agency is as under:

Diversion of forest land sanctioned	Total forest land diverted	Area permitted for non-forest utilization	Area already
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year	(ha.)	(Ha)	utilized (Ha.)
1986	2259	200	195.24
2002	246.46		
Total	2505.46	200.00	195.24

cc. It is imperative to mention that the State Government also has joined hands with the Indian Navy for construction of a civil terminal. The State Govt. has reported that the ownership of the land diverted earlier to the Indian Navy would continue to be with the Indian Navy. The operation control of the dual airfield planned at Karwar would be with the Indian Navy. However, the airfield would have a civil terminal, with civil aircraft apron taxi links connecting the apron with the main runway. The civil aircraft terminal would be outside the Naval premises and would be under the control of Airport Authority of India (AAI)/GOK.

dd. As per the conditions stipulated by the MoEFCC, New Delhi, in diversion of 2259 ha & 246.65 Ha, CA on DFL has been raised over an area of 479.85 ha in various divisions as furnished by the DCF, Karwar is as below:

S. No.	Division	CA raised extent (ha)
1	Shimoga	214.25
2	Yellapur	75.00
3	Haliyal	82.0
4	Sirsi	42.30
5	Honnawar	30.00
6	Karwar	36.30
	Total	479.85

ee. As per the DSS analysis, out of 479.85 ha of CA land KML file has been provided only for 325.632 ha. One CA site KavadiKERI XXXI-33 2013-14 (area 46.91 ha) overlaps with Kavadi Kere XXXI-33 2023-24 (area 50.866 ha).

ff. Details of CA sites in lieu of 150.89 Ha change of land use are not part of the proposal. However, Undertaking for CA and NPV has been submitted by the UA.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Bengaluru and Nodal Officer, Government of Karnataka. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Karnataka, the Committee decided to **defer** the proposal seeking the following information:-

- The State Government shall submit the justification for having carried out CA in degraded forest land (DFL) instead of 200 Ha non forest land (NFL) against the diversion of 2259 Ha forest land.
- Details of Compensatory Afforestation to be carried out against the 150.89 Ha forest land being proposed for land use change in the instant proposal is not submitted. The State Govt shall clarify in this regard.

- c. The State Government shall provide the correct KML file pertaining to two CA sites, already carried out against the diversion of 2259 Ha forest land, that are overlapping as per DSS report.

Agenda no. 11

File No. 8-02/1995-FC(Vol.)

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s. Zeenath Transport Company, Ballari, for non-forestry use of 9.12 ha. (9.40 ha.) of forest land for approach road in ML No.2547 in RM Block, Sandur Range, Ballari District, Karnataka.

1. The above stated agenda was considered by the Advisory Committee (AC) in its meeting on 16.04.2025. The corresponding details of the agenda may be seen at www.parivesh.nic.in. The DDGF (Central), RO, Bengaluru and Nodal Officer, Government of Karnataka were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with the examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam (VSESA), 1980 Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. This is related to the diversion of the above mentioned proposal. The proposal has been accorded '*in-principle*' approval by the Ministry vide its letter of even number dated 19th December, 2017 subject to certain conditions prescribed therein.
 - ii. The Government of Karnataka vide their letter No. FEE 35 FFM 20217 dated 02.12.2024 uploaded on 05.12.2024 on PARIVESH 1.0 portal a report through online PARIVESH portal on compliance of conditions stipulated in the '*In-principle*' approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 accorded by this Ministry vide letter dated 19th December, 2017 and requested the Ministry to accord final approval for diversion of the said forest land.
 - iii. The details of the conditions stipulated by this Ministry and status of their compliance as intimated by the PCCF (HoFF) Government of Karnataka vide letter dated 02.012.2024 was examined in the Ministry.
 - iv. After the examination of the compliance report the Ministry vide letter of even no. dated 31.12.2024 has sought certain information from the State Govt. The GoK vide letter No. FEE 35 FFM 2017 dated 01.03.2025 has forwarded the letter No. A5(1). MGR.CR-10/2014-15 dated 19.02.2025 of PCCF (HoFF), GoK vide which the point wise reply has been submitted The following details have been submitted by the PCCF (HoFF) are as follows:
 - a. The User Agency has submitted reasons for delay for submission of Compliance Report.
 - b. Further, the Government of India, Ministry of Environment, Forest and Climate Change (Forest Conservation Division), New Delhi has issued clarification regarding applicability of

revised rates of Net Present Value vide letter Dt. 22.03.2022 and stated that, "The new rates will also be applicable on all the cases that were granted Stage-1/in-principal approval prior to 06.01.2022 and where even after lapse of 5 years, the Stage-II/Final approval is not granted due to non-submission of complete compliance of the conditions stipulated in Stage-I/in-principal approval" Therefore, due to lapse of five years, the DCF Ballari Division has collected the Net Present Value charges in new rates of ₹12,28,590/- over an extent of 9.12 hectares as per the above guidelines.

- c. The status of the payment details is shown as paid on the PARIVESH portal of this Ministry. The UA has deposited the differential amount of NPV of ₹36,56,541/- as per the revised rate on 05.09.2023.
- d. Further, the UA has deposited an amount of ₹75,48,200/- towards NPV on 02.06.2015, for which prescribed proforma for CAMPA confirmation has been provided by the State Govt. The National Authority has confirmed the payment vide OM dated 15.04.2025.
- e. As per the MOEF guidelines No. 11-8/2001-FC dated: 15.11.2001, the Government of Karnataka has given temporary permission for usage of existing approach road vide letter No. APAJI016 FGL 2015 dated 30.04.2015 (02.05.2015).
- f. Copies of the true translated copy of Transfer and Mutation of newly identified CA land have been provided.
- v. Further, the Nodal Officer, Govt. of Karnataka has also provided the Site Inspection Report in respect of the change in the CA land with clear recommendations. In this regard, it has been informed that the non-forest lands identified for CA purpose were inspected by the concerned Deputy Conservators of Forests and has issued suitability certificate with their recommendation:

SI No .	Non-forest land in	Extent (in acre)	Extent (in ha)	Inspected by	Inspected on	Issued CA suitability on
1	Sy. No.395/2B, 96/A20, 96/A22 and 96/A24 of Ponnachi Village, Ramapura Hobli. Hanur Taluk, Chamarajanagar District.	13.84	5.60	DCF, Malai Mahadeshwara Wildlife Division	16.10.2022	25.08.2023
2	Sy No. 1081 of Modahalli 1.71 ha Village, Lokanahalli Hobli, Hanur	4.23	1.71	DCF and Director BRT Tiger Reserve, Chamarajanagar	07.03.2022	07.03.2022

	Taluk, Chamarajanagar District					
3	Sy No. 582/A of Halasagara Village, Gudekote Hobli, Kudligi Taluk, Vijayanagar District	15.50	6.271 (2.2225 effective area)	DCF Vijayanagar Division	08.01.2023	07.01.2024

- vi. The proposal involves change in the CA land (only NFL). The comparative analysis of the earlier approved CA land and proposed new CA land are as below:

Already approved CA NFL				
S. No.	District & Taluk	Village	Sy. No.	Extent in hectares
1	Kolar	Ammerahalli	152/P	3.46
		Nagalapur	11	5.58
			Total	9.04

Newly proposed AC land:				
S. No.	District & Taluk	Village	Sy. No.	Extent in hectares
1	Honnur (Chama raja nagar District)	Ponnachhi	96/A20	0.75
2			96/A22	2.02
3			96/A24	1.01
4			395/2B	1.82
5		Modihalli	1081	1.71
6	Kudligi (Vijaya nagara District)	Halasagara	582/A	2.23
	Total	9.54	Total	9.54

- vii. The newly identified CA land has been mutated and transferred in favour of the State Forest Department. Partially CA land 6.27 ha has also been notified as PF vide notification No. FEE 98 FAF 2004 dated 12.11.2024.
- viii. The 'in-principle' approval was granted by the Ministry on 19.12.2017. The valid and cogent reasons for extraordinary delaying for submission of the compliance report has been submitted by the State Government.
- ix. The UA has also deposited ₹3656541/- towards NPV as per the revised rate of NPV.
- x. Working permission has been granted by the State Govt. as per the Ministry's letter dated 15.11.2001.
- xi. During the meeting, the Nodal Officer requested the validity of the 'in-principle' approval be extended for a three year period from 19.12.2022 to 18.12.2025 to enable compliance of the Stage-I conditions. The Committee noted the same.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with regard to the above proposal. After going through the facts of the proposal and submissions made by the State Govt. and Regional Office Bengaluru, the committee recommended the following modifications in the 'In-principle' approval granted dated 19.12.2017 in favour of M/s. Zeenath Transport Company, Ballari, for non-forestry use of 9.12 ha. (9.40 ha.) of forest land for approach road in ML No.2547 in RM Block, Sandur Range, Ballari District, Karnataka as follows:-
- The validity of the 'in-principle' approval shall be extended for 3 years from 19.12.2022 to 18.12.2025 to enable compliance of the Stage-I conditions as sought by the Nodal Officer, Government of Karnataka.
 - The site for Compensatory afforestation shall be changed from the previously identified 9.04 Ha NFL to 9.54 ha NFL which is already transferred and mutated in favour of the State Forest department in Chamraj Nagar & Vijayanagara districts.

Agenda No. 12

File No. 8-84/2002-FC

Sub: Renewal of FC approval over 221.80 ha. of forest land in Jogimatti and Marikanive RF [Lakkihalli, Myakenahalli and nine (9) other villages] in Hosadurga, Hiriuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project in favour of Karnataka Renewal Energy Development Limited (KREDL) for sub-lease to M/s. Enercon (India) Limited [presently M/s. Wind World (India Limited)] on BOT basis (Online proposal no. FP/KA/WIND/43786/2020).-regarding Request for modification/change of condition Stage-II forest Clearance granted to Wind Power Project from existing lease grant of 15 years to 30 years.

- The above stated agenda was considered by the Advisory Committee (AC) in its meeting on 16.04.2025. The corresponding details of the agenda may be seen at www.parivesh.nic.in.
- During the meeting, all the facts and background of the proposal, along with the examination of the proposal in the DSS were presented and explained by Member Secretary. The Committee was also apprised of the relevant provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam (VSESA), 1980 Rules and Guidelines relevant to the proposal and their significance.
- The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - In past, the Government of Karnataka vide their letter No. FEE 99 FGL dated 17th June, 2002 forwarded the proposal to obtain prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 221.80 ha. forest land for establishment of Wind Power project in favour of M/s. KREDL for sub-Lease to M/s. Enercon (India) Limited on BOT basis in District Chitradurga, Karnataka.
 - The Principal Chief Conservator of Forests in his letter dated 21.05.2002 had recommended that the lease period for this project as 15 years and further extendable for another 15 years if the agency continues with the same technology in the area. The Managing Director, Karnataka

Renewable Energy Development Limited, has requested the State to recommend the lease of forest land for establishing Wind Power Project for 30 years for all non-conventional Project developer which would be co-terminus with the license period without which the project promoter would be put to difficulty. Since the user agency M/s Karnataka Renewable Energy Development Limited (Government of Karnataka undertaking) being the Nodal agency for the Non-Conventional Energy projects in the state, and M/s Enercon (India) Limited is to establish the wind farms on Build Operate Transfer (BUT) Basis. It is now requested that the necessary permission may kindly be granted for lease the lands in question in favour of the User agency M/s Karnataka Renewable Energy Development Limited (Government of Karnataka undertaking) and further M/s Karnataka Renewable Energy Development Limited (Government of Karnataka undertaking) may intern sub - lease the area to M/s Enercon (India) Limited and its BOT end parties. As was approval given by the GoI MOEF in the letter No. 8-89/2000-FC dated 27.03.2001.

- iii. It was requested by the State Govt. to approve the above proposal under Section 2 (1) (ii) of Van (Sarankshan Evam Sambardhan) Adhiniyam, 1980 for a period of 15 years.
- iv. The Ministry accorded 'in-principle' approval on 09.08.2002 with the certain conditions.
- v. Based on the satisfactory compliance report of the 'in-principle' approval letter dated 09.08.2002. The Ministry had accorded final approval on 02.04.2003.
- vi. After issue of final approval letter, a separate letter dated 27.05.2003 was issued by the Ministry and imposed an additional condition that "the period of permission for lease under the Forest (Conservation) Act, 1980 will be for a period of 15 years."
- vii. After that a representation was received on 28.12.2022 from the Wind World India Limited, Karnataka requesting modification/change of condition Stage-II forest Clearance granted to Wind Power Project (PF/KA/WIND/43786/2020) from existing lease grant of 15 years to 30 years.
- viii. The above representation was forwarded to the Govt. of Karnataka vide letter dated 27.01.2023 for examine and furnish their comments on the presentation.
- ix. In reference above the PCCF (HoFF) Government of Karnataka vide their letter E-office file No.KFD/HoFF/A5-2 (GFL)/143/2019-FC dated 01.04.2023 forwarded additional information in response to this Ministry's letter dated 27.01.2023 to the State Government.
- x. On the basis of the above request submitted by the Govt. of Karnataka, the proposal was considered/discussed in the Advisory Committee (AC) meeting in its meeting held on dated 18.05.2023. The Committee had detailed discussion and deliberation with Nodal officer, Karnataka and Regional Officer, IRO, Bangalore. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee made following observations:
 - 1) The proposal in the present proposition cannot be acceded to. However, the State Govt. may submit the detailed proposal for

regularization and prior approval of the Central of the Central Govt. for renewal of the lease.

- 2) The State Government shall submit the details regarding the extension of the permission granted to operate the wind mill beyond 15 years and provide justification why this should not be considered as violation of FCA, 1980 and action taken in this regard as per the Act.
 - 3) The CA land identified with respect to the instant proposal shall be declared as RF/PF within three months.
- xi. The above AC observations were communicated to the State Govt. vide this Ministry's letter dated 30.05.2023 and the Government of Karnataka vide their letter No. FEE 79 FLL 2023 dated 16.08.2024 forwarding the additional information in response to this Ministry's letter dated 30.05.2023. Further, the PCCF (HoFF) GoK vide letter No.KFD/HoFF/A5-2 (GFL)/143/2019-FC dated 11.01.2024 forwarding the point wise reply, the same is given as under:

S. No .	Observations raised by the MoEF&CC on 30.05.2023	Reply submitted by the Govt. of Karnataka on 16.08.2024
1	The Proposal in Present Proposition cannot be acceded to. However, the State Govt. may submit detailed proposal for regularization and prior approval of the Central Govt. for renewal of the lease.	<p>In this regard it is informed that the Renewal of FC lease proposal (FP/KA/WIND/ 43786/2020) has been verified by this Office and recommended to the Government of Karnataka vide this office letter dated 16.02.2023 based on the recommendation of the field officers.</p> <p>The details of the proposal obtained from the field officers and the present status (Timeline) of the proposal obtained from the web portal are enclosed.</p>
2	The State Govt. shall submit the details regarding the extension of the permission granted to operate the windmills beyond 15 years, and provide justification why this should not be considered as violation of FCA, 1980 and action taken in this regard as per the Act.	<p>In this regard it is informed that the KREDL had applied to Government of Karnataka for Forest clearance for establishing wind mills for 30 years in Chitradurga district. However, Government of Karnataka had recommended for a period of 15 years. Accordingly, Government of India has accorded stage-II approval for a period of 15 years on 02-04-2003. The lease expired on 19-06-2018.</p> <p>The subsequent amendment to the Forest (Conservation) Guidelines were made in 2004, whereby the period of lease in case of windmills was changed from 15 years to 30 years. However, this amendment did not apply to the above lease, as no representation was received in this office from the user agency.</p> <p>In this regard, the orders for closure of the</p>

		<p>wind mills by the then Deputy Conservator of Forests, Chitradurga, is not available.</p> <p>After the expiry of the Forest Clearance in 19-06-2018, a letter was written by the Deputy Conservator of Forests, Chitradurga, to BESCOM on 04-01-2019 to hold back the amount payable to the company.</p> <p>Based on the Company's representation dated 05-01-2019, the Government of Karnataka (Energy Department), vide letter dated 25-01-2019, has directed this office to take action as per rules for permitting maintenance of machines.</p> <p>Further, M/s. Wind World (India) Ltd, vide letter dated 05-06-2020, once again requested this office to issue directions to DCF Chitradurga, to permit them to start the wind mills stating that if the wind mills are not worked for long time, the machines will get damaged. Further, they have submitted that revenue generated from existing wind mills are required for proper maintenance of these machines and hence they have requested to inform the BESCOM to release the revenue.</p> <p>Thereafter, permission was granted by the then Principal Chief Conservator of Forests (Head of Forest Force) as follows: <i>It is felt that the government interest under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 can be safeguarded if the Bangalore Electricity Supply Company (BESCOM) withholds the revenue likely to be shared with the User Agency for the power generation to the tune of approximately ₹370.00 lakh as per a tentative estimation. If so, the windmills can be permitted to be run so that there is no disruption of power generation and minimum required maintenance of the machines can be permitted.</i> Under the above circumstances, the following orders are issued on 24-07-2020 and 11-08-2020:-</p> <ul style="list-style-type: none"> ● To Permit the User Agency to undertake the minimum maintenance of the windmills to keep them running, and,
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		<ul style="list-style-type: none"> ● To inform the BESCOM to withhold an amount of ₹370.00 lakh from the power revenue due to User Agency till proper clearance under the Forest (Conservation) Act, 1980 is in place. <p>PCCF (HOFF) wrote another letter to BESCOM on 07-11-2020 to withhold the amount of ₹370 lakhs, and remaining balance amount, if any, may be released. Further, to retain 10% of the amount payable towards power purchase from future bills and remaining 90% to be released to the User Agency till FC lease is extended.</p> <p>The User Agency has submitted the online renewal applications on 06-07-2018 and 15-11-2019 respectively, but they were found to be incomplete. Hence, they were returned by the Nodal Officer. The renewal online proposal was again submitted on 09-01-2020. The same was verified and accepted by the Nodal officer on 07-03-2020 and online link was transferred to DCF Chitradurga on 22-05-2020 for further processing of the proposal.</p> <p>APCCF (WL) and Nodal Officer who was in charge for Ballari Circle brought it to the notice of the PCCF (FC) & Nodal Officer regarding the running of the above windmills in Chitradurga District under the orders of PCCF (HOFF) dated 24-07-2020.</p> <p>PCCF (FC) & Nodal Officer called for a meeting immediately under the Chairmanship of PCCF (HoFF) on 07-05-2022, wherein PCCF (FC), APCCF (WP), APCCF (CAMP), APCCF (Legal Cell), APCCF (NEP & BM), APCCF (Wildlife and Nodal Officer Ballari) APCCF (Administration and Coordination) and CCF Bengaluru (Ex CCF Ballari) were present. In the meeting it was decided to direct the CCF Ballari Circle to immediately suspend the operations of the windmills till further orders, as even after considerable lapse of time, the complete FC proposal has not reached this office for onward submission to the Government of India and to contact the BESCOM for withholding all further payments (copy of the proceedings is given).</p> <p>Accordingly, orders were issued by PCCF</p>
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		<p>(HoFF) on 07-05-2022. The operation of the windmills was suspended on 07-05-2022 by the DCF Chitradurga Division (Copy is giev).</p> <p>In this regard User Agency approached the National Company Law tribunal, Ahmedabad, Division Bench and filed LA/473(AHM) 2022 in CP(IB) 14 of 2018 regarding suspension of the operations of the windmills. The National Company Law Tribunal directed this office to permit the operations of the wind turbines in Karnataka which were operated and maintained by Wind World (India) Limited.</p> <p>The Government of Karnataka approached the Hon'ble High Court of Karnataka against the order passed on 06-07-2022 by the National Company Law Tribunal, Ahmedabad, Division Bench.</p> <p>The Hon'ble High Court of Karnataka, vide order dated 13-04-2023, quashed the order of the National Company Law Tribunal, Ahmedabad Division and stated that <i>"the tribunal could not have acted as constitutional court to suspend the order or the proceedings of the State Government and permit functioning of the of the Windmill. All these are powers vested in the constitutional Courts and not the tribunal. The law in this regard is very clear that if there are statutory clearances to be given, those clearances cannot be given a go bye by an order of the tribunal. He would contend that the order of the Tribunal is one without jurisdiction and, therefore, the state need not approach the appellate tribunal against the impugned order, as on order which is without jurisdiction is a nullity in law"</i></p> <p>Further, Impugned order dated 06-07-2022 passed by the National Company Law Tribunal, Ahmedabad Division stands quashed. Consequently, I.A No.1 of 2023 also stands disposed.</p> <p>Conclusion: -</p> <ul style="list-style-type: none"> ● The windmills are already established and the area is already broken up. ● It is also observed that there was a subsequent amendment to the Van (Sanrakshan Evam Samvardhan) Adhiniyam, Guidelines in 2004, whereby the period of lease instead was
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		<p>increased from the existing 15 years to 30 years. However, this amendment was not applied to the above lease as no representation was received in this office from the user agency for further processing.</p> <ul style="list-style-type: none"> ● The order of the PCCF (HoFF) dated 24-07-2020 and 11-08-2020 permitted the User Agency to undertake the minimum maintenance of the windmills to keep them running, to avoid disruption of power generation and at the same time for safeguarding the interest of the Government. It was informed to the BESCOM to withhold an amount of ₹370.00 lakhs from the power revenue due to the User Agency till proper clearance under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is in place. ● <i>In view of the above, the permission granted to operate the windmills by the PCCF (HoFF) vide order dated 24-07-2020 and 11-08-2020 beyond 15 years may not be considered as violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.</i> <p><u>However, the user agency has violated the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by utilizing additional forest land i.e 45.272 ha outside the leased area [The total area allocated to the user agency was 221.80 ha, out of which 176.528 ha was utilized within the lease area and 45.272 ha was outside the lease area].</u></p> <p><u>In addition, the user agency has utilized an area of 35.082 ha within the approved lease area but has deviated from the original land use.</u> The total area utilization by the user agency remains 221.80 ha.</p> <p>Hence, appropriate penalty may be imposed for the above-mentioned encroachment and deviations as has been done in other cases in the past vide orders Nos. 4-kRC185/2006-BAN/1701 dated 09-03-2019, 4-KRC184/2006-BAN/1699 dated 09-03-2019, 4-KRC182/2006-BAN/1700 dated 09-03-2019 and 4-KRC188/2006-BAN/1697 dated 09-03-2019 in</p>
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		<p>Hassan District.</p> <p>At present, BESCOM is holding ₹6.91 crore on behalf of Karnataka Forest Department which can be adjusted towards the penal charges as and when levied.</p>															
3.	The CA Land identified with respect to the instant proposal shall be declared as RF/PF within three months	<p>In this regard it is informed that the details of equivalent non-Forest land identified in Chitradurga district by User Agency for Compensatory afforestation details are as follows.</p> <table border="1"> <thead> <tr> <th>Village & Taluk</th><th>Sy No.</th><th>Area in ha.</th></tr> </thead> <tbody> <tr> <td>Thodarnal, Holalkere</td><td>16,19</td><td>140.22</td></tr> <tr> <td>T.Nulenur, Holalkere taluk</td><td>46,50 & 51</td><td>34.22</td></tr> <tr> <td>Yelukurnahalli Chitradurga taluk</td><td>21</td><td>47.57</td></tr> <tr> <td>Total</td><td></td><td>222.01 ha</td></tr> </tbody> </table> <ul style="list-style-type: none"> ● Total 222.01 Ha of non-Forest land is mutated in favour of the Forest Department. The Details of CA land information, maps and KML file is CD are enclosed. ● The Plantation has been raised over an extent of 222.01 ha. <p>Further, the Government of Karnataka vide Notification No. FEE 151 FAF 2013 dated 17-12-2013 ha notified an extent of 173.7 ha of CA land under Section 4 of the Karnataka Forest Act.</p> <p>The Government of Karnataka vide order No FEE FAF 2023 dated 20-12-2023 has declared an extent of 47.57 Ha in Sy No.21 of Yelukurnahalli Village, Aimangala Hobli, Hiriur Taluk, Chitradurga District as protected Forest under Section 33 of Karnataka Forest Act 1963.</p>	Village & Taluk	Sy No.	Area in ha.	Thodarnal, Holalkere	16,19	140.22	T.Nulenur, Holalkere taluk	46,50 & 51	34.22	Yelukurnahalli Chitradurga taluk	21	47.57	Total		222.01 ha
Village & Taluk	Sy No.	Area in ha.															
Thodarnal, Holalkere	16,19	140.22															
T.Nulenur, Holalkere taluk	46,50 & 51	34.22															
Yelukurnahalli Chitradurga taluk	21	47.57															
Total		222.01 ha															

xii. In addition to the above, the PCCF (HoFF) Govt. of Karnataka vide letter dated 11.01.2024 has also submitted the following information related to the instant proposal:

- 1) The MoEF&CC, Government of India, had accorded the final (Stage-II) approval for diversion of 221.80 ha of forest land for establishment of Wind power project in favour of M/s. KREDL for sub lease to M/s. Enercon (India) Ltd. On BOT basis in Chitradurga District, Karnataka subject to certain conditions. Accordingly, the Government of Karnataka vide letter dated 20.06.2003, had accorded sanction for the

forest lease for the above project for a period of 15 years. The FC lease period ended on 19.06.2018.

- 2) The KREDL had applied to the Government of Karnataka for Forest clearance for establishing wind mills for 30 years in Chitradurga district. However, the Government of Karnataka had recommended it for a period of 15 years. Accordingly, Government of India has accorded stage-II approval for a period of 15 years on 02.04.2003.
- 3) The subsequent amendment to the Van (Sanrakshan Evam Samvardhan) Adhiniyam Guidelines were made in 2004, whereby the period of lease in case of windmills was changed from 15 years to 30 years. However, this amendment did not apply to the above lease, as no representation was received in this office from the user agency.
- 4) In this regard, the orders for closure of the windmills by the then Deputy Conservator of Forests, Chitradurga, is not available.
- 5) After the expiry of the Forest Clearance in 19-06-2018, a letter was written by the Deputy Conservator of Forests, Chitradurga to BESCOM on 04-01-2019 to hold back the amount payable to the company.
- 6) Based on the Company's representation dated 05-01-2019, the Government of Karnataka (Energy Department), vide letter dated 25-01-2019, has directed this office to take action as per rules for permitting maintenance of machines.
- 7) Further, M/s Wind World (India) Ltd, vide letter dated 05-06-2020, once again requested this office to issue directions to DCF Chitradurga, to permit them to start the windmills stating that if the windmills are not worked for long time, the machines will get damaged. Further, they have submitted that revenue generated from existing windmills are required for proper maintenance of these machines and hence they have requested BESCOM to release the revenue.
- 8) **Thereafter, permission was granted by the then Principal Chief Conservator of Forests (Head of Forest Force) as follows:** *It is felt that the government interest under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 can be safeguarded if the Bangalore Electricity Supply Company (BESCOM) withholds the revenue likely to be shared with the User Agency for the power generation to the tune of approximately ₹370.00 lakh as per a tentative estimation. If so, the windmills can be permitted to be run so that there is no disruption of power generation and minimum required maintenance of the machines can be permitted. Under the above circumstances, the following orders are issued on 24-07-2020 and 11-08-2020: -*
 - *To Permit the User Agency to undertake the minimum maintenance of the windmills to keep them running, and*
 - *To inform the BESCOM to withhold an amount of ₹370.00 lakh from the power revenue due to User Agency till proper clearance under the Forest (Conservation) Act, 1980 is in place.*
- 9) The PCCF (HOFF) wrote another letter to BESCOM on 07.11.2020 to withhold the amount of ₹370 lakhs, and remaining balance amount, if any, may be released. Further, to retain 10% of the amount payable towards power purchase from future bills and remaining 90% to be released to the User Agency till FC lease is extended.

- 10) The User Agency has submitted the online renewal applications on 06.07.2018 and 15.11.2019 respectively, but they were found to be incomplete. Hence, they were returned by the Nodal Officer. The renewal online proposal was again submitted on 09-01-2020. The same was verified and accepted by the Nodal officer on 07-03-2020 and online link was transferred to DCF Chitradurga on 22-05-2020 for further processing of the proposal.
- 11) APCCF (WL) and Nodal Officer who was in charge for Ballari Circle brought it to the notice of the PCCF (FC) & Nodal Officer regarding the running of the above windmills in Chitradurga District under the orders of PCCF (HOFF) dated 24-07-2020.
- 12) PCCF (FC) & Nodal Officer called for a meeting immediately under the Chairmanship of PCCF (HOFF) on 07-05-2022, wherein PCCF (FC), APCCF (WP), APCCF (CAMPA), APCCF (Legal Cell), APCCF (NEP & BM), APCCF (Wildlife and Nodal Officer Ballari) APCCF (Administration and Coordination), and CCF Bengaluru (Ex CCF Ballari) were present in the meeting it was decided to direct the CCF Ballari Circle to immediately suspend the operations of the windmills till further orders, as even after considerable lapse of time, the complete FC proposal has not reached this office for onward submission to the Government of India and to contact BESCO for withholding all further payments (copy of the proceedings is given).
- 13) Accordingly, orders were issued by PCCF (HOFF) on 07-05-2022. The operation of the windmills was suspended on 07.05.2022 by the DCF Chitradurga Division.
- 14) In this regard the User Agency approached the National Company Law Tribunal, Ahmedabad, Division Bench and filed IA/473(AHM) 2022 in CP(IB) 14 of 2018 regarding suspension of the operations of the windmills. The National Company Law Tribunal has directed this office to permit the operations of the wind turbines in Karnataka which were operated and maintained by Wind World (India) Limited.
- 15) The Government of Karnataka approached the Hon'ble High Court of Karnataka against the order passed on 06.07.2022 by the National Company Law Tribunal Ahmedabad, Division Bench.
- 16) The Hon'ble High Court of Karnataka, vide order dated 13.04.2023, quashed the order of the National Company Law Tribunal, Ahmedabad Division and Stated that *"the tribunal could not have acted as constitutional court to suspend the order or the proceedings of the State Government and permit functioning of the Windmill. All these are powers vested in the constitutional courts and not the tribunal. The law in this regard is very clear that if there are statutory clearances to be given, those clearances cannot be given a go by by an order of the tribunal. He would contend that the order of the Tribunal is one without jurisdiction and, therefore, the state need not approach the appellate tribunal against the impugned order, as an order which is without jurisdiction is a nullity in law"*.
- 17) Further, Impugned order dated 06-07-2022 passed by the National Company Law Tribunal, Ahmedabad Division stands quashed. Consequently, I.A No.1 of 2023 also stands disposed.

18) Additional Information on change of Name of the User Agency:

The Government of India, Ministry of Corporate Affairs has certified that Enercon (India) Ltd, which was originally incorporated on Twenty second day of May two thousand three (22.05.2003) under the Companies Act, 1956 (No 1 of 1956) as Enercon (India) Ltd having duly passed the necessary resolution in terms of section 21 of the companies Act, 1956 read with Government of India, Department of Company affairs, New Delhi, Notification No GSR 507 € dated 24-06-1985 vide SRN B64732787 dated 01-01-2013 the name of the said company changed to Wind World (India) Limited. However, the User Agency has not obtained the transfer of name change from M/s Enercon (India) Ltd to M/s Wind World (India) Ltd as per Guidelines of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Hence, **User Agency is being instructed to change the name from M/s Enercon (India) Ltd to M/s Wind World (India) Ltd.**

19) Further, Hon'ble National Company Law Tribunal (NCLT), Ahmedabad, has ordered the commencement of a corporate insolvency resolution process against Wind World (India) Ltd. Under the insolvency and Bankruptcy Code 2016 on 20-02.2018.

20) In the meantime, M/s Wind World (India) Ltd, Wind World Towers, Veera Industrial Estate, Veera Desai Road, Andheri (West) Mumbai user agency in the present proposal) vide letter dated 11.07.2003 has (re) submitted a proposal (FORM-B PART-1) through FC web portal on 09-01-2020 seeking renewal of FC lease involving diversion of 221.80 hectare of forest land in Jogimatti and Marikanive RF [Lakkihalli, Mykenahalli and nine (9) other villages] in Hosadurga, Hiriyyuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project for approval under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The same was accepted by the Nodal Officer on 07-03-2020 for further processing under the Adhiniyam. After receiving the online Acknowledgement from the User Agency on 16-05-2020 for having delivered the hard copies of proposal to the Deputy Conservator of Forests, Chitradurga Division, the online link was forwarded to the Deputy Conservator of Forests, Chitradurga Division on 22-05-2020 for field verification and further processing under the Forest (Conservation) Act, 1980.

21) **Location and Component –wise break up:** Location details of the Forest land Proposed for renewal of FC lease is given below:

District, Taluk Hobli	Village	Sy No.	Forest land proposed for diversion (ha)	Legal status of land
Chitradurga District Holalakere, chitradurga, Hosadurga & Hiriyyuru Taluk, Talya, Kasaba, Chitradurga,	Lakkihalli	16,17	10.927	Recorded Forests
	Mykenahalli	1	1.322	Reserved Forests
	kattahole	1,2	6.868	

Madadhakere Matthode, Javangondanahalli Hobli	Ittagehalli	47,53,100,101,103	62.685	Deemed Forests
	Haladyamanahalli	6,5,7	6.105	Reserved Forests
	Yelladakere	52,53,54,67	33.624	Deemed Forests
	Doddpur	10	12.86	Reserved Forests
	Kallehadlu	40	21.122	Jogimatti wild life sanctuary
	Thekalavatti	59,80,60	32.307	Reserved and Protected Forests
	Kolalu	112	0.846	Deemed Forests
	Yarehalli	15	9.014	Jogimatti wild life sanctuary
	Neralkere	100,102	7.894	
	Catchment area (Mallagondanahalli)& Thirumalapura	8,10	16.256	Reserved Forests
Total			221.8	

22) Component-wise breakup of the Forest land Proposed for renewal of FC lease is given below

Project Components		Forest land proposed for diversion (ha)
1	Platform area	46.818
2	Road	92.061
3	Road Curvature	7.756
4	Electric line	74.532
5	Vacuum Circuit Breaker (VCB) yard	0.542
6	Control room	0.091
Total		221.80

23) **DCF, Chitradurga Division Report:** The Deputy Conservator of Forests, Chitradurga Division has inspected the spot on 24-11-2020 and 25-11-2022 and has submitted the Site Inspection Report, the details of the area along with the recommendation in PART-II of the proposal vide letter dated 29.12.2022 to Chief Conservator of Forests, Ballari Circle. Main features of the proposal based on the DCF, Chitradurga Report r/w the report of the CCF, Ballari Circle and that of the ICT Centre of Forest Department are as follows:

- The forest land proposed for FC renewal is prone to soil erosion and fire.
- The forest land proposed for FC renewal is in the general landscape of Eco- class-III (Moist Deciduous Forests) with a Canopy Density of 0.1 (Open Forest) in the area.

- As per item 4 (ii) of PART-II, there are no trees to be felled on the forest land proposed for diversion.
- Major wild animals found in and around the area include the Sloth bear, Leopard, Wild Boar, Spotted deer, Hare, etc.
- There are no rare/endangered/unique species of flora and fauna reported around the forest land proposed for FC renewal.
- The forest land proposed for FC renewal the Global Investor Meet (GIM) 1 project site area -76.149 ha (Coming under Chitradurga and Holalkere Ranges) forests is completely within the Jogimatti Wildlife Sanctuary (Core and ESZ) while Vani Vilas Sagar (VVS) project site area is far away from Jogimatti Wildlife Sanctuary (Core and ESZ).
- There are no Protected/ Archeological/ Heritage Sites/ Defence establishments located in the proposed area.
- The forest area proposed for diversion is the bare minimum and unavoidable.
- There is a violation reported under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the user agency has utilized excess area and has deviated from the original area in the year 2005.

24) **The CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has inspected the proposed area personally on 20-11-2022 and vide letter dated 30.12.2022 has submitted the Site Inspection Report in PART-III online. Agreeing with the recommendation made by the Deputy Conservator of Forests, Chitradurga Division, the Chief Conservator of Forests, Ballari Circle has also recommended the proposal.

25) **Net Present Value (NPV):** The original lessee has paid an amount of ₹6,94,51,570/- (DD No. 338748 dated 13-04-2011 for ₹6,94,51,510/- and DD No. 061651 dated 13-04-2021 for ₹60/-) towards Net Present Value for 221.8 ha of forest land diverted earlier. The User Agency has submitted an Undertaking dated 02-08-2022 to pay the Net Present Value (NPV) of the forest land proposed for diversion.

26) **Compensatory Afforestation (CA):** As per Condition No. 2 (b) of the previous FC approval (Stage-II approval dated 02-04-2003) of the Government of India, Compensatory Afforestation shall be raised equivalent non-forest land (221.8 ha) at the cost of User Agency. Accordingly, the original lessee has paid an amount of ₹1,20,32,400/- (DD No. 020421 dated 08-11-2002) towards CA charges for 221.8 ha of non-forest land. The Details of Compensatory Afforestation land are identified by User Agency are given below:

SI No.	District Taluk and Hobli	Village	Survey number	In Ha	Mutation Status and date	Whether notified as RF/PF/Section 4 (Notification No and Date)

1	Chitradurga Holalkere Talya	Todarnal	16	28.33	21/2002-03, 24-02-2003	As per Govt Order No FEF 151 FAF 2013 dated 17-12- 2013 declared as section 4 notified area
2		Todarnal	17	100.78		
3		Todarnal	18	7.85		
4		Todarnal	19	2.91		
		Sub Total		139.86 ha		
5		T. Nulenalur	46	11.76	21/2002-03, 24-02-2003	As per Govt Order No FEE 151 FAF 2013
6		T. Nulenalur	50	9.01		
7		T. Nulenalur	51	13.07		Dated 17-12-2013 declared as Section 4 notified area
		Sub Total		33.84 ha		
8		Yalkurnahalli	21	48.16	CA land Mutated vide order No. 01/2002-03 dated 03-09- 2002	The Government of Karnataka vide Order No FEE FAF 2023 dated 20-12- 2023 has declared an extent of 47.57 Ha is Sy No.21 of Yelukurnahalli Village, Aimangala Hobli, Hiriur Taluk Chitradurga District as Protected Forest under section 33 of Karnataka Forest Act 1963
		Sub Total		48.16 ha		
		Grand Total		221.8ha		

27) **SMC Charges:** The original lessee has paid an amount of ₹1,02,31,000/- (RTGS UBINH13168060096567585731/0090 DT 17-06-2013 for ₹10,00,000/- Out of ₹25,00,000/- paid vide Receipt No.66 dated 17.06.2013 of CAMPA ledger A/c) towards SMC charges for 60 to 70 percent of diverted ha of forest land diverted earlier.

28) **Medicinal Plantation Charges:** As per Government of Karnataka order No FEE 139 FLL 2004 dated 24-09-2004 has additionally added 6 conditions out of that the Dwarf tree species and Medicinal Plant gardens is to be planted in available gaps in the wind farms at the cost of User Agency. *However, the User Agency has not paid for the dwarf tree species and Medicinal Plant gardens charges till date.*

The User Agency has not paid the charges for Medicinal plants or Dwarf plants. As the intervening area has wind mill components such as platform, transmission lines, Vacuum Circuit breaker yard, Control room, internal roads for repairs and maintenance and the area is very

rocky & not suitable for plantations. Hence, Medicinal and Dwarf plantation are not raised on the Project site.

However, the User Agency has submitted an undertaking to take up the plantation in future. The proceedings of the Meeting dated 04.04.2014 held under the Chairmanship of ACS (Forest Ecology & Environment Department), Government of Karnataka held to discuss issues relating to the plantation wherein it is stated that development of medicinal Plant Garden/ Planting of dwarf species of trees should be taken up wherever feasible.

- 29) **RoFR Compliance:** With regard to compliance of the provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 and Rules 2008, the user agency has not furnished the requisite certificate in FORM-II (for Non-Linear/Hybrid projects) issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. The User Agency is informed to obtain the said certificate in prescribed format and submit a copy.

- 30) Forest land utilized vis –a-vis approved:

Forest land leased under FCA	Forest land Utilized by user Agency		
	Within approved lease	Outside approved lease	Total
	176.528	45.272	221.80

- 31) **As per DCF Chitradurga Division Report User agency has additionally utilized 35.082 ha of forest land within the approved area as deviation from the original land use.* The User Agency has utilized only 176.528 ha of forest land inside the approved lease area out of 221.8 ha. 45.272 ha of forest land has been utilized outside the leased area.

- 32) **Compliance of previous FC approval:** The User Agency has uploaded the condition wise compliance report in PART-1 of the proposal uploaded through online.

- 33) **Wildlife Clearance:** The area was first constituted as Jogimatti State Forest by the Government, his Highness the Maharaja of Mysore vide Notification A.F 144-Ft- 142-38-8 dated 8th July 1940 u/s 17 of Mysore Forest Act (XI of 1900) to an extent of 38.8 square mile or 10048.97 hectares or 100.48 square kilometres.

The forest has now been declared as Jogimatti Wildlife Sanctuary (WLS) vide notification no. FEE 77FWH 2015 Bangalore, dated 23rd December 2015 by the Forest Ecology and Environment Department, Government of Karnataka and its Eco-Sensitive Zone (ESZ) was declared vide MoEF&CC notification dated 17.12.2021. At the time of grant of the Stage II Forest Clearance (F.no.8-84/2002 FC dated. 02.04.2003), the above mentioned Protected area status and ESZ declaration wasn't there. Also, the lease deed was signed between the Deputy Conservator of the Forests, Chitradurga Division and the lessee KREDL (Agreement no. 2/2003-04 dated 03.09.2003), for a

period of 15 years and this was prior to the declaration of the reserve forest as a Jogimatti Wildlife Sanctuary.

The GIM 1 project site area-76.149 ha (Coming under Chitradurga and Holalkere Ranges) forests is completely within the Jogimatti Wildlife Sanctuary (Core and ESZ) while VVS project site area is far away from Jogimatti Wildlife Sanctuary (Core and ESZ). The User Agency will have to obtain the wildlife clearance for the proposal from the National Board for Wildlife. The User Agency is being informed once again to obtain such wildlife clearance for the project.

- 34) **Additional Information:** As per formal approval of Government of Karnataka order No FEE 99 FGL 2001 dated 20-06-2003 has put the condition No 11 i.e. out of 11 WEGs proposed to be erected in Sy No. 16 and 17 of Lakkihalli Village 02 WEGs (No E 67 and E 68) which are facing the VVSD at chitradurga shall not be erected in order to prevent soil erosion affecting the VVSD. Further, a specific direction was issued to realign the road proposed for the access to remaining 09 WEG, i.e. E77 to E 69 from the aspect facing Vani Vilasa Sagara Dam (VVSD) to the other aspect of the ridge in above-mentioned Survey Nos. of Lakkihalli to prevent runoff off the soil to the reservoir. However, the User Agency has ignored this direction and executed the road in the originally proposed area in violation of the said conditions. In this regard Forest Offence case (FOC) is booked against the User Agency on 11-12-2009.

Further, the issue of restarting the WEC,s the working of which was stopped by the Forest department, was discussed in the meeting dated 04-04-2014 held under the Chairmanship of the Additional Chief Secretary to Government, further, the Government of Karnataka vide letter dated 24-04-2014 permitted to start the stopped two windmills (WEC,s No E67 & 68) in the above project area that the User Agency shall pay penalty/fine if any that may be imposed by Government of India.

In view of the above circumstances and agreeing with the recommendation of the field officers, the State Govt. has requested for according 'in-principle' approval under the Van (Sanrakshan Evam Samvardhan). Adhiniyam, 1980 for renewal of FC lease of 221.80 hectare of forest land in Jogimatti and Marikanive RF [Lakkihalli, Mykenahalli and nine (9) other villages] in Hosadurga, Hiruyuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project in favour of Karnataka Renewable Energy Development Limited (KREDL) for sub-lease to M/s Enercon (India) Limited [presently M/s Wind World (India) Limited] on BOT basis subject to change of name of the lessee from Karnataka Renewable Energy Development Limited (KREDL) for sub-lease to M/s Enercon (India) Limited [presently M/s Wind World (India) Limited] in the present proposal for a period of 30 years subject to submission of RoFR Compliance Certificate in FORM-II (for Non-Linear projects) and the conditions listed in Annexure 'A'. Appropriate penalty may be imposed

for the encroachment and deviations carried out by the User Agency for violating Forest (Conservation) Act, 1980.

- xiii. The Committee further noted that the UA has also submitted the representation vide letter dated 28.08.2024 with request to the modification in the condition in the Stage-II from 15 to 30 years.
- xiv. The Committee noted that the proposed forest land for renewal falls under Chitardurga district of Karnataka State and its software calculated area is found to be 218.851 ha whereas the area proposed for renewal is 221.80 ha. Therefore, there is a discrepancy of 2.949 ha in the KML file. The surface of the proposed forest land is undulated in nature which led to the difference in the area given in the proposal and area coming from the KML file. The difference comes out to be 1.3% of the total area. Therefore, the same may be considered.
- xv. The Committee further noted that the proposed GIM1 site for renewal is falling in Jogimatti wildlife sanctuary.
- xvi. The Committee further noted that the out of total forest area proposed for diversion, 20 ha of land is classified as moderately dense forest, 75 ha as open forest, 43 ha as Scrub and 7 ha of land as Non-Forest (land without tree cover) in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019-2020.
- xvii. The Committee further noted that the Compensatory afforestation has been identified over equivalent Non-forest/ Revenue land and its software calculated area is found to be 221.226 ha. The details of identified non-forest area for CA is given below:

CA details	Given Area (ha.)	Software calculated area (ha)
T Nulenur CA land	222	34.109
Thodarnal CA land		139.720
Yelakuranahalli CA land		47.397
Total	222	221.226

- xviii. The Committee further noted that the out of total area proposed for CA, 45 ha. of land is classified as open forest, 79 ha as Scrub and 97 ha of land as Non-Forest (land without tree cover) in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019-2020.
- xix. The Committee further noted that the old Plantation, cultivation land and unmetalled road is visible in the CA site viz. T Nulenur and Thodarnal CA site. Further, no plantation is visible in Yelakuranahalli CA site.
- xx. The Committee further noted that as the KML file/layer for Uttare Gudda WLS is available on the DSS, the area falling in this WLS is not mapped.
- xxi. The committee further noted that the proposal was considered earlier in the AC meeting held on 18.05.2023 and as per the observations of the AC, the State Govt. has submitted the proposal. The State Govt. has requested for 'in-principle' approval under the Van (Sanrakshan Evam Samvardhan). Adhiniyam, 1980 for renewal of FC lease of 221.80 hectare of forest land in Jogimatti and Marikanive RF [Lakkihalli, Mykenahalli and nine (9) other villages] in Hosadurga, Hiruyuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project in favour of Karnataka Renewable Energy Development Limited (KREDL) for sub-lease to M/s Enercon (India) Limited [presently M/s Wind World (India) Limited] on BOT basis subject to change of name

of the lessee from Karnataka Renewable Energy Development Limited (KREDL) for sub-lease to M/s Enercon (India) Limited [presently M/s Wind World (India) Limited] in the present proposal for a period of 30 years subject to submission of RoFR Compliance Certificate in FORM-II (for Non-Linear projects) and the conditions listed in Annexure 'A'. Appropriate penalty may be imposed for the encroachment and deviations carried out by the User Agency for violating Forest (Conservation) Act, 1980.

- xxii. The committee further noted that the instant proposal basically involves the following aspects as per examination of the proposal and information received from the State Govt.:
- Extension of FC approval period from 15 years to 30 years.
 - Ex-post facto approval for utilization of 45.272 ha shifted from the boundary of originally diverted area (in the year 2005; referred as encroachment by the State Govt., however the net area utilized by the UA remained the same i.e. 221.80 ha) and land use change of 35.082 ha area (deviation from originally proposed land use).
 - Change in the name of the sub lessee of the User Agency (sub-lessee) i.e. Karnataka Renewable Energy Development Limited (KREDL). Change in name of sub-lessee from M/s Enercon (India) Limited to M/s Wind World (India) Limited.
- xxiii. The committee further noted that the proposal under consideration is for extension of FC approval from 15 years to 30 years in respect of the already granted FC approval on 02.04.2003.
- xxiv. In this regard it may be noted that the as per the Hand Book of Consolidated *Guidelines and Clarifications Issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and VSES Rules 2023* under Chapter 8 clause 8.3 (vii) that: "The forest land will be leased in favour of the developers for a period as per para 2 (hh) of the Central Electricity Regulatory Commission Renewable Energy Tariff Regulations 2020 without payment of any lease rent. Within a period of 5 years of Stage-II approval, the developer shall apply for transfer the approval/lease in the name of investors/power producers, for prior permission of the Central Government following the procedure for transfer of User Agency. Transfer fee will be regulated as per provisions given in Chapter 5 of the Handbook".
- xxv. The committee further noted that as per the CERC notification the minimum useful life of the wind power project is 25 years.
- xxvi. The committee further noted that the UA has submitted a copy of agreement between Govt. of Karnataka & Enercon (India) Ltd, and as per point 2 of the said agreement 'the lease period is long enough to enable him to operate the windmill farm over its entire lifetime'.
- xxvii. The committee further noted that this Ministry guideline dt 14.05.2004 at para (v) states that *the lease period initially shall be for a period of 30 years*.
- xxviii. The committee further noted that the PCCF has informed that in many windmill cases, Government of India has granted lease period for 30 years;

- xxix. The committee further noted that the CA has already been raised by the SFD. The State Govt. has notified the CA area as RF/PF and submitted the copy of the notification in the vernacular language and true translated copy in English. The NPV payment has already been paid by the UA in the year of 2011.
- xxx. The committee further noted that the Govt. of Karnataka has recommended an appropriate penalty for the deviations carried out by the user agency. The user agency has given an undertaking to comply with all the conditions imposed in this regard. Further, it is to be noted that BESCOM Karnataka has withheld apporx. ₹6.9 crore to safeguard the interest of the forest department against any potential levies and penalties.
- xxxi. The committee further noted that the user agency has complied with all the conditions stipulated in the approval letter dated 02.04.2003 by the Central govt. However, the Govt. of Karnataka has imposed additional conditions and it has been reported that the UA has not complied with one of the conditions for 8-84-2002-FC I/82561/2024 which the State Forest Department has already booked as an offence.
- xxxii. The committee further noted that at the time of the grant of the approval during 2003, the area under consideration for renewal was not the part of any wildlife sanctuary. However, now the complete area is coming to the WLS "Jogimatti Wildlife Sanctuary" (notified on 23.12.2015) and Uttaregudda Wildlife Sanctuary (notified on 31.12.2022). The ESZ notification of the "Jogimatti Wildlife Sanctuary" has also been issued by the Ministry vide notification dated 17.12.2021. In this ESZ notification it has been mentioned at Para 4 (B) (26) permitted activities and (c) (41) Promoted activities that:

<i>S. no. of the ESZ notification</i>		
26	<i>Use of renewable energy sources for subsistence use</i>	<i>permitted under applicable laws for use of locals</i>
41	<i>Use of renewable energy and fuels.</i>	<i>Bio-gas, solar light, etc. shall be actively promoted.</i>

- xxxiii. The committee further noted that further, it may be noted that the UA has submitted the proposal for approval of the SCNBWL (WL/KA/WINDPOWER/428759/2023). As per the WL clearance proposal $97.762 + 47.889 = 145.61$ ha area of the proposed forest land is falling under Uttare Gudda WLS and ESZ of Uttare Guda WLS. An area of 72.254 ha area is falling under the Jogimatti WLS and ESZ of Uttare Gudda Wildlife Sanctuary" and 3.895 ha of area comes under ESZ of Jogimatti WLS.
- xxxiv. The proposal was considered in the 77th meeting of SCNBWL held on 30.01.2024 under the chairmanship of the Hon'ble Minister of EF&CC. In this meeting it has been decided that the Ministry shall issue policy guidelines for consideration of project proposals by the Standing Committee only after receipt of FC. Therefore, the proposals referred in para 3 above should be accompanied with reference regarding receipt of forest clearance under the Van (Sanrakshan Evam Sarnvardhan) Adhiniyam, 1980. The Guidelines were issued on 18.03.2024 by the WL Division of this Ministry.

12.4 Proposals located within the Protected Areas: The proposals, involving entire forest land located in one or more Protected Areas,

would be considered for grant of 'in-principle' approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, only after obtaining the recommendation of the SC-NBWL, permitting use of forest land for non-forestry purpose, has been obtained.

12.5 Proposals located both within and outside the Protected Areas: The proposal involving forest land located both within and outside the Protected Areas, the 'in-principle' approval can be granted in the portion of land outside the Protected Area provided that the Stage-II in such proposals will be given only after recommendation of SC-NBWL. Further no working permission after Stage-I will be admissible in such cases to avoid a fait accompli situation.

12.6 Proposals located in the Eco-Sensitive Zone (ESZ) of a Protected Areas: The proposals located in ESZ, requiring approvals under the Adhiniyam as FC-11/118/2021-FC I/76381/2024 well as Wild Life (Protection) Act, 1972, would be processed simultaneously.

xxxv. In view of the recommendation by SCNBWL and above guidelines issued by the Ministry, following is submitted for consideration:

- It may be noted that the instant proposal is for renewal/extension of FC approval beyond 15 years as initially stipulated in the year 2003. Now the user agency is requesting to extend the said validity for a total 30 years at par with other similar proposals of wind mills granted in the same State.
- It may be noted that the proposal is basically for change/modification in the condition stipulated in the final approval which specifies the validity for 15 years to 30 years. The representation in this regard was earlier deliberated in the AC meeting dated 18.05.2023.
- Further, it is mentioned that the UA is not seeking any expansion or modification in the existing unit. No additional land has been sought by the user agency and the user agency after the renewal will utilize the existing unit only. The unit is in existence prior to notification of the said land parcel as WLS (in 2015 Jogimatti WLS and in 2022 Uttare Gudda WLS).
- The user agency has applied for the renewal/extension in the year 2020 (09.01.2020) and the application was accepted by the State Nodal Officer on 07.03.2020.
- Further, the user agency has submitted wildlife conservation plans for areas falling in the both WLS. It is also to note that the period of 15 years was stipulated as an additional condition vide a specific letter dated 27.05.2003.
- It may also be noted that the above guidelines were generic in nature and the instant proposal is specifically for extension of period of existing FC approval for an existing unit. Further, the SCNBL has also asked the UA to get FC approval before

considering the approval for Wildlife Clearance. However, as the UA has already applied in past for SCNBWL approval and the SCNBWL approval may be sought by the UA as per their submitted application once the period of FC approval is extended.

- In view of the above, the extension of FC approval beyond 15 years may be considered for a period of 30 years as per extant guidelines of the Ministry with regard to wind mill projects, subject to the approval of the SCNBWL.

xxxvi. The Committee further, noted that the matters related to violation of Adhiniyam and guidelines: There are two issues so far as violations are concerned.

- 1) *With regards to reported deviations/encroachment (shift) by the user agency with respect to shifting the land and carrying out land use change. In this matter, as proposed by the State Govt. imposition of penal NPV twice the normal NPV for the area utilized in deviation of the original area/land use may be considered as per para 1.16 (iii) of the Hand Book of consolidated guidelines and clarifications issued under van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and van (Sanrakshan Evam Samvardhan) Rules, 2023 under Chapter 1.*
- 2) *The permission granted by the then PCCF & HoFF as elaborated above and replied by the State Govt. prima facie, amounts to violation of Adhiniyam 1980. In this regard, action under section 3B read with 3A of the Adhiniyam, 1980 may be considered.*

xxxvii. As the proposal also involves change in the name of the sub-lessee of the User Agency, which may be dealt as per the Para 5.2 of the Handbook of Van (Sanrakshan Evam Samvardhan), Adhiniym, 1980 and Van (Sanrakshan Evam Samvardhan), Rules, 2023.

xxxviii. The above facts were also considered by the Advisory Committee meeting held on 23.09.2024 wherein the Committee had detailed discussion and deliberation with regard to the above proposal. After going through the facts of the proposal and submissions made, the committee decided to defer the proposal for want of following:

- 1) The RO Bengaluru shall provide the site inspection report.
- 2) The Regional Office shall examine the reported violation and also initiate the action for reported violation under Section 3B read with 3A of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

xxxix. Accordingly, the RO vide letter dated 13.11.2024 has been sent to the State Govt. for seeking information regarding reported violations. Further, the RO vide letter dated 18.11.2024 has submitted the Site Inspection Report. The SIR was carried out by the DIGF (Central) RO Bengaluru on 22-23rd October, 2024. The DDGF (Central) RO Chennai (On additional charge of RO Bengaluru) has endorsed the SIR carried out by the DIGF and he agrees with the recommendation mentioned by the DIGF. The recommendation part of the SIR are as follows:

- 1) The proposal is already established and involves more than 100 Wind Energy Converters. The renewal will help power generation

without involving breaking up of any new forest land or cutting of any new trees.

- 2) However, since the User agency has utilized 45.272 ha of forest land outside the lease area without approval, a suitable penalty should be imposed as per the VSESA, 1980.
 - 3) Further, within the lease area of 221.8 ha, there is a change in land use over 35.082 ha from what was proposed in the proposal. For this deviation also a penalty is recommended.
 - 4) The Original Lessee was M/s KREDL, a State Government agency. But the project has now been transferred to first ENERCON (as approved in the FC approval) and now to M/s Wind World. A letter from the original applicant clarifying the transfer may be sought, and the transfer process may be completed by the User agency as per guidelines.
 - 5) Since the majority of the project area is now within the PAs, appropriate wildlife protection measures may be implemented with the approval of Wildlife Authorities (NBWL, etc. as is required). The measures shall invariably include protection from forest fires, SMC works along the roads.
 - 6) The prosecution of the Authorities for violation of VSESA 1980 prima facie notice shall also be carried out parallelly.
- xl. The committee noted that the SIR submitted by the RO has not provided clear recommendation with regard to the instant proposal. Therefore, the RO shall submit its clear recommendations.
 - xli. Further, the RO has also reported in the monitoring report that the CA over 47.57 ha out of 222 ha has not yet been done. Further, the details of plantation done in the remaining areas needs to be uploaded on the e-green watch portal. Hence, a detailed report on CA done may be sought from the State Govt.
 - xlii. The Committee further noted that the State Govt. has not submitted the name of the erring official responsible for reported violation.
 - xlili. The Committee had detailed discussion and deliberation with regard to the above proposal. After going through the facts of the proposal and submissions made, the committee decided to defer the proposal for want of following:
 - 1) *The RO Bengaluru shall submit its clear recommendation with respect to the instant proposal.*
 - 2) The State Govt. shall provide the names of the erring official responsible for violation within 15 days in response to the letter dated 13.11.2024 to the Regional Office.
 - 3) *As observed in the monitoring report that the CA over 47.57 ha out of 222 ha has not yet been done, the State Govt. shall submit a detailed report on CA done to the Regional Office.*
 - xliv. The above decision of the Advisory Committee was communicated to the State Govt. and Regional Office vide letter of even no. dated 09.12.2024. The Govt. of Karnataka vide letter No. FEE 79 FLL 2013 dated 01.04.2025 has requested for modification / change of condition of stage-II approval granted to Wind Power project from existing lease grant of 15 years to 30 years. Further, the State Govt. has also forwarded the letter of PCCF

dated 27.03.2025 wherein the PCCF (HoFF) has provided point wise reply of the information asked by the Ministry. The details are as below:

S. No.	Information sought by the Ministry	Reply form the State Govt.
1	The DDGF Bengaluru shall submit his clear recommendation with respect to the instant proposal.	In this regard the DIGF (Central) RO vide letter dated 02.12.2024 has informed that in continuation of the Site Inspection Report submitted by this office vide forwarding letter dated No.F(C)/A/11.3/146/KAR/MISC dated 18.11.2024, this is to further state that the renewal proposal is recommended from this end for consideration and approval of Competent Authority, subject to the conditions enlisted in the Site Inspection Report. This issue with approval of DDGF (Central).
2	The State Government shall provide the names of the erring official responsible for violation within 15 days in response to the letter dated 13-11-2024 to the regional office.	<p>The Principal Chief Conservator (HoFF) Bengaluru, submitted that in this wind mill project Stage-II approval was granted on 02-04-2003. Further, lease agreement was signed with effect from 03-09-2003. Lease was granted only for 15 years. It is also relevant to recall that usually lease of wind mill project for FC approval was granted for 30 years. The policy of 30-year lease for windmill project was also made by Government of India by their circular dated 14-05-2004.</p> <p>Consequent upon the expiry of this lease, the user agency solicited permission to maintain the machines through limited running operations so that these machines that have moving parts do not become unusable.</p> <p><i>It is also submitted that the forest land in question was already diverted, lost characteristics of forest and was already broken up, as per the valid permission granted during the currency of the lease.</i></p> <p>While permitting the maintenance works and limited operations, the existing ground status of the forest land was not altered. Limited operations without extension of lease can be best described as deviation, for which suitable financial penalties may be imposed and the same will be collected from the user agency. In view of this, it is submitted that since no violation has taken place names of officials may not be insisted upon in this regard.</p>
3	An observed in the monitoring report that the CA over 47.57 ha out of 222 ha has not yet been done, the	The Principal Chief Conservator (HoFF) Bengaluru, Compensatory plantation was carried out in Sy. No 20 of Yelakurnahalli village instead of Survey No. 21 of Yelakurnahalli during the year

	state Government shall submit a detailed report on CA done to the Regional Office.	2006-07. In this matter, this office had constituted a committee of DCF level officers. It is thus clear that CA plantation was indeed carried out, albeit in a more suitable adjacent location. Report of the committee is enclosed. As per the DSS analysis the plantation is showing.
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- xlvi. With regard to the CA plantation the State has informed that Compensatory plantation had been carried out in Sy. No 20 of Yelakurnahalli village instead of Survey No. 21 of Yelakurnahalli during the year 2006-07. The same is shown in the GE imagery.
- xlvi. The Committee decided to recommend the proposal for extension of validity of Stage-II approval accorded from 15 years to 30 years. It also noted that allowing the windmill operations without prior approval of the Central Government amounts to a violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980. Therefore, action against officials responsible is also recommended.
- xlvi. The Nodal Officer also informed the committee that the Final Approval granted in the instant case is in favour of Karnataka Renewal Energy Development Limited (KREDL) with sub-lessee being M/s Enercon (India) Ltd. The name of the Sub-lessee was changed in 2013 to M/s Wind World (India) Ltd. Therefore, accordingly, the User Agency for the FC approval also needs to be changed from M/s Enercon (India) Ltd to M/s Wind World (India) Ltd in the instant case, subject to the realization of Transfer fees and undertakings as per Chapter 5 of the Consolidated Guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023. The nodal officer submitted that the User Agency needs to be changed to enable the compliance of the conditions for extension of FC approval. The Committee noted the same.
- xlvi. During the meeting, the Nodal officer stated that the user agency has not used area beyond the limit of the diverted area i.e. 221.80 ha. The UA has deviated (shifted) the use of forest land to the extent of 45.272 ha. outside the lease area and has not used 45.272 Ha earlier diverted area. Since the overall use of forest land remains 221.80 and area over and above 221.80 Ha has not been used, such deviation may be treated as a violation of conditions imposed while granting approval under the Adhiniyam and accordingly, penal NPV twice the normal NPV may be considered as per para 1.16 (iii) of the Consolidated Guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023. The committee noted the same.
- xlvi. The Committee noted that the State Government shall take possession and control over the unutilized diverted area equal to 45.272 ha or more (which are not in use), if not already done.
- 4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with regard to the above proposal. After going through the facts of the proposal and submissions made by the State govt. and Regional Office Bengaluru, the committee recommended **change in**

condition of final approval granted by this Ministry vide letter dated 02.04.2003 read along with letter dated 27.05.2003 over 221.80 ha. of forest land in Jogimatti and Marikanive RF [Lakkihalli, Myakenahalli and nine (9) other villages] in Hosadurga, Hiriyuru, Holalakere and Chitradurga Taluks of Chitradurga District for already established Wind Power Project in favour of Karnataka Renewal Energy Development Limited (KREDL) for sub-lease to M/s. Enercon (India) Limited [presently M/s. Wind World (India Limited)] on BOT basis for 30 years as follows:-

- i. The validity of the FC approval shall be extended from the previously granted 15 years to 30 years i.e. with effect from 02.04.2003 to 01.04.2033.
- ii. In the final approval, the change of sub-lessee in the instant case from M/s Enercon (India) Ltd to M/s Wind World (India) Ltd. due to the change in the name of the company has been considered by the Ministry and taken on record. In this regard, the procedural formality for this change shall be done at the state Government level by ensuring realization of Transfer fees and submission of undertakings as per extant guidelines.
- iii. The User Agency shall pay the two (2) times penal NPV for the extent of violation done (i.e. 45.272 Ha).
- iv. The User Agency shall pay two times penal NPV plus simple interest of 12 per cent from the date of actual violation for violation on account of change of land use of 35.082 ha.
- v. The State Government shall take possession and control over the unutilised diverted area equal to 45.272 ha or more (which are not in use), if not already done.
- vi. The RO shall initiate action under section 3B read with 3A of the *Adhiniyam, 1980*, as applicable, against officials responsible for allowing the operation of windmills after expiry of Stage-II approval without prior approval of the Government of India.
- vii. The User Agency shall obtain the approval of the Standing Committee of the National Board of Wildlife, as applicable.
- viii. The State Government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purposes without prior approval of the Government of India.

Agenda No. 13

File No. 8-26/2015-FC

Subject: Diversion of 424.517 ha of forest land for Nigahi open cast mining of coal in favor of M/s Northern Coalfields Limited in District Singrauli, Madhya Pradesh (Online No. FP/MP/MIN/6177/2014) - regarding.

1. The agenda item was considered by the AC in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the

relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:

- i. The Government of Madhya Pradesh vide their letter No. F-1/732/2014/10-11/1773 dated 01.08.2015 submitted a proposal to obtain prior approval of the Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 424.517 ha of forest land in favour of M/s Northern Coalfields Limited for mining of coal in Nigahi Open Cast mining in Singrauli district in the State of Madhya Pradesh.
- ii. The proposal was considered in Advisory Committee meeting held on dated 24.11.2015 wherein AC observed that:

The Regional office, Bhopal has recommended the proposal but they have also objected to diversion of forests in Compartments R-272 and R-273 which are slopping and dense. The representative of RO, Bhopal who was present agreed to the same and mentioned that the forests particularly in the western portion of the area were dense. The same was also ascertained through the DSS which showed 3 major patches of VDF in the western end. Two grids at the western end (out of the total 4 grids) were flagged as inviolate as per draft criteria of MoEF&CC for classifying forest areas as inviolate in the DSS analysis although the total area was not flagged as inviolate.

- iii. Thereafter the proposal was granted *in-principle* approval on dated 13.09.2017 and *Final* approval on dated 12.04.2018 wherein condition no. (xi) of *in-principle* approval and condition no. (vi) of *Final* approval respectively are as under:

The State Government shall ensure the user agency do not carry out mining in the following area, being VDF patches, for which coordinates are as follows.

- a. *Patch 1: situated between 240 10'7.81" N-240 10'10.63"N Latitude and 820 36'46.02" E-820 36'46.93"E Longitude.*
- b. *Patch 2: situated between 240 10'10.45" N-240 10'14.32"N Latitude and 820 36'52.36" E-820 36'49.51"E Longitude.*
- c. *Patch 3: situated between 240 10'41.18" N-240 10'37.02"N Latitude and 820 36'59.68" E-820 36'56.02"E Longitude."*
- iv. It is noted that the Government of Madhya Pradesh vide their letter dated 01.04.2024 has forwarded a request of user agency to delete the condition no. (xi) and (vi) of Stage-I approval dated 13.09.2017 and Stage-II dated 12.04.2018 respectively on the subject cited proposal wherein the user agency vide their letter dated 24.03.2024 has mentioned that a detailed review of prevailing FC condition and nature of operation was done and it was observed that there are severe

hindrances in operating the mine in safe and optimum level keeping the VDF patches intact, as these are lying well within the middle of the mine operations.

- v. The committee also noted that the Ministry vide letter dated 25.04.2024 has requested the State Govt. to examine the matter and give its recommendations/comments on the representation of the user agency.
- vi. The Nodal officer, Govt. of Madhya Pradesh has informed the committee that the view of the State has already been submitted vide its letter dated 06.09.2024 and further informed that the Divisional Forest Officer, Singrauli, vide dated 13.08.2024, has reported that upon inspection of compartment number R-272 and observation of 03 green patches identified through Google imagery, it has been found that these patches fall within the boundary line of the Nigahi mine and are currently located roughly in the central working area, where there is no dense forest of large trees. At these sites, small trees of sal, semal, achar, tendu, and palash of low to medium age are present, along with a predominance of undergrowth like dudhi, van tulsi, and lantana. Upon reviewing the arguments submitted by the applicant organization for the removal of condition numbers (xi) and (vi) related to V.D.F. (Very Dense Forest), it was found that due to coal mining all around the V.D.F. patches, the water level in these patches has decreased, increasing the likelihood of drying up of trees and plants. Additionally, due to exposure to air after opening the surrounding coal seams, there is a strong possibility of fire hazards. In view of this, the removal of the conditions is recommended. The Conservator of Forests, Rewa, through letter dated 05.09.2024, has agreed with the recommendation of the Divisional Forest Officer, Singrauli, and has also recommended the removal of the conditions. Therefore, in agreement with the recommendations of the Divisional Forest Officer, Singrauli, and the Conservator of Forests, Rewa Circle, it is recommended that the condition number (xi) imposed in the above-mentioned approval letter dated 13/09/2017, and condition number (xi) imposed in the second stage formal approval dated 12/04/2018, be removed.
- vii. The DDGF(C), Regional Office, Bhopal also apprised the committee that he has visited the site and submitted the following observations:
 - a. *It was observed that in all the three patches, no non-forestry activities had been carried out and found to be untouched. Therefore, the condition nos. (xi) and (vi) of Stage-1 and Stage-11 approvals respectively are complied and there is no violation.*
 - b. *The vegetation in the area is very sparse and having a lot of biotic interferences resulting into stunted growth. From wildlife point of view also the area does not seem to be very important. There is no unique flora /fauna in the area which suggest that the area should be prevented from mining and kept preserved.*
 - c. *It is further observed that open cast mining in the area surrounding the above mentioned three patches would go up to a depth of about 350 meters. This extraction would cause increase in depth of water table in the three patches, thereby reducing moisture level in the root zone of the existing*

vegetation. This would cause desiccation of vegetation and would be struggling for their survival.

- d. *Further, due to preservation of the three patches ($0.992+0.95+0.361=2.303$ ha) an area of about 531.91 ha will have to be left untouched at the base after taking into consideration the stability of the slopes and other safety regulations. This would cause locking up of 241.32 MT (58.99%) of Coal out of the total of 409.10 MT of unextracted Coal as on 01.04.2023.*
- e. *The blasting during mining would cause fly rocks, spread of dust and heavy vibration. All these would be detrimental to the health of flora and fauna in the three patches. After mining is completed, the faces of the Coal seams would be exposed to the atmosphere and cause exothermic reaction with carbon of Coal and atmospheric oxygen, resulting into fire on the Coal faces.*

Taking into consideration all the points / observations mentioned above it is observed that on preservation of the three above mentioned patches, there won't be any considerable advantage to flora, fauna and ecology of the area. Therefore it is recommended to delete the condition nos. (xi) of Stage-I approval dated 13.09.2017 & condition no. (vi) of Stage-II approval dated 12.04.2018.

- viii. The committee noted that the State Govt. vide their letter dt. 10.01.2025 and the Regional Office, Bhopal vide their letter dt. 04.03.2025 has submitted the Monitoring Report of conditions stipulated in Stage-II approval dated 12.04.2018 wherein w.r.t condition no. (vi) of Stage-II dated 12.04.2018 it has reported that the user agency has not carried out any mining operation in the said three patches.
 - ix. The committee noted that the forest patches in question, though earlier classified as Very Dense Forest (VDF), are now reported to be sparsely vegetated with low to medium-aged trees and significant biotic interference.
 - x. The committee also noted that Site inspection by the Divisional Forest Officer, Singrauli and the Regional Office, Bhopal, confirmed that the ecological value of these patches is limited, and continued preservation would not yield any significant ecological benefits.
 - xi. The committee observed that retaining these patches within the mine boundary would severely impact the operational feasibility and safety of the mine, leading to the locking of approximately 241.32 million tonnes (MT) of coal—constituting about 58.99% of the remaining reserves—as well as exposing the area to hazards like desiccation and fire due to the surrounding mining operations.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and the Nodal Officer, Government of Madhya Pradesh. After going through the facts

of the proposal and after considering the ecological, operational, and safety aspects, the committee observed that the retention of the three forest patches does not provide significant conservation value and adversely affects the mining operations. Accordingly, the Committee recommended to **delete** condition no. (xi) of the in-principle approval dated 13.09.2017 and condition no. (vi) of the Final approval dated 12.04.2018, thereby allowing the user agency to undertake mining operations in the previously restricted forest patches.

Agenda No. 14

File No: 8-123/2003-FCVol.

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for renewal of mining lease over 80.77 ha forest land for Durgapur Open Cast Mine Project by M/s Western Coalfields Limited in compartment No 400 and 401 of Chandrapur Forest Division, Chandrapur District of Maharashtra State (Online No. FP/MH/MIN/6704/2014)– regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Maharashtra vide their letter No. FLD-2019/CR-310/F-10 dated 19.06.2024 forwarded a proposal on the above subject to obtain prior approval of the Central Government, in terms of the under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposal was earlier considered by the Advisory Committee in its meeting held on 27.01.2025.
 - iii. The total mine lease of Durgapur Opencast Project is 1597.50 ha excluding the 25.00 ha for rehabilitation purpose. The total forest land involved in 379.35 ha. The proposed 80.77 ha forest land was acquired vide CBA (A&D) Act 1957 Notification vide SO No.450E, dated 04.08.1979.
 - iv. The forest land of 80.77 ha of Durgapur Opencast mine had received Stage II approval vide Ministry letter No.8-123/2003-FC dated 08.11.2005 for the period of 8 years. The 80.77 ha land has been handed over for mining activities to Western Coalfields Limited on 25.08.2006 and the FC was valid up to 07.11.2013. The Western Coalfields submitted a proposal for renewal of forest approval on 01.01.2013. Thereafter, regular correspondence between the State Forest Department and WCL has happened to resolve shortcomings of the proposal. Revised Project Report of Durgapur Extn. (Deep) Opencast Project was approved by the WCL. Board on 21.02.2017.

Proposal was recommended by the Nodal Officer, Government of Maharashtra vide letter dated 23.08.2019. Renewal of forest approval was recommended by the Government of Maharashtra vide letter FLD-2019/CR-310/F-10 dated 19.06.2024.

- v. The Project was accorded environmental clearance for 3.00 MTPA in a Mine lease area of 1622.50 ha by MoEF&CC vide letter no. J-11015/381/2015-IA-II(M) dated 10.11.2017. The coal reserve in 80.77 Ha is 15.19 MT. Out of this, only 7.19 MT coal had been mined out during forest clearance period of 2005-2013 and, 8.00 MT coal reserve is still available in the benches of remaining forest land. This reserve could not be extracted because vertical mining cannot be done. Now, WCL have a forest clearance proposal of 121.58 Ha which is adjacent to this 80.77 Ha. Hence, for the extraction of balance coal reserve, the user agency need extension of time period by renewing the Forest Clearance. Presently mining is going on in Sector V which is a non-forest land.
- vi. The proposed forest land for renewal is having canopy density of 0.1 and Eco-class 3 wherein 93 number of trees of different species and girt size have been earmarked for felling in the 80.77 ha Reserved forest land.
- vii. The Govt. of Maharashtra has informed that the proposed 80.77 ha forest land was jointly inspected by the DFO, Chandrapur and the CCF, Chandrapur respectively for the Wildlife Clearance of 80.77 ha and due to the natural growth of bushes around this area green vegetation cover is visible in the satellite imagery.
- viii. The Government of Maharashtra has submitted the total area of the project is 1597.50 ha which is inclusive of 379.35 ha forest land. It is to inform that, all of this 379.35 ha has proper approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and as per the order of Revenue and Forest Department, Maharashtra State. The forest land within the lease were acquired under CBA(A&D) Act, 1957 and the acquisition of land was carried out in the years 1979 & 2010 and due to the progressive and site specific nature, the forest clearances were obtained by the user agency as per the requirement of the mining plan. The details of approvals under the Adhiniyam, 1980 are as under;

S. No.	Approval letter No & Date	Validity	Land Surrendered & Reclaimed	Area in Ha
1	FLD/3679/1453 F-3 dated 23.05.1980		Land being utilized for mining purpose i.e. Backfilling and temporary infrastructure	40.46
2	8-123/2003-FC dated 08.11.2005	8 Years	Renewal of FC under progress	80.77
3	8-84/2014-FC dated 22.12.2021	Co-terminus with Mining Lease	Mining to be carried out	121.58

	8-35/2001-FC (Vol-I) 4 dated 19.09.2006	20 Years	36 Ha Surrendered to State Forest Dept.	172.54 (Reduced to 136.54)
			Total	379.35

- ix. The Govt. of Maharashtra has also informed that 80.77 ha forest land is required for mining operation extraction of coal and as per updated mining plan the proposed 80.77 ha forest land will not be used for dumping of overburden removed from the 121.58 ha Forest land. The coal produced from this project is being directly supply to the Chandrapur Super Thermal Power Station (MAHAGENCO) which is a Government of Maharashtra Company. Further, informed that the Coal Reserve is site-specific and after the excavation of the coal, the extracted area will be backfilled for reclamation. The coal reserve beneath the 46.10 Ha is to be excavated and the remaining 34.67 Ha is to be reclaimed as per mining plan. The entire 80.77 ha will be used for mining activities such as Coal Extraction, Excavation of OB, Backfilling and Reclamation. Hence, the activities proposed in the 80.77 Ha are considered as Site Specific by the State Government.
- x. The State Govt. has informed that the 40.46 ha area was already handed over by the Govt. of Maharashtra vide order No FLD/3679/1453-F3 dated 23.05.1980. In this regard, the Nodal officer submitted that the 40.46 ha reserved forest land is located in Compartment No. 401 of Chandrapur Forest Division. Legal status of the forest land is still maintained as forest land till today. The user agency has submitted the order of the Government of Revenue and Forest Department, Maharashtra State dated 23.05.1980 however, the validity of approval is not given. It is also to mention here that the said 40.46 Ha forest land is handed over prior to enactment of FC Act, 1980.
- xi. The State Govt. has further informed that an area measuring 162.00 ha. Protected Forest of Paili Bhatadi village bearing Survey No. 98, Chandrapur Range was used for Compensatory Afforestation plantation. Plantation carried out in the years 2005-06 and 2006-07. The survival rate of the plantation is more than 30%.
- xii. The CWLW, Govt. of Maharashtra has given comments vide letter dated 14.02.2024 wherein it has been mentioned that the recommendation of SBWL and NBWL is necessary for diversion of 80.77 ha forest land.
- xiii. The Govt. of Maharashtra has informed that the User Agency has submitted Wildlife Clearance proposal as directed by PCCF (Wildlife), Government of Maharashtra and the proposal was discussed in SBWL meeting held on 12.08.2024 and same is recommended. It has further informed that this project is not falling in Eco-sensitive Zone and Buffer Zone of Tadoba - Andhari Tiger Reserve. Further, the area was already broken up during the previous forest approval which was valid from 08.11.2005 to 07.11.2013. Eco-sensitive Zone is not affected due to this diversion. However, the proposed forest land is 80.77 ha. in Comptt. No. 400 & 401 is falling in the tiger corridor.
- xiv. As per the DSS analysis, the proposed forest land for renewal of mining lease over 80.77 ha for Durgapur Open Cast Mine Project is located at a

distance of 1.89 Km from the Tadoba-Indravati Tiger Reserve. Further, the proposed forest land is located at a distance of 5.68 Km from the Tadoba-Indravati Tiger Corridor.

- xv. The proposal was considered by the Advisory Committee in its meeting held on 27.01.2025 wherein the Committee 'deferred' the proposal for want of following information:
 - a. The proposed forest land for renewal of mining lease over 80.77 ha for Durgapur Open Cast Mine Project is located at a distance of 1.89 Km from the Tadoba - Indravati Tiger Reserve. Further, the proposed forest land is located at a distance of 5.68 Km from the Tadoba - Indravati Tiger Corridor. Therefore, the State/Ministry shall obtain the comments/recommendation on the present proposal from the NTCA.
- xvi. The recommendation of the Advisory Committee was communicated to the State Govt. vide Ministry's letter dated 03.02.2025.
- xvii. In view of the recommendations of the Advisory Committee and as per the request of the State Government the e-file was forwarded to NTCA for their comments. In this regard, the NTCA vide its O.M dt. 27.02.2025 has given its comments to Wildlife Division and same have been provided to FC Division wherein it has been recommended that NBWL may constitute a committee to conduct a comprehensive site appraisal. The committee could perform the ecological evaluation of the landscape, provide recommendations for addressing any adverse impacts on the local wildlife and ecosystem. Any decision to the proposal may be undertaken based on the report submitted by the Committee.
- xviii. The DDGF (C), Regional Office, Nagpur apprised the committee that the 80.77 Ha forest land was already diverted vide Ministry letter no. 8-123/2003-FC dated 08.11.2005 for the period of 8 years. Presently, renewal of forest clearance is required for expansion of mine. The 80.77 Ha Forest Land was acquired u/s 9(i) of Coal Bearing Areas (Acquisition & Development) Act 1957 vide SO No.450E, dated 04.08.1979. The renewal of this mining area is required for gaining access to another mining lease area for which Stage-II approval has already been obtained by the User Agency on 22/12/2021 for an area of 121.58 ha.
- xix. The Nodal Officer, Govt. of Maharashtra has informed that a comprehensive Wildlife Assessment Study was conducted by the Wildlife Institute of India, Dehradun for the entire Durgapur OC project of WCL and based on the recommendations of Wildlife Institute of India, Wildlife Mitigation Measures worth Rs.18.07 Crores have been approved by the Committee under the Chairmanship of Principal Chief Conservator of Forests, Maharashtra vide letter dated 12.07.2022 considering which NBWL clearance for 121.58 Ha forest land was accorded vide letter F.No.6-1/2023 WL dated 19.05.2023.
- xx. The Committee noted that the forest land of 80.77 ha of Durgapur Opencast mine had received Final approval vide Ministry letter No.8-123/2003-FC dated 08.11.2005 for the period of 8 years which was valid up to 07.11.2013. The land is already broken-up land which requires renewal for expansion of mine and continuing mining operations in the project. The WCL has submitted the proposal for renewal of forest approval on 80.77 Ha

to continue mining for extraction of remaining 8.00 Million Tonnes Coal reserve beneath the benches of 80.77 Ha and to approach the recently diverted 121.58 Ha forest Land for which Final approval was accorded by Ministry vide letter No.8-84-2014-FC dated 22.12.2021 for expansion of the project as per Revised Project Report of Durgapur Extn. (Deep) Opencast Project.

- xxi. The committee observed that as per DSS analysis the proposed area is 5.68 Km from the Tadoba - Indravati Tiger Corridor whereas the state has informed that wildlife clearance is required in the instant case. The Nodal Officer informed that the proposed area falls within the corridor identified by the Tiger Conservation Plan of Tadoba-Andhari Tiger Reserve. The same has been mentioned by NTCA in the comments given to the NBWL.
- xxii. The AIG RO Nagpur in the report has mentioned that the proposed area is required for gaining access to another mining lease area for which forest clearance has already been obtained by the user agency and Stage-II approval obtained on 22/12/2021. Further, it was mentioned that no further mining will be carried out in the instant area as informed by the user agency. However, the state has mentioned that the area is required for mining purpose. The nodal officer clarified in the meeting that mining would be carried out in the proposed area.
- xxiii. The Committee also noted that the 80.77 Ha forest land is adjacent to 121.58 Ha falling in the same Compartment No. 400 and 401 of Chandrapur Forest Division at Chandrapur District, Maharashtra State for which stage-II approval has been accorded by the Ministry. As per the directives of State Govt., WCL has submitted Wildlife Clearance Application vide Proposal No. WL/MH/MIN/QRY/463196/2024 for 80.77 Ha forest land on 27.02.2024. The State Board of Wildlife (SBWL) has recommended the proposal for 80.77 Ha forest land in the meeting dated 12.08.2024. The approval of the standing committee of the NBWL is yet to be obtained.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended the proposal for grant of **'in-principle' approval for renewal** of mining lease over 80.77 ha forest land for Durgapur Open Cast Mine Project by M/s Western Coalfields Limited in compartment No 400 and 401 of Chandrapur Forest Division, Chandrapur District of Maharashtra State subject to the general, standard and following specific conditions:

- i. The State Government shall ensure that approval of SCNBWL is taken before handing over the forest to the user agency in matter, as applicable;
- ii. Safety zone with effective green belt shall be maintained by the User Agency along the inner boundary of the mine.

Agenda No. 15

File No: 8-22/2022-FC

Subject: Proposal for seeking prior approval of the Central Government under

section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 63.091 ha forest land at Village -Kagal, Taluka-Kagal, District Kolhapur for rehabilitation of Village Nivale in Chandoli Wildlife Sanctuary, Maharashtra State (Online No. FP/MH/REHAB/121398/2021) - regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Maharashtra vide their letter No. FLD-2322/CR-73/F-10 dated 08.08.2022 submitted proposal to obtain prior approval of the Central Government, in terms of the Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 63.091 ha forest land at Village -Kagal, Taluka-Kagal, District Kolhapur for rehabilitation of Village Nivale in Chandoli Wildlife Sanctuary, Maharashtra State.
 - ii. The proposed 63.091 ha forest land involves 62.83 ha Unclassed Forest and 0.261 ha Protected Forest under Kolhapur Forest Division is having Eco-class 3 forest type with canopy density as 0.4. Further, 34,705 number of trees are to be affected in the present project.
 - iii. The State Govt. has submitted that the proposal fulfills all the conditions laid down in the Ministry's Guidelines dated 20.05.2019.
 - iv. The State Govt. has submitted that the Nivale village, which is being relocated, is situated in the core of the Sahyadri Tiger Reserve & Chandoli National Park and after rehabilitation of village Nivale non forest area of 158.81 ha will be made available to forest department.
 - v. The State Government has mentioned that the village "Nivale" proposed for relocation has 73 PAP's as per list prepared by the Revenue Department. All have given option II for rehabilitation. Total area will be inviolate after relocation of the village.
 - vi. The State Government has informed that the 159.30 ha became inviolate with the relocation of Nivale Village and the basis of calculation of the total area getting vacated is as follows: Gaothan area & Agriculture area- 159.30 ha.
 - vii. The DCF, Kolhapur in his Site Inspection Report has mentioned that the proposed forest area has been used for Compensatory Afforestation area and the said area was transferred to Forest Department under Patagaon Irrigation project for Compensatory Afforestation. The State has also clarified that 63.091 ha. forest land at Kagal, which is proposed for diversion is actually an area where compensatory afforestation has been done against Patagaon irrigation project. The forest department already has 159.30 ha. inviolate area inside the Chandoli National Park. The forest department will take up plantation of suitable fruit species in 63.091 ha land

- out of 159.30 ha. inviolate area obtained because of relocation. The plantation will be taken up in such a way that it will create suitable habitat for wildlife.
- viii. The State Govt. has informed that all 73 PAP's from Nivale village were rehabilitated in the year 1999 as per the notification. The Maharashtra project affected persons rehabilitation Act, 1999 and Government of Maharashtra GR dated 17th July, 2000 issued villages relocated from for sanctuary/National park. As per the guidelines the PAP's were supposed to be given alternate agricultural land either forest land/revenue land in the nearby area where they were relocated. The land to be given was decided based on these said policy since then no agricultural land has been given to all 73 PAP's due to non-availability of suitable land.
 - ix. The State Govt. has informed that 63.091 ha. in Forest gat no.200, 201, 202, 203, 204, 205 & 181 is proposed for agricultural land purpose which includes main approach road and internal approach road. (Agricultural land - 53.45 ha. Main approach road - 0.261 ha. Internal approach road 9.38 ha.)
 - x. The State Govt. has informed that 16 ha revenue land in Village Galgale, Taluka -Kagal was originally identified by the revenue department for agriculture purpose for 73 PAP's which was later returned back to original land holder as per the Hon'ble High Court order.
 - xi. The Nivale village for which the proposal has been submitted has been actually rehabilitated in the year 1999. All 73 PAP's from Nivale village were rehabilitated in the year 1999 as per the notification. The Maharashtra project affected persons rehabilitation Act, 1999 and Government of Maharashtra GR dated 17th July 2000 issued villages relocated from for sanctuary/National park. As per the guidelines the PAP's were supposed to be given alternate agricultural land either forest land/revenue land in the nearby area where they were relocated. The land to be given was decided based on these said policy since then no agricultural land has been given to all 73 PAP's due to non-availability of suitable land.
 - xii. The State Govt. has informed that 16 ha revenue land in Village Galgale, Taluka -Kagal was originally identified by the revenue department for agriculture purpose for 73 PAP's which was later returned back to original land holder as per the Hon'ble High Court order.
 - xiii. The proposal was considered by the Advisory Committee in its meeting held on 04.07.2024 wherein the Committee sought clarification on the following for further consideration in the matter as under:

- a. *The justification for seeking approval for a village already relocated in the year 1999.*
- b. *The justification for seeking 53.45 ha land for agriculture now instead of 16 ha proposed earlier on revenue land.*
- c. *The Regional office has recommended the proposal subject to condition that the purpose for which the diversion is proposed (i.e. agriculture) should not be changed. Further, the approval is subject to conditions mentioned in para 12.8 and 12.9 of the Guidelines. The State shall give its comments/ recommendations in this regard.*

- xiv. The recommendation of Advisory Committee was communicated to the State Govt. vide Ministry letter dated 26.07.2024.
- xv. The State Govt. has submitted that there is no alternate revenue land or other government land available nearby Galgale Village, which is suitable for agricultural purpose for the PAP's. The Forest Department has already notified 159.30 ha land which was acquired after relocation of Nivale Village as Reserve Forest inside Chandoli National Park. The Nivale Village was relocated by State Government in the year 1999 and since then the PAP's have not been given alternate land in lieu of land acquired.
- xvi. The State Govt. has also submitted that all 73 PAP's have selected the said forest patch of the agricultural land in lieu of acquired land. The State Government is bound by the rules under the Maharashtra Project Affected Persons Rehabilitation Act, 1999 to be given alternate agricultural land after relocation. The State Government also in their earlier reply and with respect to proposal for diversion have not only mentioned regarding requirement of only 16 ha. for 73 PAP's of Nivale Village, but also mentioned that we have requested 63.091 ha. (53.45 ha. for agricultural land purpose for 73 PAP's, main road 0.261 ha. and approach road to agricultural land 9.35 ha.).
- xvii. The DDGF (C), Regional Office, Nagpur has apprised the committee that the issue regarding restriction of the diverted land for agricultural use only has been reexamined, and it has been noted that, as per the Hon'ble Supreme Court of India's order dated 28.01.2019, the legal status of the forest land proposed for rehabilitation can be changed following the diversion process. Upon such a change, the beneficiaries shall become absolute owners of the land, and the Forest Department shall have no further *locus standi* in deciding land use matters. Furthermore, no provision restricting the use of rehabilitated land has been stipulated in the consolidated guidelines and clarifications issued by the MoEF&CC. In view of the above facts, legal provisions, and the locus standi of the State Forest Department post-diversion, the Regional Office finds that restricting the use of the diverted forest land exclusively for agricultural purposes, as mentioned in the SIR, is not tenable. The proposal is recommended by the Regional Office, Nagpur subject to adherence to the provisions of para 12.8. and 12.9 of the Consolidated Guidelines and Clarification issued under VSSA, 1980 and rules made thereunder.
- xviii. The Advisory Committee noticed that the 63.091 ha forest land at Kagal, which is proposed for diversion is actually an area where compensatory afforestation has been done against Patagaon irrigation project.
- xix. The Committee noted that the State Government has reiterated its earlier submission that there is no alternate revenue or other government land available near Galgale Village suitable for agricultural use for the Project Affected Persons (PAPs). It was previously informed, and is once again confirmed, that 159.30 ha of forest land—acquired post-relocation of Nivale Village in 1999—has

already been notified as Reserve Forest within Chandoli National Park. Since the relocation, the PAPs have not been allotted alternative agricultural land in lieu of the land acquired. Further, the State Government has reaffirmed that all 73 PAPs have opted for the said forest patch for agricultural use.

- xx. The committee observed that the state has not given any valid and cogent reason or justification for the retrospective implementation of the guidelines issued in 2019 for a village which has already been relocated in the year 1999. Moreover, the said guidelines have been issued on the basis of an order of Hon'ble Supreme Court.
 - xxi. Further, the Committee observed that the details about other similar cases in the state where the villages have already been relocated from various Protected areas and now additional forest land is required/proposed needs to be provided by the State.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Maharashtra, the Committee **deferred** the proposal and sought clarification/information on the following for further consideration in the matter:
- i. There is no valid and cogent reason or justification given for the retrospective implementation of the guidelines issued in 2019 for a village which has already been relocated in the year 1999. Moreover, the said guidelines have been issued on the basis of an order of Hon'ble Supreme Court. The State shall give clarification in this regard.
 - ii. The basis for the change in requirement of land from 16 ha (as initially mentioned) to 63.091 ha in the current proposal is not justifiable.
 - iii. The details about other similar cases in the state where the villages have already been relocated from various Protected areas and now additional forest land is required/proposed to be given shall be provided.
 - iv. The area proposed for diversion is actually the Compensatory Afforestation area of the Patagaon irrigation project. Keeping in view the proposed activity which is not site specific in nature, the use of compensatory afforestation area is not justifiable.
 - v. The State shall submit the certified copies of the documents, MoUs, allotment orders vide which the village Nivale was relocated/rehabilitated in the year 1999. The documentary evidence indicating the details of the families rehabilitated and the compensation given to the people shall also be submitted.

Agenda No. 16

File No: 8-61/2016-FC

Subject: Proposal for prior approval under section 2 (1) (iii) of Van

(Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for 153.09 ha forest land for Iron Ore mining at village Surjagad Wooria Hill Bhamragad, Tahsil Etapali, Dist. Gadchiroli in Maharashtra State in favour of M/s Gopani Iron & Power (India) Pvt. Ltd - regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Maharashtra vide their letter No. FLD 36A16/C.R.402/F-10 dated 15.12.2016 has submitted a proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposal was placed before the Advisory Committee in its meeting held on 26.12.2016, 25.04.2017, 20.07.2017 and 26.10.2017.
 - iii. Brief facts regarding the proposed forest land which was then placed before the Advisory Committee are as under:
 - a. The project is located in the Bhamragarh (Gadchiroli) forest, District Gadchiroli, Maharashtra.
 - b. The legal status of the forest land is Reserved Forest (153.09ha).
 - c. The area falls under Eco-class- 3 and the vegetation density is 0.4.
 - d. It is reported that the herbivorous and Carnivorous animals seen rarely in this area (1) Cheetal (Axis) 2 hare (*Lepus ruficaudatus*) 3 Wolf (*Canis lupus pallipes*).
 - e. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
 - f. No protected archaeological/ heritage site/defense establishment or any other important monuments is located in the area.
 - g. No work in violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was reported.
 - h. The compliance on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is pending.
 - i. As per information available on the PARIVESH, no proposal for this Mining Lease has been submitted for approval under section 2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - iv. The Ministry vide letter dated 08.02.2017 has requested the State Governments to provide a list of existing mining leases executed on or

before 11.1.2017 status of validity of all mining leases which had been saved under the provisions of MMDR Act, 2015, and pending in this Ministry for consideration under Section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- v. The Government of Maharashtra vide their letter dated 24.03.2017 enclosing the letter dated 06.03.2017 of Nodal Officer has provided the status of various pending proposals including the present status of M/s Gopani Iron & Power (India) Pvt. Ltd. wherein it has been mentioned that *"Approval under Section 5 (1) of MMDR Act, 1957 issued by GOI, Ministry of Mines on 1.6.2006 and LOI issued by GOM, Industries, Energy and Labour Department on 28.6.2006. The matter related to validity of the mining lease is subjudice in the Hon'ble Bombay High Court, Nagpur Bench"*.
- vi. Thereafter the Advisory Committee (AC) in its meeting held on 25.04.2017 recommended the proposal for approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 subject to certain conditions including specific conditions and the final decision of Hon'ble high court of Bombay.
- vii. Further, while submitting the file for the approval of competent authority it was observed that the matter is sub-judice and involves the interpretation of section 10-A (2)(C) of MMDR Act and Lol is not valid till the finality of the applicability of sub rule (4) of rule 8 which stipulates that where the lease has not been executed and registered before 11th January 2017, the right of the applicants (Lol holders) under clause (C) of sub section 10A for grant of a mining lease shall be forfeited and it would not be mandatory for the State Government to issue any order in this regard. In this regard, considering FCA guidelines 2.1 (vi) vide which State Government are advised not to consider/process cases, which are pending in various courts or sub-judice to avoid all sorts of administrative and legal complications. In this backdrop in the absence of the valid Lol after 11th January 2017, the AC should not recommend permission under section 2 (1) (iii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to execute the mining lease till the final order of the Hon'ble High Court and clarification regarding the applicability of provisions of section 10-A (2) (C) of MMDR Act and validity of Lol issued by the Government in favour of the user agency is clarified from the Ministry of mines and the State Government. In the light of facts stated above, The said guidelines was brought to the notice of AC and do not recommend such cases till the final orders of Hon'ble High Court in this matter is received.
- viii. The file was processed and placed before competent authority for approval. The competent authority observed as follows ***"Have we received any new document after the FAC meeting? Better such issues are resolved at AC level itself. Since there are two different opinions about Lol in this case, call the concerned for a meeting"***

at DGF&SS level and obtain the facts. Also please keep in view the order of the Hon'ble High Court, Nagpur".

- ix. Accordingly, the facts were placed before the Advisory Committee in its meeting held on 20.07.2017 and the AC observed that the State Government had reported that the matter related to validity of letter of intent is sub-judice. Representative of the user agency apprised that the matter is listed in the Hon'ble high court on 2nd August 2017. In this regard, the Forest (Conservation) Act guidelines 2.1 (vi) was pursued. It clearly says that "State Government are advised not to consider/process cases, which are pending in various courts or sub-judice to avoid all sorts of administrative and legal complications". The AC inter alia recommended that:

"Considering the fact placed before the AC, it recommended not to grant permission to the state Government under section 2(iii) of FC Act till the final orders of the Hon'ble High Court on applicability of provisions of section 10-A (2) (c) of MMDR Act.2015 are passed".

- x. The Ministry vide its letter dated 19.09.2017 communicated the State Government that the approval of competent authority under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for not to grant prior approval for 153.09 ha forest land for Iron Ore mining at village Surjagad Wooria Hill Bhamragad, Tehsil Etapali, Dist. Gadchiroli in favour of Gopani Iron & Power (India) Pvt. Ltd till the final order of the Hon'ble High Court.
- xi. Thereafter the user agency i.e. M/s Gopani Iron & Power (India) Pvt. Ltd. vide their letter dated 18.09.2017 submitted a copy of Hon'ble Bombay High Court (Nagpur Branch) Judgement dated 12.09.2017 (Pg. 224/c) in response to Writ Petition No. 126 of 2017 for processing the proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for 153.09 ha forest land for Iron Ore mining at village Surjagad Wooria Hill Bhamragad, Tehsil Etapali, Dist. Gadchiroli in favour of Gopani Iron & Power (India) Pvt. Ltd.
- xii. The Hon'ble Bombay High Court (Nagpur Branch) in order dated 12.09.2017 passed order that:

".....it is apparent that the favourable recommendation to the Forest Advisory Committee dated 25.04.2017 needs to be looked into on merits by respondent No. 1 and pendency of petition before this court cannot be a ground to postpone it.

Accordingly, we direct respondent No. 1 to consider that recommendation on merits, within a period of three months from today."

- xiii. The said proposal at last was placed before the Advisory Committee (AC) in its meeting held on 26.10.2017 and the Committee observed that M/s Gopani Iron & Power (India) Pvt. Ltd. vide their letter dated

18.09.2017 submitted a copy of Hon'ble Bombay High Court (Nagpur Branch) Judgement dated 12.09.2017 in response to Writ Petition No. 126 of 2017 for processing the proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for 153.09 ha forest land for Iron Ore mining at village Surjagad Wooria Hill Bhamragad, Tehsil Etapali, Dist. Gadchiroli in favour of Gopani Iron & Power (India) Pvt. Ltd. In light of direction of Hon'ble Bombay High Court (Nagpur Branch) in order dated 12.09.2017, the FAC, after detailed discussion on the issue, *recommended that the present application under section 2(iii) may be kept in abeyance till a speaking order regarding validity of letter of intent (LOI) in favour of M/S Gopani Iron & Power (India) Pvt. Ltd valid after 11.01.17 is received from the competent authority in the State Government in compliance of the Court order dated 12.09.2017.*

- xiv. The above said decision of the Advisory Committee was communicated to the Government of Maharashtra vide this Ministry letter No 8-61/2016-FC dated 22.01.2018 & dated 16.08.2018.
- xv. Now, the Government of Maharashtra vide their letter No FLD-36A16/CR-402/F-10 dated 26.09.2024 and while advertising the letter of the Addl. PCCF & Nodal officer letter Desk-17/FCA-S1/PID-19549/Gadchiroli/1310 dated 30.08.2024 submitted the following information :
 - a. M/s. Gopani Iron & Power (India) Private Limited vide letter dated 09.04.2007 had submitted the proposal for seeking prior approval of the Central Government under the Section 2 (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Accordingly the State Government recommended the aforesaid proposal to the MoEF&CC, Government of India under the Section 2 (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - b. Accordingly, the Advisory Committee (AC) in its meeting held on 26/10/2017 has recommended that the proposal under section 2 (iii) may be kept in abeyance, till a speaking order regarding validity of letter of intent (LOI) in favour of M/s Gopani Iron & Power (India) Private Limited Valid after 11/01/2017 is received from the competent Authority in the State Government in compliance of the Court Order dated 12/09/2017.
 - c. In compliance with the recommendation of the AC the Joint Secretary, Government of Maharashtra, Department of Industry, Labour, Energy and Mining vide their letter dated 19.12.2023 conveyed that letter of Intent (LoI) issued by the State Government on 04.09.2006 is still valid after 11.01.2017.
 - d. However, out of the area 153.09 ha. proposed for the diversion 5.00 ha. forest land has already been accorded Stage-II by the Central Government in favour of the Superintendent of Police,

Gadchiroli. Similarly, 0.599 ha. forest land, which is part of a diversion proposal of 370.65 ha. has already been accorded Stage-II by the Government of India in favour of M/s Lloyds Metals and Energy Limited. Also, the proposal for diversion of 19.227 ha. forest land under Section-2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 Pg. 650-651/c for above ground conveyor along with road for maintenance & emergency road and transmission line in Taluka Etapalli, District Gadchiroli in the State of Maharashtra was accepted by the PSC-I in the Project Screening Committee held on the 08th May 2024, recommended by the Project Screening Committee-II held on the 25th June 2024 and thereafter this office requested the State Government to consider and submit the proposal to the Ministry of Environment, Forests & Climate Change, Government of India for approval under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 vide this office letter No.Desk-17/FCA-S1/PID-467926/Gadchiroli/767, dated 28/06/2024.

- e. Considering the above facts, the remaining area of 145.231 ha. should be considered for diversion excluding 7.859 ha. area of above mention proposals.
- xvi. The committee noted that the LOI was issued by the State Government on 04.09.2006 but the user agency has not obtained Forest clearance on time. In this reference, the Nodal officer, Govt. of Maharashtra informed that the forest diversion proposal was initiated by the user agency on 23/04/2007. A lot of time has passed for procedural queries and due compliances. Further, due to the ongoing legal proceedings in the court regarding the said proposal and pandemic period of COVID-19, there was an inordinate delay in getting the validity of LOI.
- xvii. The DDGF(c), RO, Nagpur informed that the 5,107 trees have been enumerated in the forest area proposed for diversion. The dominant species include Tectona grandis, Pterocarpus marsupium, Terminalia tomentosa, Anogeissus latifolia, Olea beriga latifolia, and Adina cordifolia, along with other miscellaneous species. During the inspection, it was noted that the trees had been marked. A few enumerated trees were cross-verified and found to be correctly listed in the enumerated tree data.
- xviii. The Nodal Officer, Govt. of Maharashtra apprised that in the past three proposals have been accorded approval under the Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980 in the landscape. The first proposal was 370.65 ha. (amended in place of 374.90 ha. originally approved) proposal for Iron Ore Mining, transmission line and approach road of M/s. Lloyds Metals and Energy Limited. The said proposal was submitted by M/s. Lloyds Metals and Energy Limited on 24/03/2005 and accorded Final

Approval by Government of India, Ministry of Environment & Forest (FC Division) vide Letter No. F. NO. 8-31/2005-FC, Dt. 23/03/2007 area amended vide letter dated 12/09/2008 by Central Government which was before any case filed by the M/s. Gopani Iron & Power (India) Pvt. Ltd. The second proposal was for diversion of 5.00 Ha forest land for construction of the Sub Police Station at Surjagad of Superintendent of Police, Gadchiroli. The said proposal has been initiated by Superintendent of Police, Gadchiroli on 01/12/2018 for seeking approval under Forest (Conservation) Act, 1980, under the provision of Government of India, Ministry of Environment and Forest (FC Division) guidelines No. F.No.11-9/98-FC, Dt. 01/02/2013 for not more than 5.00 ha of forest land in each case Left Wing Extremism (LWE) affected district. The said proposal for diversion of 5.00 Ha. consist of the requirement of forest land for construction of New Administrative building and residential Quarters for Officers and Police Staff purposes like transportation, good communication and controlling Naxal activities. Area of Bande beat bears a wide forest cover so, it is highly sensitive in view of Naxal activities. To implement effective anti-naxal operations in order to prevent naxal- activities and maintain law and order situations, the Arm Out Post at Surjagad hill should be started at the earliest. Construction of Administrative Building is necessary for keeping Arms and communication, while residential quarters are essential for accommodation of Police officers and men. The proposed forest land was used by the Police Department of the Government of Maharashtra for public interest. In view of this, the proposal was recommended for approval under section 2(ii) of Forest (Conservation) Act, 1980. The third 19.227 Ha. proposal for above ground conveyor along with road for conveyor maintenance & emergency road and transmission line at Villages Bande, Hedri & Bhamragad RF under Etapalli Tehsil of Gadchiroli District in the State of Maharashtra in favour of M/s Lloyds Metals and Energy Limited. The said proposal was submitted by M/s. Lloyds Metals and Energy Limited) on 22/04/2024. As a leading public limited company in mining and an industry in and around the Gadchiroli district, recently M/s Lloyds Metals and Energy Limited signed MoU with Govt. of Maharashtra to facilitate investment in respect of the proposed mineral based Steel Plant and other supporting projects. Out of 7.859 ha, an extent of 2.26 ha is the area which overlaps with the area proposed for diversion under the said proposal. As the area over an extent of 2.26 ha is already excluded from the proposal of Gopani Iron & Power (India) Private Limited, hence requested to consider the said proposal under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- xix. The committee noted that the lease area of the User Agency is bifurcated into two sections by an approach road leading to the mining lease of M/s Lloyds Metals Limited, reducing the originally proposed area by 0.474 hectares. Additionally, an area of 2.26 ha + 5.00 ha + 0.125 ha was excluded from the original 153.09 ha proposed for diversion. Considering these adjustments, the State Government has sought approval under Section 2(1) (iii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, for a revised area of 145.231 hectares.
- xx. The DDGF(C), RO, Nagpur apprised the committee, due to the diversion of 0.474 ha for the road in favor of M/s Lloyds Metals Limited and 2.26 ha for a conveyor belt for the same company, the lease area of the User Agency is now divided into three parts. Further, it was observed that two of these mining lease areas can be accessed via existing roads, which have been diverted in favor of M/s Lloyds Metals Limited and the PWD road. Moreover, M/s Lloyds Metals Limited has issued a No Objection Certificate (NOC) stating that M/s Gopani Iron & Power (India) Pvt. Ltd. can use the existing roads. However, a 72.38-hectare section remains inaccessible due to M/s Lloyds Metals Limited's conveyor belt. To access this patch, either M/s Lloyds Metals Limited must allow M/s Gopani Iron & Power (India) Pvt. Ltd. to pass through their mining area, or M/s Gopani Iron & Power (India) Pvt. Ltd. must propose a fresh diversion of forest land for an access road, which would require additional forest clearance and tree felling. Considering the practical constraints, it is noteworthy that before granting in-principle approval, the User Agency may submit a re-diversion proposal for an appropriate portion of land beneath the conveyor belt to gain access to the 72.38 ha patch.
- xxi. The committee noted that the instant proposal was kept in abeyance mainly due to the issue of validity of Lol/lease in view of the amended provisions of MMDR Act. Further, as per the Rule 8 of the Mineral Concession Rules, 2016 which came into force on 4.03.2015, it is inter-alia provided that the applicant in whose favour the State Government has issued Letter of Intent in writing before January 12, 2015 for grant of a mining lease for minerals, the mining lease shall be executed and registered on or before 11.01.2017 failing which rights of such an applicant for grant of mining lease shall be forfeited. Thus, the instant proposal comes under purview of the Section 10-A(2)(c) of the amended provision of the MMDR Act, 2015 which says that "where the Central Government has communicated previous approval as required under sub section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and

Regulation) Amendment Act, 2015, the mining lease shall be granted subject to fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act” and the cut-off date set for the LOI issued in the instant project as per Section 10-A(2)(c) of the amended provision of the MMDR Act, 2015 was 11.01.2017. However, the Joint Secretary, Government of Maharashtra. Department of Industry, Labour, Energy and Mining vide their letter dated 19.12.2023 conveyed that Letter of Intent (LOI) issued by the State Government on 04/09/2006 is still valid after 11.01.2017. Therefore, keeping in view the provisions of MMDR Act and the validity of the LOI as conveyed by the State Govt. of Maharashtra, the matter needs to be examined in detail and it would be appropriate to seek the opinion of the ministry of mines on the matter.

- xxii. The Committee noted that, in consonance of Para-7.2 (5) of Chapter-7 given under the Consolidated handbook of Guidelines issued under Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980, the user agency seeking assignment of forest land for mining shall submit Mining Plan, approved by the competent authority, indicating the detailed pre-mining and post mining land use plan, mine Closure Plan and for activities other than mining a detailed Project Report or Plan indicating the activities proposed on the forest land along with the proposal.

4. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Maharashtra, the Committee '**deferred**' the proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for 153.09 ha forest land for Iron Ore mining at village Surjagad Wooria Hill Bhamragad, Tehsil Etapali, Dist. Gadchiroli in Maharashtra State in favour of M/s Gopani Iron & Power (India) Pvt. Ltd for want of following information:

- i. The State Govt. shall submit updated and approved mining plan indicating the detailed pre-mining and post mining land use plan, mine Closure Plan and for activities other than mining a detailed Project Report or Plan indicating the activities proposed on the forest land shall be submitted.
- ii. Keeping in view the provisions of MMDR Act and the validity of the LOI as conveyed by the State Govt. of Maharashtra, the matter needs to be examined in detail and in this regard the Ministry shall seek the opinion/comments from the Ministry of Mines.

Agenda No. 17

File No. FC-I/MH-195/2020-NGP

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 1.64 ha of Zudpi Jungle land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for establishment of Transport City and Industries Estate in Nagpur district of Maharashtra (Online No. FP/MH/IND/16347/2015)- regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The State Government vide letter No. FLD-2019/CR-324/F-10 dated 09.09.2020 submitted the proposal to the RO Nagpur seeking approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The proposal is for diversion for 1.64 ha of Zudpi Jungle land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for establishment of Transport City and Industries Estate in Nagpur district of Maharashtra.
 - ii. The proposal involves a decision on the validity/ regularization of the *in-principle* approval issued by the Regional Office, Nagpur
 - iii. The User Agency is a Private Agency and has encroached the said zudpi jungle land in Survey No. 88 of Mauza Tarodi (BK). Tal. Kamtee, Dist. Nagpur by constructing work of Maa Umiya Textiles Private Limited on the East-West 55 Mt. and North-South 41 Mt. i.e. 0.225 ha. Moreover kuchcha road has also been constructed on the North- South I I 5x IO Mt. i.e. 0.115 ha. zudpi jungle land.
 - iv. The Regional Office, Nagpur vide their letter dated 13.12.2021 conveyed the in-principle approval subject to specific condition as "*The State Government shall undertake action against the violation of FCA, 1980 as per provisions made under Para 1.21 of Handbook of Forest (Conservation) Act, 1980 published on 28.03.2020. A detail report in this regard shall be submitted along with Stage-I compliance*"
 - v. The State Government vide letter dated 27.09.2023 submitted compliance report on conditions stipulated in the in-principle approval to the RO, Nagpur.
 - vi. The proposal also involves court case i.e. Appeal No 55/20222 before Hon'ble NGT Pune Bench of Shri Deochand S/o Damduji Karemore vs MoEF&CC.
 - vii. As the matter became sub judice, the RO Nagpur vide letter dated 04.08.2023 informed to the State Government that the compliance report submitted by the State Forest Department shall be taken into the consideration subsequent to any directions / order issued by the Hon'ble National Green Tribunal (WZ) Pune in the instant matter.

- viii. The proposal was examined by the DDGF (C), RO, Nagpur and submitted for consideration of the Ministry and mentioned that the State Government while forwarding the proposal for grant of *in-principle* approval vide letter dated 09.09.2020 under para-7 has pointed out that the user agency has encroached the said land by constructing the Maa Umiya Textiles Pvt Ltd and approach road. Also, there is an order by Urban Development Department on 30.6.2003 and administrative approval was accorded by Industry, Energy and Labour Dept, GoMH dated 09.06.2003 and 17.12.2003 for allotting the land on which the Adhiniyam is applicable to a non-forestry purpose of establishment of transport city and industrial estate, the same was granted, without prior approval of the Central Government which is violation of the Adhiniyam. The said *in-principle* approval has been subjected to a litigation before Hon'ble NGT, Western Zone, Pune vide Appeal No.55/2022 by one Sh. Deochand Karemore who has challenged that the *in-principle* approval is bad in law and prays for its quashing citing that it has been issued on the basis of false and incorrect information without appreciating facts and documents. The case is presently sub-judice for disposal of the condonation of the delay in filing the appeal. Since the State Government has reported encroachment in the proposal, the proposal may require ex-post facto regularization by the Ministry as was required under Rule 7(2)(a), (b) of Forest (Conservation) second amendment Rule, 2014.
- ix. The DDGF (C), RO, Nagpur has further mentioned that the examination of the compliance also reveals several shortcomings including absence of action prescribed in *in-principle* approval, mismatch in the area proposed for diversion and the total area of the survey number itself on ground etc. The area proposed for diversion is 1.64 ha but area on ground in the survey number concerned is itself 1.122 ha as per the DCF report.
- x. In this regard a video conferencing meeting was held on dated 27.02.2024 which was attended by IGF (FC); DDGF, RO, Nagpur; Nodal Officer (FCA), Government of Maharashtra; AIGF (FC) and T.O (FC) wherein it has been observed that: *"The proposal was forwarded to the Ministry wherein the DDGF, RO, Nagpur submitted that given the facts and position of law, since the Stage-I is under challenge for being bad in law and the fact the exact procedure prescribed under the FC Rules, 2014 including the requisite approval from competent authority in Ministry(in case of regularization of encroachment) has not been obtained, the Stage-I has to be reviewed by the Ministry for ex-post facto regularization or revocation/cancellation as per Rules"*.
- xi. During the meeting it has been observed that there is a mention that the administrative approval was accorded by Industry, Energy and Labour Dept, GoMH on dated 17.12.2003 for allotting the said land for establishment of transport city and industrial estate. However, it is not clear whether the competent authority in the State has approved the allotment and regularized the encroachment over Zudupi land or not. This detail is essential to take further decision on the matter. The Nodal Officer (FCA), Govt. of Maharashtra assured that he would look into the record and submit the factual position in

this regard. In view of the above, it was decided that the State Govt. shall examine the record and intimate whether the competent authority in the State Government has approved the allotment and regularized the encroachment over Zudupi land for establishment of "Transport City and Industrial Estate". Accordingly, the RO, Nagpur may seek details from the State Government in this regard.

- xii. In this context the RO, Nagpur vide their letter dated 04.04.2024 has sought required details/information from the State Govt. In this reference, the Government of Maharashtra vide letter no. FLD-2019/CR-324/F-10 dated 04.07.2024 submitted the information. In light of the reply of the State Govt., the proposal has been forwarded to the Ministry. The same has been examined in the Ministry and the proposal was returned to the Regional Office, Nagpur wherein it has been mentioned as under:
 - a. The State Govt. has reported that the Government of Maharashtra, Industries, Energy and Labour Department vide letter No. IES-2001/(7575)/ Uddhyog-18, dated 09.06.2003 and letter no. IES-2001/(7576)/Uddhyog-18, dated 17.12.2003 have accorded their administrative approval to the proposal submitted by the User Agency. However the State Govt. has not clearly intimated whether the competent authority in the State Government has approved the allotment and regularized the encroachment over Zudupi land for establishment of "Transport City and Industrial Estate".
 - b. The State Govt. has reported that the "Assistant Conservator of Forests (Tendu and CAMPA), Nagpur Forest Division, Nagpur on dated 21/05/2024 along with field officers, and Surveyor of Nagpur division visited the area. In order to determine the exact location of this Survey No.88, in Mauje Tarodi (Bu.), measurements were done; the actual area on ground is 1.20 ha. and the whole land is in possession of the Revenue department". In view of the above, the area in the field is only 1.20 ha against Stage I accorded for an area of 1.64 ha. The state government needs to examine this issue and give justification for the same.
 - c. The Regional Office may therefore seek the details as above and examine the additional information received from the State Govt. and give its clear recommendations along with justification and valid/cogent reasons thereof.
- xiii. The same was communicated to the State Government by RO, Nagpur vide letter dated 08.10.2024. In this reference, the State Government vide letter no. FLD-2019/CR-324/F-10 dated 20.12.2024 submitted the information which has been forwarded to the Ministry by RO, Nagpur as: *"The competent authority of the State Government has not regularized encroachment over the said Zudpi Jungle land, and has also not made allotment of the said Zudpi Jungle land to the User Agency. The State Government now reported that the UA encroached the Zudupi jungle and for regularization of the encroachment the instant proposal was submitted and obtained Stage I approval from the Regional Office Nagpur"*.
- xiv. The same has been examined in the Ministry and thereafter the proposal was returned to the Regional Office, Nagpur in order to give its clear recommendations along with justification and valid/cogent reasons thereof. In

this regard, the DDGF, RO, Nagpur has provided their views and recommendations as under:

- a. Since the State government has confirmed that no authority has issued an order for the regularization of encroachment, it would be appropriate to direct the state government to take action against the encroachment by the UA as per the relevant rules and the Indian Forest Act (IFA), 1927. Additionally, the Ministry may consider imposing penal Net Present Value (NPV) realization before handing over the land.
- b. The Regional Office concurs with the state government's recommendation to reduce the proposed diversion area from 1.64 hectares to 1.20 hectares, based on field conditions detailed in its report. However, it is recommended that the entire amount realized towards NPV and Compensatory Afforestation (CA) for 1.64 hectares should be retained. Furthermore, the entire non-forest area provided for CA purposes should be notified as Reserve Forest (RF) or Protected Forest (PF) in the larger interest of mitigation measures.
- c. Since no stay order has been passed by the Hon'ble Court and the counter affidavit is under consideration by the Ministry, the competent authority may consider granting Stage-II approval for 1.20 hectares, with condition that the approval is subject to the outcome of the court verdict, as per the provisions of Rule 16(7) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.
- d. In view of the above, the Regional Office recommends that the Ministry may consider issuing Stage-II approval for 1.20 hectares under Sub-rule 8(i) of Rule 16 of the VSS Rules, 2023, subject to the aforementioned conditions please.
- xv. The committee noted that the proposal became sub judice following the filing of Appeal No. 55/2022 before the Hon'ble NGT (WZ), Pune, wherein the in-principle approval was challenged on the grounds of procedural irregularities.
- xvi. The committee noted that the State Government has not submitted any credible justification as to why the project must be located on the specific Zudpi Jungle land, which is forest land. The proposal does not clearly establish that no suitable non-forest land is available for the project. Nor has the State Government provided any evidence that the proposed site was selected after due diligence or comparison of alternatives.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Maharashtra, the Committee decided to **defer** the proposal and sought clarification on the following for further consideration in the matter:

- i. The State Government shall provide the present status of Appeal No. 55/2022 pending before the Hon'ble NGT (Western Zone), Pune, including any interim or final orders passed, to facilitate further decision on the proposal.
- ii. Keeping in view the non-site specific nature of the project, the State Government shall provide a detailed justification for the selection of forest

land for the proposed project, including an assessment of alternative non-forest lands examined.

- iii. The detail of the action taken by the state against the erring officials for not being able to prevent the illegal use of forest land shall also be submitted.

Agenda No. 18

File No. 9-PBB402/2022-CHA

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Spangle Stone Restaurant / Hotel for non-forestry use of 0.002 ha of Protected Forest for construction of approach access to M/s Spangle Stone Restaurant/ Hotel at Village Ladda on Ludhiana to Sangrur Road between Km. stone no. 70-71 R/s, Tehsil Dhuri, under forest division and District Sangrur in the State of Punjab (Online proposal No. FP/PB/Approach/37873/2018)- regarding.

1. The agenda item was considered by the AC in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Punjab attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. Addl. Pr. Chief Conservator of Forest, State Government of Punjab vide its letter no. FOREST-FCA0FC3D/3/2021-FCA dated 19.07.2022 submitted above mentioned proposal to Regional Office, Chandigarh for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 0.002 ha of Protected Forest for construction of approach access to M/s Spangle Stone Restaurant/ Hotel at Village Ladda on Ludhiana to Sangrur Road between Km. stone no. 70-71 R/s, Tehsil Dhuri, under forest division and District Sangrur in the State of Punjab.
 - ii. The instant proposal was examined by Regional Office, Chandigarh and certain shortcomings were observed and the same was communicated to the State Government on 19.10.2022. Reply to EDS raised by the Regional Office, Chandigarh was submitted by the State Government on 10.10.2023. After examination of the reply, it was observed that clarification regarding violation is still not clear if it falls into IFA, 1927 or FCA, 1980. Clarification was sought from the State Government on 31.10.2023. Reply to EDS raised by the Regional Office, Chandigarh was submitted by the State Government on 01.08.2024.

- iii. The proposed diversion area is 0.002 ha and the density of vegetation is 0 having Eco-class 1. No tree felling is involved.
- iv. It has been mentioned in the proposal that the proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments located in the area has been reported. Certificates to this effect have been submitted by the DFO concerned.
- v. Compensatory Afforestation has been proposed over 0.100 ha and 0.020 ha for Penal CA over degraded forest land in Survey/ Compartment No. Bhagwanpura Rajwaha Mile No. 0-5 L/s, District-Sangrur. A CA scheme with 10 years of maintenance is provided. Site suitability certificate has been furnished by the concerned DFO.
- vi. DFO, Sangrur has mentioned in his violation report that forest land for construction of approach to proposed M/s Spangle Restaurant/Hotel (situated at village ladda on Ludhiana to Sangrur road, between KM Stone No. 70-71 RHS tehsil dhuri, Distt Sangrur. The Case was forwarded to the Higher Authorities. Later, the user Agency started construction of work on the concerned area. Range officer Malerkotla issued D.R No. 10047 dated 01.01.2019 under Indian Forest Act, 1927 and the user agency has deposited the penalty. The work done by the user agency has been closed by the Forest Range Officer, Malerkotla. Ten times penal Compensatory afforestation amount may be imposed on the user agency for violation. The user agency has obtained NOC from the PWD dated 22.01.2018, Town planning NOC dated 28.02.2018, PPCB NOC dated 30.09.2019 before the violation date. The case is "Recommended" for approval with ten time penal CA, as per para no. 4 proceedings received by PCCF letter no. 16133 dt. 05.08.2009.
- vii. Further, the Committee was also informed that site inspection of the instant proposal was conducted by DIGF (Central), Regional Office, Chandigarh on 08.11.2024 and a report was received in the Ministry on 16.02.2025. The site inspection was carried out along with the officials of the State Forest Department and representatives of User Agency. The major findings and recommendations is given as under:

A. Background of the proposal:

This proposal is for diversion of 0.002 ha. of Forest Land for the construction of approach access to M/s Spangle Stone Restaurant / Hotel, Situated at Village Ladda, on Ludhiana to Sangrur Road, Between KM Stone No. 70-71 RHS, Tehsil Dhuri, under Forest Division and District Sangrur, Punjab.

B. Whether the proposal involves violation of Van (Sanrakshan evam Samvardhan) Adhiniyam 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:

The proposal involves violation as reported by DFO in Part-II. There is Violation of Indian Forest Act, 1927.

- a. Details of Violation: Tehsil Dhuri, District Sangrur, Punjab.
- b. Area involved in violation: 0.002 ha
- c. Person responsible for violation: Sh. Sandeep Sharma, Owner, M/s Spangle Stone Restaurant/Hotel.
- d. Action taken: Damage Report Issued against the offender vide receipt no. 100147 dated 21.01.2019.

C. Whether land being diverted has any socio-cultural/religious value. Whether any sacred grove or very old grown trees/forests exists in areas proposed for diversion:

As per record, the land being diverted has no socio-cultural/religious value.

Situation w.r.t. any Protected Area:

As per record, the instant proposal is not falling in or around any protected area.

D. Field observations/Actionable Points/recommendations:

- i. The proposal was submitted by the User Agency online in PARIVESH Portal on 26.12.2018. As per the data uploaded in the PARIVESH Portal, Part-II (S. No. 11), violation has been committed involving area of 0.002 ha of forest land by the Project Proponent and although the DFO has mentioned the type of violation as violation of IFA, 1927 but as per the data, violation has been committed (21.01.2019) after making application for seeking prior approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980(26.12.2018). Hence, it appears the case of violation under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- ii. During the site visit, it was found that the User Agency has used protected forest on the Left side of proposed approach access measuring up to 50 m and upto 25 m on the right side of the approach access and has done tiling work. The proposal is only for 0.0020 ha. and hence before taking up this proposal further, the State Government is required to submit photographic evidence after removing encroachment beyond the area applied for ie 0.002 ha and rehabilitation of the encroached protected forest beyond 0.0020 ha at the cost of the User agency.
- iii. The proposal may be accepted for processing for ex-post facto approval subject to removal of encroachment beyond area applied for seeking prior approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

E. Recommendations of the Deputy Director General of Forests (Central), Regional Office, Chandigarh:

The proposal is for approach access to M/S Spangle Stone

Restaurant / Hotel of the User Agency and has been recommended by the State Government, accordingly same is recommended for consideration in the Advisory Committee as per the extant Rules and Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh, recommended the proposal for grant of ***ex-post facto* 'in-principle'** approval for diversion of 0.002 ha. of Protected Forest for construction of approach access to M/s Spangle Stone Restaurant/ Hotel at Village Ladda on Ludhiana to Sangrur Road between Km. stone no. 70-71 R/s, Tehsil Dhuri, under forest division and District Sangrur in the State of Punjab subject to the general, standard and following specific conditions:
 - i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
 - ii. The State Government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purposes without prior approval of the Government of India.
 - iii. Encroachment beyond the area applied for approval shall be removed and rehabilitation of the encroached protected forest beyond 0.002 ha shall be carried out at the cost of the User agency.

Agenda No. 19

F. No. 8-35/2022-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Tata Steel Ltd. for non-forestry use of 303.066 ha of forest land including 66.126 ha of non-forestland recorded as Forest as on 25.10.1980 involved in the mining lease area over 464.00 ha within Bamebari Iron & Manganese Mines in Keonjhar District, Odisha –reg.

1. The agenda for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The State Government of Odisha vide their letter No. FE-DIV-0091-2022-20413/FE&CC dated 18.11.2022, uploaded on web portal on 22.11.2022, submitted above subject proposal seeking prior approval of Central

- Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- ii. Total lease area is 454 ha comprising 448.395 ha of forest land and 15.605 ha of non-forest land. An area of 145.329 ha has already been diverted under the Forest (Conservation) Act, 1980 on 25.01.2007.
 - iii. Out of the total lease area an area of 85.029 ha of forest land has already been broken prior to 25.10.1980 and an area of 12.487 has been broken after 1980 further an area of 42.423 ha of sabik kisam land has also been broken up prior to 10.03.2015 within the lease area. Total broken up area in the mining lease of the user agency is 139.939 ha of forest land is already broken up in the lease area of the user agency.
 - iv. Bamebari Iron & Manganese Mines of M/s Tata Steel Ltd. was originally granted by the then Maharaja of Keonjhar Estate over an area of 1150.550 ha comprising of three Blocks namely Bamebari, Joribar & Boneikela under Barbil Tahasil of Keonjhar District for 30 years with effect from 01.04.1930 to 31.03.1960.
 - v. The 1st Renewal was granted by Mining & Geology Department, Government of Orissa over an area of 1150.550 ha for 20 years from 01.04.1960 to 31.03.1980 and the lease deed was executed on 28.04.1971.
 - vi. The 2nd Renewal was granted by the Mining & Geology Department, Government of Orissa vide Order No. 2851 MG Bhubaneswar dated 16.02.1982 over an area of 1150.550 ha for 20 years from 01.04.1980 to 31.03.2000.
 - vii. The User Agency (M/s TISCO Ltd) has applied for 3rd Renewal of Mining Lease on 05.01.1999 i.e. one year prior to expire of ML for Bamebari Iron & Manganese Mines over reduced area of 464.00 ha (Bamebari Block-140.00 ha, Joribar-91.00 ha & Boneikela Block-233.00 ha) for 20 years i.e. from 01.04.2000 confining to villages Palasha (Ka), Kundaposi, Namira Bandhuabeda, Jadibahal, Jajanga Boneikela, Thakurani RF & Siddhamath RF.
 - viii. Lease history and area details of the Mining lease are as under:

S. No.	Particular	Lease Area	Lease History
1.	Total lease area (originally)	1150.55 ha	Lease originally granted from 01.04.1930 to 31.03.1960. 1st renewal 01.04.1960 to 31.03.1980. 2nd renewal 01.04.1980 to 31.03.2000. 3rd renewal 01.04.2000 to 31.03.2020 Extended under MMDR Act up to 31.03.2030.
2.	Surrendered unused/unbroken up area	686.55 ha (including 521.80 ha FL)	
3.	Remaining lease area	(i) 1150.55 - 686.55 = 464.00 ha. (including 15.605 ha NFL) (ii) remaining forest = 464.00 - 15.605 = 448.395 ha	
4.	Forest area approved earlier	145.329 ha (including 85.029 ha pre 1980)	
5.	Remaining forest area	448.395 - 145.329 = 303.066 ha (for which	

		present proposal is being dealt) As per the DGPS survey the forest area is 293.629 ha	
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- ix. After Amendment of MMDR Act, the State Government, Department of Steel & Mines, Odisha, Bhubaneswar vide their letter No. III (A) 5M-06/2006-3298/SM Bhubaneswar dated 18.04.2015 extended the period of the mining lease as per provision of Sec-8(A) of MMDR Amended Act, 2015 up to 31.03.2030. The Supplementary lease deed for the said mines was executed on dated 08.05.2015 and registered on 08.05.2015.
- x. After execution of lease deed M/s Tata Steel Ltd has applied for surrender of relinquished area of 686.550 ha vide letter No.MPP/L&L/844/15 dated 30.11.2015 to the Collector & DM, Keonjhar.
- xi. The forest land over 145.329 ha has been diverted under Section- 2(ii) of FC Act, 1980 vide F. No.8-72/2004-FC dated 25.01.2007 of MoEF, Govt. of India. The diverted forest land over 145.329 ha involves 85.029 ha Pre-1980 broken up forest land and 60.300 ha (RF- 46.200 ha, KF-1.945 ha & DLC-12.155 ha) of virgin forest land. The instant diversion proposal has been submitted over 303.066 ha i.e. 115.308 ha of Reserve Forest, 48.893 ha of Khesera Forest, 72.739 ha of DLC Forest and 66.126 ha of Non-Forest land recorded as Forest as Forest as on 25.10.1980
- xii. The State Government has submitted a copy of notifications of RF and revenue/relevant records of the recorded forest (Revenue Forest/DLC Forest/Sabik Forest) involved in the proposal. Thakurani RF having an area measuring 4679.950 ha under order F.S.58/04-41011/R and Sidhamatha RF having an area measuring 5970.940 ha under order F.S. 127/79-53183/R have been notified on 15.10.2005 and 23.07.1979 respectively.
- xiii. Legal status of the land proposed for diversion is Reserved Forest (115.308 ha), Revenue Forest land (48.893 ha) DLC land (72.739 ha) and Sabik Kisam forest land (66.126 ha).
- xiv. Density of 0.6 has been reported in the area with 23,111 total project affected trees comprising 21140 trees of below 60 cm girth and 1971 trees of above 60 cm girth class.
- xv. Compensatory afforestation has been proposed over 275.204 ha of non-forestland, after deducting the 27.862 ha of area from the total forest area of 303.066 ha, earmarked for safety zone. Non-forest land has been identified in village Tamanga (160.419 ha), village Aasanbahali (66.127 ha) and in village Sundanga (49 ha) in Dhenkanal District. It is also indicated by the State that non-forest land can only accommodate 43,510 no. of seedlings and to accommodate the balance seedlings 2,75,204 — 43,510 = 2,31,694 nos. or 2,40,000 nos. (say), 240 ha degraded forest land has been identified in Masinabila RF under Ghatagaon Range of Keonjhar Forest Division. A CA scheme, involving financial provision of ₹1,75,02,200/- along with site suitability certificates has been submitted.
- xvi. As reported the applied area does not form part of any National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor etc. Nonetheless, this site falls under elephant habitat zone-2 as per the book titled "Remote sensing application for characterization of elephant

- habitat and corridor in odisha and part of Bihar” published by ORSAC in Sept. 1999.
- xvii. As reported no rare or endangered species is available in the applied area. Movement of wild elephants seen within 5 km of the ML area.
 - xviii. A site specific Wildlife Management Plan for the area has been approved by the PCCF (Wildlife) on 1.09.2015 with financial outlay of Rs. 635.91 lakh and the user agency has deposited Rs. 469.81 lakh into the account of CAMPA. In addition to this, the user agency has also deposited Rs. 1,99,52,000/- towards the cost of implementation of the Comprehensive Wildlife Management Plan.
 - xix. Use of forest land specially Sabik Kisam land and DLC land were considered as violations by the State Forest Department. It is indicated that Collector Keonjhar has been requested by the DFO to take action as per the prevailing Acts and rules for DLC and Revenue forest land.
 - xx. The DFO Keonjhar has asked to the District Magistrate to take legal action against Tata Steel Ltd for use of DLC and Khesra Forest land without approval under FC Act, 1980 involved in the mining lease on 17.11.2021, however, no action has been taken by the DM except written a letter to Tahsildar on 14.02.2023. The report on the violation of the FC Act, is not tenable.
 - xxi. No displacement of people is involved in the proposal.
 - xxii. Review of the Mining Plan, along with progressive Mine Closure Plan has been approved by the Indian Bureau of Mines on 03.08.2020 which is valid upto 31.03.2025.
 - xxiii. Land use proposed in the Progressive Mine Closure Plan indicates an area of 232.167 ha to be remain untouched on 31.03.2025 while no such area is mentioned in the land use submitted along with the proposal.
 - xxiv. The User Agency has reclaimed an area measuring 16.00 Ha by undertaking back-filling cumulatively till 2021-2022 financial year in the Bamebari Iron & Mn. Mines against 14.70Ha and submitted returns under Progressive Mine Closure Plan for the year 2021-2022. Further, the figures are in-conformity with the Review of Mine Plan for Bamebari Iron & Mn. Mine. The self-certified copy of the PMCP returns submitted by the User Agency.
 - xxv. State Government has reported that the review of the Mining Plan has been approved on dated 03.08.2020 for the entire leasehold of 464.00 ha of Bamebari Iron & Mn. Mines and the land use proposed therein for undertaking mining and allied activities in the plan period only i.e. for five years. Further, the land use figured out in the proposed land use plan of the instant Forest Diversion Proposal is proposed till the end of life of the mines. It is pertinent to mention that the remaining untouched area measuring 232.167 ha shall be utilized in accordance with the mining plan and gradual expansion of the mines.
 - xxvi. The State Government has reported that a penalty of ₹89,92,530/- was imposed on M/s Tata Steel Ltd. for use of DLC and Khesra Forest land without approval under FC Act, 1980. In pursuance of the same, M/s Tata Steel Ltd. has deposited the said amount vide dated 22.10.2024.
 - xxvii. The State Government has submitted copies of notifications of 19.640 ha and 40.660 ha and reported that the balance 85.029 ha of forest land is

broken-up prior to 25.10.1980. So against that forest land CA land is not required.

- xxviii. The State Government has reported that a penalty of ₹89,92,530/- was imposed on M/s Tata Steel Ltd. for use of DLC and Khesra Forest land without approval under FC Act, 1980. In pursuance of the same, M/s Tata Steel Ltd. has deposited the said amount vide dated 22.10.2024.
- xxix. Google imagery shows that a water stream is passing through the southern part of the proposed CA and a water body is present. Old plantation and water stream is also visible.
- xxx. Regional Office, Bhubaneswar has inspected the area proposed for diversion and CA by the DIGF (C). During the inspection following have been observed:
- a. As reported by the Government of Odisha, Forest, Environment and Climate Change Department, recorded the purpose as forest wise as break on up of 303.066 ha of forest land including 66.126 ha of non forest land 25.10.1980 is furnished below:

S. No.	Pattern of utilization	Broken up of non forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non forest land recorded as Forest as on 25.10.1980 (in ha)	Total non forest land recorded as Forest as on 25.10.1980 (in ha)	Total virgin forest land (RF, KF & DLC) in ha	Total forest RF, KF DLC and sabik forest land (in ha)	Non forest land (in ha)	Grand total in (ha)
1	Mining (quarry, float ore)	2.390	7.842	10.232	127.911	138.143	1.370	139.513
2	Storing mineral/ore	5.000	2.313	7.313	26.523	33.836	1.813	35.649
3	Dumping of OB	8.554	4.730	13.284	51.371	64.655	2.322	66.977
4	Storing tools and machinery	0.319	2.540	2.859	2.071	4.930	0.651	5.581
5	Construction of building (including magazine)	3.242	0.000	3.242	0	3.242	0.000	3.242
6	Township/colony	19.465	0.000	19.465	0	19.465	5.057	24.522
7	Road/conv./corridor/ power transmission/ water pipeline, etc.	3.453	1.974	5.427	3.839	9.266	0.000	9.266
8	Safety zone	0.476	2.161	2.637	22.128	24.765	0.560	25.325
9	Green belt	0.000	1.667	1.667	0.000	1.667	0.000	1.667
10	Safety zone involved in approved plan	0.000	0.000	0.000	3.097	3.097	0.000	3.097
	Total	42.899	23.227	66.126	236.94	303.066	11.773	314.839

- b. As reported by the DFO, Keonjhar Forest Division, movement of wild elephant is seen within 5 km distance from the mining lease and the applied area for diversion falls under Elephant Habitat Zone 2 as per the book titled "Remote sensing application for characterization of elephant habitat and corridor in Odisha and part of Bihar (Jharkhand) during September, 1999.
- c. After amendment of MMDR Act, the State Government, Department of Steel and Mines, Odisha Bhubaneswar extended the period of mining lease as per provision of Section -8(A) of MMDR Act, 2015 up to 31.03.2030.

- d. After execution of lease deed M/s Tata Steel Ltd has applied for surrender of relinquished area of 686.550 ha to the Collector and DM, Keonjhar.
- e. The block wise details of original lease and reduced area in the renewal application is furnished below:

Block	Original	Applied RML over reduced area
Bamebari	364.620 ha	140.000 ha
Joribar	170.000 ha	91.000 ha
Baneikala	615.930 ha	233.000 ha
Total	1150.550 ha	464.000 ha

- f. The DFO, Keonjhar Forest Division has reported that an extent of 303.066 ha of forest land has been proposed for diversion, out of which an area of 27.862 ha is ear marked as safety zone. However, as per Para 7.9 (vi) of Chapter 7 of Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued by the Ministry of Environment, Forest and Climate Change on 29.12.2023 there is need for CA for the safety zone. Hence, the compensatory afforestation is required over 275.204 ha (303.066 ha – 27.862 ha) of non forest land. It was reported that 160.419 ha government non forest land in village Tamanga under Telkoi tahasil, 66.127 ha Asanabahali in Dhenkanal, 49 ha non forest land in village Sudanga under Banspal tahasil for raising compensatory afforestation has been identified.
- g. Additional CA scheme over 240 ha of Degraded Forest land identified in Masanibila RF under Ghatagaon range.
- h. The DFO, Keonjhar Forest Division has reported that the land for compensatory afforestation is free from encroachment/other encumbrances. The same was verified on the field. From DSS analysis it is noticed that there is shifting cultivation and unmetalled road in Sudanga CA land, settlement and shifting cultivation is observed in Tamanga CA patch II.
- i. The user agency has committed the following violation in the mining lease, the details are as follows, and the same was verified on field:
 - a) One old pit measuring an area of 0.84 ha is located within the DLC forest land proposed for diversion within the Joribar block of the Bamebari mining lease.
 - b) An area of 0.20 ha DLC forest area proposed for diversion has been encroached by dumping of materials by a crusher unit operated by the third party within the Joribar block of the Bamebari mining lease.
 - c) One permanent shelter measuring an area of 0.03 ha is constructed in the DLC forest land proposed for diversion within the Joribar block of Bamebari iron and manganese mines.
 - d) An old rehabilitated dump measuring an area 5.95 ha in DLC forest land proposed for diversion within the Joribar Block of Bamebari iron and manganese mines is also existing.
 - e) A portion of the mineral reject dump measuring an area of 0.35 ha in DLC forest land proposed for diversion within the Joribar block of Bamebari iron and manganese mines.

- f) Excavation for mining over an area of 0.74 ha (0.51 ha +0.23 ha) DLC forest land proposed for diversion of the Joribar block of Bamebari mining lease.
- g) Establishment of dump and construction of road measuring an area 0.69 ha (0.59 ha +0.10 ha) DLC Forest land proposed for diversion with the Joribar block of Bamebari iron and manganese mines.
- h) Construction of road measuring an area of 0.42 ha (0.17 ha + 0.10 ha + 0.15 ha) DLC forest land proposed for diversion within Joribar Block of Bamebari mining lease.
- i) Excavation for mining over an area of 0.11 ha Khesara forest land proposed for diversion of the Joribar block of Bamebari iron and manganese mines.
- j) Construction of road measuring an area 0.14 ha (0.11 ha +0.03 ha) is in the Khesara Forest land proposed for diversion within the Joribar block of Bamebari mining lease.
- k) One old habitation exists prior to 1995 (approximately 20 years old), based with Google time series map measuring an area of 1.65 ha.is located in the DLC forest land proposed for diversion within the Bamebari block of the Bamebari mining lease.
- j. Details of broken up Sabik Forest land prior to concept of Sabik Kisam land:
 - a) Construction of one old road measuring an area of 0.89 (0.84 ha +0.05 ha) is located in the Sabik Forest land proposed for diversion within the Joribar block of the Bamebari mining lease.
 - b) Twenty numbers of old human habitation exists (approximately 20 years old) of 4.74 ha is located in the Sabik forest land proposed for diversion within the Joribar block of the Bamebari mining lease.
 - c) Establishment of old dump (6.45 ha and construction of old road (1.23 ha) is in the Sabik forest land proposed for diversion within Bamebari Block of Bamebari iron and manganese mines.
 - d) Establishment of old dump (2.43 ha) is in the Sabik forest land proposed for diversion within Bamebari Block of Bamebari iron and manganese mines.
 - e) One old pit has been established measuring an area of 1.32 ha (now reclaimed) located within the Sabik forest land proposed for diversion to the Bamebari Block of Bamebari iron and manganese mines.
- k. **Connectivity of the proposed mining area:** As reported by the Government of Odisha, Forest, Environment and Climate Change Department, the details of forest land proposed for diversion are furnished below:

Block	Original	Applied RML over reduced area
Bamebari	364.620 ha	140.000 ha
Joribar	170.000 ha	91.000 ha
Baneikala	615.930 ha	233.000 ha
Total	1150.550 ha	464.000 ha

- l. Boneikala (which has 236.94 ha (303.066 ha-66.126ha) and 64.655 in the earlier diverted area) which could not be assessed during the site inspection as it was informed that it would **take 3 hours in forest route and there is no connecting road**. However, from the DSS

analysis there appears to be a road up to this mining block and 2 structures were seen inside the proposed forest patch. During site inspection, it was intimated that this site also is not properly explored. Here connectivity has not been established. So, it could not be assessed.

- m. Joribahal block has 12 violations reported by the Divisional Forest Officer. These were cross checked in field. The violations are attributed to a kuchha road to the mining area and an OB dump which is almost stabilized with vegetation and certain mined out areas. This block has road connectivity.
- n. In Bamberi mining block, the mining is going on in the earlier diverted area is almost exhausted and only about one ha is left to be worked out as informed by the user agency. It is now in reclamation phase as intimated by the user agency and accompanying Regional Chief Conservator of Forests, Rourkela. The same was also observed in the field.
- o. **Density on ground:** The DFO, Keonjhar Forest Division has reported that the density of vegetation is 0.6 and Eco Value Class-I. The applied area is situated partly in Thakurani and Sidhamatha Reserve Forest. Bonaikala is still fairly undisturbed and has good vegetation, whereas the other 2 blocks are disturbed due to ongoing mining activity. This was also observed during site inspection.
- p. **Crop composition:** The prevailing vegetation is categorized under the group 3C/C2e(iii) Peninsular Valley Sal. The existing vegetation consists of Sal (*Shorea robusta*) and its associates. As per tree enumeration the vegetation consists of Teak (*Tectona grandis*), Sisoo (*Dalbergia sisoo*), Bija (*Pterocarpus marsupium*), Kurum (*Adina cordifolia*), Asan (*Terminalia tomentosa*), Jamu (*Syzygium cumini*), Mango (*Mangifera indica*), Kasi (*Bridelia retusa*) Kendu (*Diospyros melanoxylon*), etc.
- q. **Impact of mining on the watershed on the surrounding area:** Mining will have impact on the watershed of the area.
- r. **Impact of the mining on the elephant dispersal/habitat:** The Keonjhar Division is already having elephant movement and human wildlife conflict is rampant in the district due to highly disturbed habitat and heavy mining activity. On the day of inspection, too elephant movement was noticed near Boneikela proposed mining block. Hence, mining activity will have impact over the elephant habitat.
- s. The DDGF (Central) has recommended the proposal subject to the following conditions:
 - a. Boneikala block 165.022 ha proposed for diversion should not be handed over for mining activity, since it is still not explored and there is no connectivity up to the proposed mining site. The violation observed in the DSS over this block has to be reported and action taken.
 - b. The violations in Joribar block need to be assessed and suitable steps to be taken under penalty provisions and under 3A and 3 B of FC Act.
 - c. In Bambebari Block the violation has to be addressed as per rules. Reclamation of the mined-out area to be done with indigenous

- species and handed back to the Forest Department for further management.
- d. The CA land to be made free from encroachment and maintained with adequate staff deployment and maintenance for at least 10 years.
 - e. The State Government has to take action against all violations in all these blocks as per rule and submit an action taken report.
- xxxi. During the second renewal term of mining leases in 1982 over an area of 1150.55 ha, including 950.069 ha, was without the prior approval of the Central Government. In this regard the State Govt. has informed that F&E Deptt. has recommended for raising of Penal Compensatory Afforestation in lieu of area used in the violation of FC Act, 1980 vide their 9623/FE dt. 02.07.2004. But, MoEF, Govt. of India has not imposed Penal Compensatory Afforestation to the User Agency. There is no such condition found to have been stipulated '*in-principle*' approval dt.26.05.2005 and Stage-II approval dt.25.01.2007 over an area 145.329 ha.
4. **Decision of Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Bhubaneswar and Nodal Officer, Government of Odisha. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Odisha the Committee decided to **defer** the proposal and sought the following information:
- a. Non-forest land for CA equal in extent to the land being sought for diversion including the safety zone shall be provided with all relevant details, KML files, maps etc. as per the guidelines on the matter.
 - b. Agricultural encroachments, road and old plantations have been observed in the area proposed for CA. The state shall ensure that the proposed CA area is free from all encumbrances and the area is not used for compensatory afforestation in the past.
 - c. The Regional Office in the SIR recommended that Boneikala block 165.022 ha should not be handed over for mining activity since it is still not properly explored and there is no connectivity upto the mining site. The violation observed in DSS over this block has to be reported and action taken. The State shall give comments/justification and detailed report in this regard.
 - d. The state shall submit a detailed report on the action taken against the violations.
 - e. The Regional office has reported that the Boneikala block could not be assessed during site visit. The Regional Office shall inspect the said area and give its recommendations accordingly.
 - f. The Regional office shall examine the reported violations and renewal of mining lease without approval of the central government and submit a detailed report with recommendations.

Agenda No. 20

File No. 8B/UP/09/128/2023/FC-144548

Sub: Proposal for seeking Ex-post facto approval of the Central Government

under Section 2(1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.0545006 hectares of protected forest land for the construction of the connecting road for Web Distilleries & Breweries Ltd. on the Aligarh-Ramghat Road (Main District Road-105), from km 07 to km 16.433 to 16.680 on the right side of the road, in the village of Ahmedpura, Khasra numbers 211, 425kh, 426, 436, 437, 438, 439, 440, 162, 162b, 80, 81, 121, 122, 31m, 70, 73, 74, 77, 78, 121b, 123, 157, 156, 453, 457, 460, 477, Tehsil Atroli, in Aligarh district of the Uttar Pradesh State (Proposal No: FP/UP/IND/144548/2021).

1. The agenda for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The DFO, Aligarh as a representative of CCF O/o Nodal Officer, Govt. of Uttar Pradesh and DDGF (Central), Regional Office, MoEF&CC, Bhopal in-charge of Regional office, Lucknow attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The Govt. of Uttar Pradesh vide their letter No P-135/81-2-2023-800(116)/2023 dated 20.05.2023 forwarded a proposal to obtain Ex-post facto approval of the Central Government, in terms of the Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.0545006 hectares of protected forest land for the construction of the connecting road for Web Distilleries & Breweries Ltd. on the Aligarh-Ramghat Road, Tehsil Atroli, in Aligarh district of the Uttar Pradesh State to the Regional Office (RO), Lucknow.
 - ii. The total forest area under the proposal is 0.0545006 ha of forest land which is located in the village Ahmedpura, Tehsil Atroli, District Aligarh, Uttar Pradesh.
 - iii. The proposed forest area is protected forest with canopy density of 0.1 (Eco Class-3) and no trees have been proposed to be felled.
 - iv. The proposal was examined in the Regional Office, Lucknow and Regional Office has sought details from State Government stating that the land is in use without approval under FCA, it is primarily a case of encroachment of forest land, which cannot be compounded, accordingly, State Government requested to submit a detailed report with this perspective and action taken against the officials who were not able to prevent encroachment/violation or did not take any action for eviction.
 - v. the State Government has informed that the Divisional Director, Social Forestry Division, Aligarh has informed that M/s Web Distilleries and Breweries Ltd. applied for the construction of approach road of Web Distilleries and Breweries in Aligarh district through the PARIVESH portal and sent the hard copy to the divisional office on 27.08.2021. On the proposal, Divisional Office has written for joint inspection of protected forest land. In the joint inspection report sent by the Regional

Forest Officer, Atrauli Range, it was informed that the protected forest land is already being used for non-forestry. In this regard, Divisional Director, Aligarh instructed the user agency about the date of violation and the name of the guilty officer. M/s Web Distilleries and Breweries Ltd. (User Agency) informed that the industry was established by them in June, 2009. Accordingly, H-2 Case No. 2/Atrauli/ against Head, Web Distilleries and Breweries, Aligarh under Section 32G, 32K, 331, 33, 33 (IH) of the Indian Forest Act, 1927 as a result of damage to protected forest land. 2022-23 Forest offense was registered.

- vi. The State Government has further informed that the user agency requested that they want to get the registered case compounded and do not want to fight any unauthorized case and all the conditions of the department will be accepted. Accordingly, as per the rules, under Section 68 of the Indian Forest Act, 1927, the forest offense issued was compounded with a compensation of ₹50000/- and the compensation money was deposited in revenue. In this case, as a result of failure to stop non-forestry use of protected forest land, disciplinary proceedings have been initiated against the concerned Regional Forest Officer, Forester and Forest Guard posted at the proposed site.
- vii. The Compensatory Afforestation has been proposed on 0.1125 ha Degraded Forest Land located under Mohsinpur Forest Block , Aligarh District, Uttar Pradesh.
- viii. As per DSS analysis report, the user agency has submitted the present proposal for diversion of 0.0544 ha. (software calculated) The State Government has proposed compensatory afforestation over Forest land. Total area of proposed CA land is found 0.1124 ha.
- ix. The Site Inspection of the proposal was carried out by Ms. Vijaya Ratre, AIGF, Regional Office, Lucknow on 16.01.2025. AIGF (C), Regional Office, Lucknow has recommended the proposal for Ex-post facto approval for diversion of 0.0545006 hectares of protected forest land for the construction of the connecting road for Web Distilleries & Breweries Ltd subject to the following:-
 - a. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
 - b. The State Government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of the Government of India.
- x. DDGF (C), Regional Office, Lucknow has recommended the proposal as the proposal seems to be Site Specific in nature, therefore, there is no possibility of any alternative.
- xi. The area proposed for diversion is less than one hectare and in this regard the Rule 13(5)(b) provides that in such cases the cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied

from the user agency towards compensatory afforestation. In this regard the committee observed that the user agency may be asked to provide the cost of compensatory afforestation over degraded forest land of at least one hectare.

4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO, Lucknow and representative of CCF Nodal Officer, Govt. of Uttar Pradesh and after going through the facts of the proposal, recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.0545006 hectares of protected forest land in favor of M/s Web Distilleries & Breweries Ltd. for the construction of the connecting road for Web Distilleries & Breweries Ltd. on the Aligarh-Ramghat Road (Main District Road-105), from km 07 to km 16.433 to 16.680 on the right side of the road, in the village of Ahmedpura, Khasra numbers 211, 425kh, 426, 436, 437, 438, 439, 440, 162, 162b, 80, 81, 121, 122, 31m, 70, 73, 74, 77, 78, 121b, 123, 157, 156, 453, 457, 460, 477, Tehsil Atroli, in Aligarh district of the Uttar Pradesh State subject to the general, standard and following specific conditions:-

- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
- ii. The State Government shall initiate disciplinary action against the officials concerned for not being able to prevent use of forestland for non-forestry purpose without prior approval of Government of India.
- iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.
- iv. The area proposed for diversion is less than one hectare and in this regard the Rule 13(5)(b) provides that in such cases the cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation. In this regard the user agency shall provide the cost of compensatory afforestation over degraded forest land of at least one hectare.

Policy Issues

Agenda No. 1

Sub: Grant of Final approval to the proposals where in-principle approval has been granted by the Regional Office under the provisions of erstwhile Rule – reg. (File No. 8B/DLI006/2022-JPR)

The policy matter was deferred due to paucity of time.

Agenda No. 2

Sub: Formulation of policy/guidelines for Penal Compensatory Afforestation (PCA) to ensure transparency, rationality and uniformity while imposing condition of raising penal CA in proposals involving violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (F. No. 8B/UP/06/34/2018-FC). (11/126/2024-FC)

The policy matter was deferred due to paucity of time.

(Confirmed through e-mail)

Pro. KR Sree Harsha
(non-official Member)

(Confirmed through e-mail)

Shri Nityanand Srivastava
(non-official Member)

(Confirmed through e-mail)

Shri Manoj Pant
(non-official Member)

(not present)

Dr. Mehraj AS
Deputy Commissioner (NRM)
(Member)

(Confirmed)

Shri Anjan Kumar Mohanty
Additional Director General of Forests
(FC and WL)
(Member)

(Confirmed)

Shri Ramesh Kumar Pandey
Inspector General of Forests
(Member Secretary)

(Approved)

Shri Sushil Kumar Awasthi
(Director General of Forests and Special Secretary)
(Chairperson)