



ବାଲେଶ୍ଵର ବନ୍ୟଜୀବ ବନଖଣ୍ଡ, ବାଲେଶ୍ଵର  
OFFICE OF THE DIVISIONAL FOREST OFFICER  
BALASORE WILDLIFE DIVISION



At/PO : KURUDA, Dist : BALASORE, PIN – 756056, ODISHA

Control Room : +91 – 9437691870 e-mail : [dfowl\\_bls@yahoo.co.in](mailto:dfowl_bls@yahoo.co.in) /  
[dfo.balasorewl@odisha.gov.in](mailto:dfo.balasorewl@odisha.gov.in)

Memo No. 9058/4F (Misc.)-F. No.42/2023

Dated, Balasore, the 29 November, 2023

To

The Field Director, Similipal Tiger Reserve  
-cum- Regional Chief Conservator of Forests  
Baripada Circle, Baripada.

Sub: -

Proposal for diversion of 12.206 hectare forest land for Single Line Broad Gauge Railway Connectivity from Amarda Road to Subarnarekha Port in the district of Balasore coming under the jurisdiction of Balasore (WL) Division by Subarnarekha Port Pvt. Limited.- **Compliance - Reg.**

Ref:-

Your office Memo No. 3340 dt. 08.09.2023.

In inviting kind reference to the correspondence cited above on the captioned subject, this is to inform you that in compliance to the observations of the Dy. Inspector General of Forests (C) Govt. of India, MoEF & CC, the project proponent has submitted clarification on the proposed Rail project area falling under CRZ-IA (Sand dune) category of CRZ Rules, 2019. Copy of the compliance enclosed herewith for kind perusal.

As per compliance, the project proponent has intimated that, there are no horseshoe crab habitat within the project area. However, a small portion of railway corridor falls on CRZ-IA which are mainly small patches of mangrove area.

**Encl.: As above.**

Divisional Forest Officer

Balasore Wildlife Division, Balasore

Memo No. 9059 / dated the 29 November, 2023

Copy forwarded to the Chief Conservator of Forests (Forest Diversion & Nodal Officer) F.C. Act, O/o the Principal Chief Conservator of Forests, Odisha, Bhubaneswar for favour of kind information & necessary action with reference to this office memo No. 5624 dt. 04.08.2023.

Divisional Forest Officer

Balasore Wildlife Division, Balasore

Memo No. 9060 / dated the 29 November, 2023

Copy forwarded to the Authorized Signatory, Subarnarekha Port Private Limited, DCB-414-417, 4<sup>th</sup> Floor, DLF Cyber City, Chandaka Industrial Estate, Bhubaneswar for information & necessary action with reference to his office letter No. SPPL/ ENV/ DFO/30/2023 dt. 27.10.2023.

Divisional Forest Officer

Balasore Wildlife Division, Balasore

Letter No.: SPPL/ENV/DFO/29/2023

Date: 27.10.2023

To

The Divisional Forest Officer,  
Balasore Wildlife Division,  
At/PO- Kuruda,  
Dist-Balasore,  
Odisha-756056



**Sub:** Diversion of 12.202 ha of Forest land for Single Line Broad Gauge Railway Connectivity from Amarda Road Station to Subarnarekha Port in the District of Balasore under Balasore (WL) Division by Subarnarekha Port Pvt. Ltd.-Gol observation regarding.

**Ref:** Your office Letter No.6301/4F-Misc. F.No.42/2023-Balasore, dated 1<sup>st</sup> September,2023.

Sir,

With reference to the subject cited above and referred letter, it is brought to your kind attention the following clarification on whether construction of proposed railway line is permissible in the proposed area under CRZ notification, 2019.

1. As per Office Memorandum No. F.No. IA3-12/3/2023-IA.III(E-220190) dated 06<sup>th</sup> October, 2023 of Ministry of Environment, Forest and Climate Change; the Railway Projects covered under Railways Act 1989, shall not attract CRZ clearance. (Copy enclosed as **Annexure-1**).
2. As per revised CZMP Map, Sheet No: F45P6/SW (Revised), Map No: OD 90 (Copy enclosed as **Annexure-2**), there are no horseshoe crab habitat (CRZ 1A) within the project area. However, a small portion of railway corridor falls on CRZ-1A which are mainly small patches of mangrove area. SPPL has applied for the CRZ clearance as a part of our fresh EC & CRZ clearance proposal submitted to MoEF&CC vide proposal no. IA/OR/INFRA1/444266/2023 dated 18<sup>th</sup> September-2023.

In this regard your necessary assistance is required for further processing of our Forest Diversion Proposal.

Thanking you,  
Yours sincerely,

  
(Tanmay Kumar Sahu)  
Authorized Signatory



Encl: a/a

I No. IA 312/3/2023 IA III (E 220190)  
Government of India  
Ministry of Environment, Forest and Climate Change  
IA III Section (CRZ)

India Pavilion Bhawan  
100, Bapu Road,  
New Delhi - 110001  
Forest Dept. (CRZ) 10/2

OFFICE MEMORANDUM

Subject: Clarification on exemption of Railway Projects from the requirement of Environmental Clearance (EC) and Coastal Regulation Zone (CRZ) Clearance as per Section 11 of Railways Act 1989- regarding

The Ministry is in receipt of a request for clarification received from Ministry of Railways, regarding exemption from the application of the provisions of Environment Protection Act, 1986 including its sub-legislations to Railway Projects as per Section 11 of Railways Act, 1989.

2. Railway Projects are exempted from prior environmental clearance in term of Section 11 of Railway Act 1989 which overrides every other law in force with the phrase "Notwithstanding anything contained in any other law for the time being in force". The Ld. Attorney General of India has also inter-alia opined that the Section 11 of the Act overrides every other law in force.

3. In this context, Hon'ble High Court, Bombay in the Goa Foundation Vs Konkani Railway (Writ Petition No. 170 of 1992 decided on 29<sup>th</sup> April 1992) has inter-alia held that.

*...the provisions of the Environment Act have no application in respect of work undertaken in exercise of powers conferred under Section 11 of the Railways Act, 1989. .... The wide ambit of the provisions of Section 11 and the non-obstante clause makes it extremely clear that the provisions of the Environment Act do not bind the construction or maintenance of a railway line. The Railways Act (1989) is a legislation enacted subsequent to the Environment Act (1986) and the Corporation is right in claiming that for the purpose of providing railway line, clearance is not required even though the line passes over the railways, rivers, creeks, etc. in view of the specific provisions of Section 11 of the Railways Act.*

4. Further, Hon'ble High Court of Bombay vide order dated 3<sup>rd</sup> August 2022, in WP No.15 of 2021 in the matter of Ganv Bhavancho Ekvott & Ors vs South West Railways & Ors inter-alia stating that South Western Railway and Rail Vikas Nigam Limited (RVNL) are not under any statutory compulsion to obtain environmental clearance from the GCZMA or any building permissions or other permissions from any authority under the diverse legislation.


*Debus*



5. Ministry vide OM 19/1/2018 (A III) dated 28<sup>th</sup> May 2020 has also clarified the non-requirement of Environment Clearance for the Commercial Development of the Railway Stations, subject to preparation of comprehensive Environmental Management Plan (EMP) by the Environment and Housekeeping Management (E/HM) Directorate of the Ministry of Railways and fulfilling the standard environmental safeguards as prescribed in the OM dated 28<sup>th</sup> May 2020.

6. The matter has been once again examined in the Ministry. Based on the facts mentioned above, it is clarified that Railway Projects, covered under Railways Act 1989, shall not attract CRZ Clearance. However, other statutory clearances, as applicable, need to be obtained.

7. This is issued with the approval of the Competent Authority.

  
(Dr. H. Kharkwal)  
Scientist 'E'

To

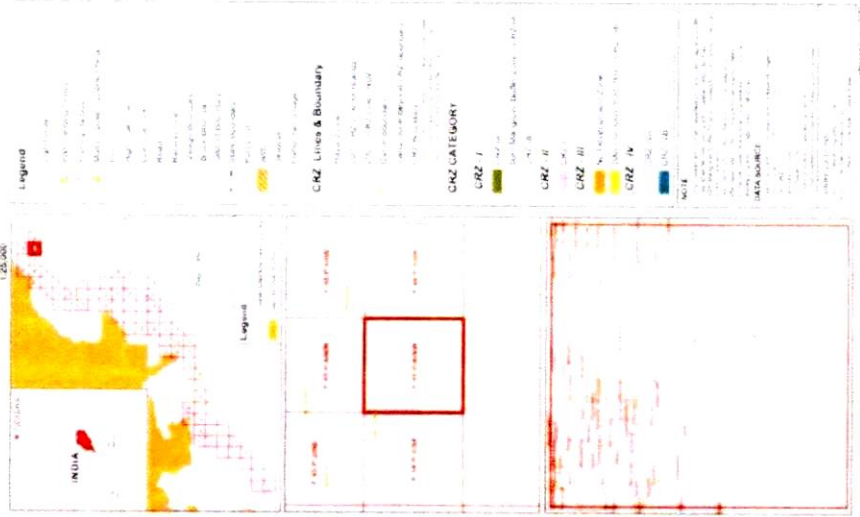
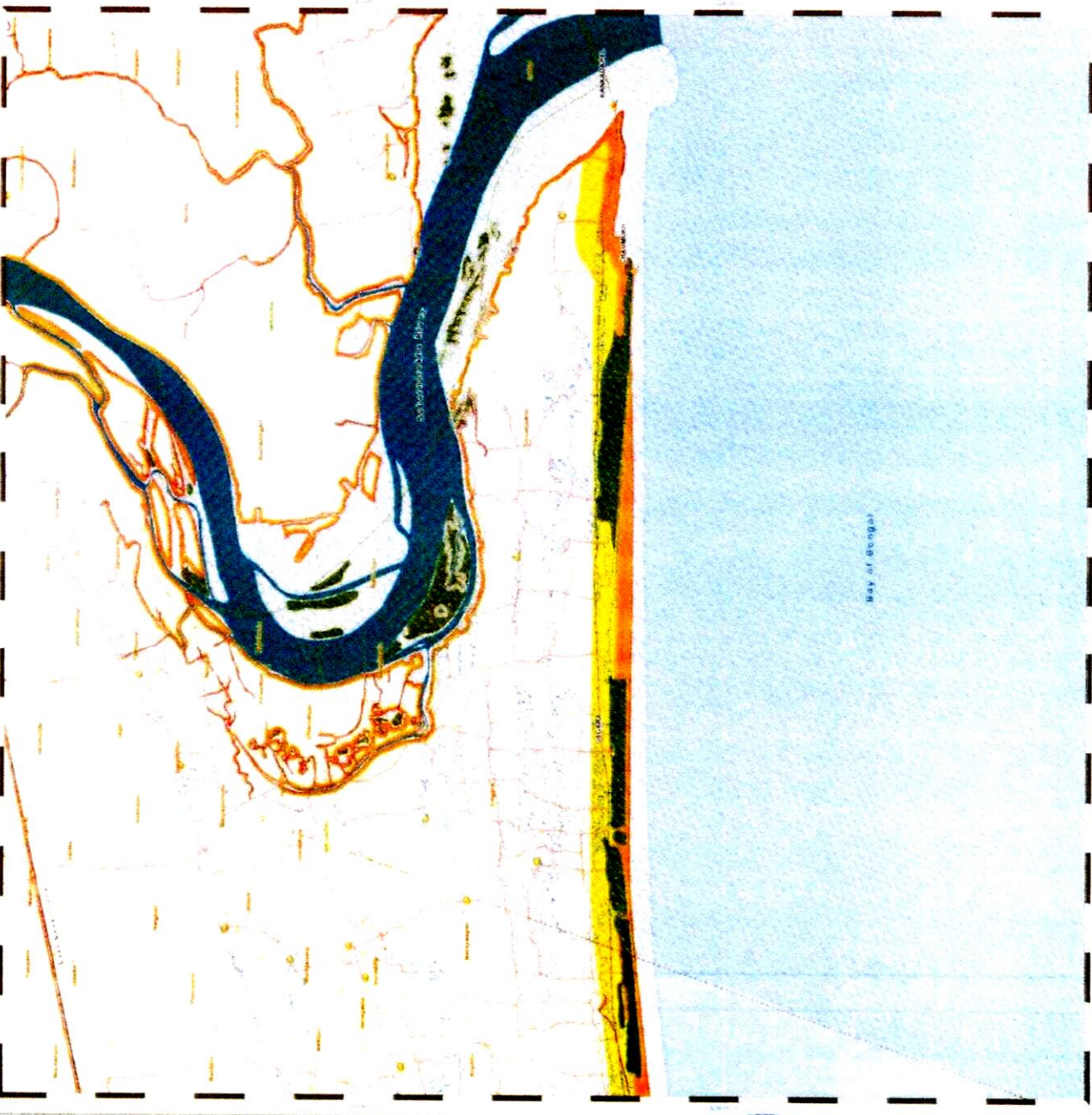
- 1. Chairman/ Member Secretary, CPCB.
- 2. Chairperson/ Member Secretaries of all the State/UT, PCBs/PCCs
- 3. Chairperson/ Member Secretaries of all the EACs.
- 4. Chairperson/ Member Secretaries of all the SEIAAs/ SEACs.
- 5. All Officers of IA Division

Copy to:

- 1. PS to Hon'ble MEFCC
- 2. PS to Hon'ble MoS (EF&CC)
- 3. Sr PPS to Secretary (EF&CC)
- 4. Sr PPS to DGF&SS (EF&CC)
- 5. PPS to AS(TK)/Sr PPS to JS(SKB)
- 6. Website, MoEF&CC/Guard File







PREPARED AS PER COASTAL REGULATION ZONE NOTIFICATION 2019

Annexure-2

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*Achyut*



Bay of Bengal

Prepared by: *[Signature]*  
 Checked by: *[Signature]*  
 Approved by: *[Signature]*  
 NCSM  
 National Coastal Zone Management Authority  
 Odisha Coastal Zone Management Authority  
 Bhubaneswar, Odisha, India