

F. No. 8-18/2012 - FC
Government of India
Ministry of Environment & Forests
(FC Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 1100 03.
Date: 23rd May, 2017

To

The Principal Secretary (Forests),
Government of Chhattisgarh,
Raipur.

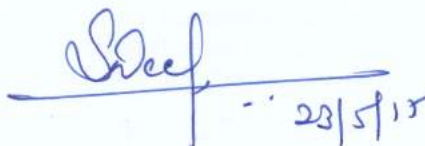
Sub: Transfer of lease in respect of diversion of 766.393 ha of forest land for Talaipalli Coal Mining in favour of M/s National Thermal Power Corporation (NTPC) from the original user agency i.e. M/s NTPC in whose favour forest land was diverted to M/s NTPC in whose favour the coal block was auctioned/re-allotted by the Ministry of Coal – regarding..

Sir,


I am directed to refer to the Ministry of Coal's letters no. 13016/38/2015-CA-III dated 18th September, 2015 on the above subject requesting this Ministry to transfer its approval granted under the Forest (Conservation) Act, 1980 for diversion of 766.393 ha of forest land for Talaipalli Coal Mining in favour of M/s National Thermal Power Corporation (NTPC) from the original user agency i.e. M/s NTPC in whose favour forest land was diverted to M/s NTPC in whose favour the coal block was auctioned/re-allotted by the Ministry of Coal .

After careful examination of the proposal in accordance with para 2.8 of the Guidelines read with the Guidelines dated 03.05.2010, 03.05.2013 and 31.03.2015 under the Forest (Conservation) Act, 1980 for transfer of approval granted by the Central Government and on the basis of recommendations of the Ministry of Coal, **the Central Government hereby conveys its approval for lease transfer subject to following condition:**

- (i) Lease transfer charges @ 10% of the NPV or Rs.1,00,000/- (1 Lakh) whichever is less will be realized from the new user agency and will be deposited in the account of Ad-hoc CAMPA before execution of lease in favour of the new user agency.
- (ii) Reimbursement of amount paid by the original user agency shall be dealt with in the manner, as provided in the Coal Mines (Special Provisions) Second Ordinance, 2014 and Rules framed there under.
- (iii) The new user agency shall pay the NPV as per the approval granted under FC Act if not paid earlier. The new user agency shall also furnish an undertaking to pay the additional NPV, if so determined by the Hon'ble Supreme Court of India.
- (iv) **The new user agency shall abide the following conditions :**
 1. Legal status of the diverted forest land shall remain unchanged;
 2. Compensatory afforestation over the degraded forest land, twice in extent to the area of forest land proposed to be diverted shall be raised **within two years from the issue of this letter, if already not done;** and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency;
 3. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 4. The State Govt. shall ensure the following activities as per approved plan of Rs. 236.22 lakh under the supervision of the State Forest Department:

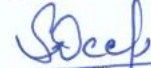

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- (a) Mitigative measures to minimize soil erosion and choking of stream, shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved plan in consultation with the State Forest Department.
- (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
- (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme, and ;
- (d) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
5. Fencing, protection and regeneration of the safety zone area [7.5 meters strip all along the outer boundary of the mining lease area as recommended by the state govt.] shall be done within three year at the project cost from the issue of Stage-II Clearance. Besides this afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost; The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files and afforestation will be done within three years , **if not already done**, from the date of Stage-II clearance;
 6. Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.
 7. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
 8. User agency either himself or through the State Forest Department shall undertake gap planting and soil and moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease;
 9. The user agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.
 10. The State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone from the funds already realized from the user agency;
 11. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
 12. In case of under-ground mines, areas on surface shall be fenced and afforested from the funds to be provided by the user agency.
 13. The user agency shall ensure that at least part of fly ash not used otherwise shall be used for back filling.
 14. The user agency shall have a social welfare department to keep track of socio-economic conditions of all the project affected people.
 15. The user agency shall undertake comprehensive greening in the surrounding villages.
 16. The user Agency shall implement the R & R Plan as per the R & R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R & R Plan will be


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- monitored by the State Government/Regional Office of MoEF along with indicators for monitoring and expected observable milestones.
17. The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;
 18. No labour camp shall be established on the forest land;
 19. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 20. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
 21. The forest land shall not be used for any purpose other than that specified in the proposal;
 22. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 23. No damage to the flora and fauna of the adjoining area shall be caused;
 24. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 25. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
 26. All other conditions stipulated in the Stage-I approval for which the user agency has submitted undertakings shall be complied with.
 27. The User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
 28. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
 29. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,

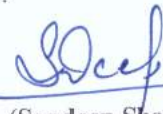


(Sandeep Sharma)

Assistant inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forest, Govt. of Chhattisgarh, Raipur.
2. The Addl. PCCF (Central), Regional Office, Nagpur.
3. The Nodal Officer (FCA), O/o the PCCF, Govt. of Chhattisgarh, Raipur.
4. The User Agency.
5. Monitoring Cell.
6. Guard File.



(Sandeep Sharma)

Assistant inspector General of Forests (FC)