

Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)  
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Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi: 110003,

**Dated: 23rd August, 2023**

To,

The Addl. Chief Secretary (Forests),  
Government of Odisha,  
Bhubaneswar.

**Sub: Proposal for seeking prior approval of the central Government under Section 2(ii) of the Forest (Conservation) Act, 1980 in favour of Odisha Mining Corporation Ltd. for non-forestry use of 168.948 ha of forest land adjacent to South Kaliapani Mines for dumping of overburden of South Kaliapani and Sukurangi Chromite Mines under Cuttack Forest Division, Odisha (Online Proposal No. FP/OR/MIN/32908/2018)**

Madam/Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons.)89/16-8726/F&E dated 07.05.2019 on the above-mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal by the Forest Advisory Committee, constituted under Section-3 of the said Act, '*in-principle*' approval to the proposal under the Forest (Conservation) Act, 1980 was granted vide this Ministry's letter of even number dated 15.10.2019 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the '*in-principle*' approval and has requested to the Central Government for grant of final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter No. 22808/9F (MG) 374/2018 dated 10.11.2022 and letter No. 5264/9F (MG) 374/2018 dated 17.03.2023, Stage-II/Final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 168.948 ha of forest land adjacent to South Kaliapani Mines of OMC for dumping of overburden of South Kaliapani and Sukurangi Chromite Mines of M/s OMC Ltd under Cuttack Forest Division, Odisha, subject to following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The KML files of diverted area, the CA areas, SMC works area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to handing over the forest land to user Agency;
- iii. **Compensatory Afforestation:** The State Government shall ensure that



compensatory afforestation over identified non-forest land equal in extent to the forest land being diverted, which has been notified as Protected Forest vide Notification No. FE-DIV-FLD-0008-2022-14656/FE&CC dated 22.08.2022 and vide Notification No. FE-DIV-FLD-0008-2022-14659/FE&CC dated 22.08.2022 shall be raised within three years from the date of issue of Stage –II approval and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency. At least 1000, (168.948 ha x 1000 = 1,68,948 plants) saplings per ha shall be planted over admissible CA land. If this is not possible to plant these many seedlings in the identified area, the balance seedlings will be planted in degraded forest land as per the prescription of the Working Plan at the cost of the User Agency. In such cases CA cost will be revised and duly approved by the competent authority and deposited online in the CAF managed by the CAMPA;

**iv. Net Present Value**

- a. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
  - b. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- iv. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
  - v. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
  - vi. The State Government will ensure that user Agency stabilizes the overburden dumps by appropriate grading / benching, in accordance with the approved scheme, so as to ensure that an angle of repose at any given place is less than 28°;
  - vii. The State Government will ensure that the user agency shall carry out muck/silt disposal at pre-designated sites in such a manner so as to avoid its rolling down;
  - viii. The State Government and user agency shall ensure that dumping area for muck/silt disposal shall be stabilized and reclaimed by planting suitable species by the User Agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
  - ix. Period of diversion of the said forest land under this approval shall be for a



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period co-terminus with the validity of lease granted under the MMDR Act, 1957;

- x. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xi. The State Government shall ensure that process for settlement of rights under the Forest Rights Act, 2006 has been completed as per the relevant guidelines issued by the Ministry in this regard;
- xii. The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xiii. The State Govt. shall ensure that the boundary of the diverted forest land, mining lease and safety zone 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;
- xiv. The State Govt. and the user agency shall ensure that 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;
- xv. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xvi. The State Government shall ensure that the user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- xvii. The State Govt. and the user agency shall ensure that the layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- xviii. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, with the approval of competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xix. The State Govt. shall ensure that 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; and
- xx. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC

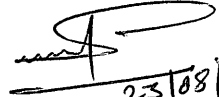


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dated 28.03.2019;

- xxi. The State Govt. shall ensure that 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 this Ministry by the end of March every year.

Yours faithfully,



23/08/23

(Suneet Bhardwaj)

Assistant Inspector General of Forests

**Copy to:**

1. PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. DDGF (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar.
3. PCCF cum Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.