

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110003
Dated: 22nd December, 2021

To
The Principal Secretary (Forests),
Government of Maharashtra,
Mantralaya, Mumbai.


Sub: Diversion of 121.58 ha of forest land for Durgapur Deep Extn. Open Cast Mine in favour of Western Coalfield Limited in District Chandrapur, Maharashtra - regarding.

Madam/Sir,

I am directed to refer to the Government of Maharashtra's letter No. FLD-3613/CR-251/F-10 dated 12.08.2014 on the above mentioned subject, wherein prior approval of the Central Government for diversion of 121.58 ha of forest land for Durgapur Deep Extn. Open Cast Mine in favour of Western Coalfield Limited in District Chandrapur, Maharashtra was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under Section-3 of the said Act, *In-principle approval/Stage-I clearance* for diversion of the said forest land was accorded by the Ministry vide its letter of even number dated 16.12.2015 subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the Stage-I approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Maharashtra vide letter No. Desk-17/NC/I/ID 12159/1473/17-18 dated 20.09.2017, letter No. Desk-17/NC/I/ID 12159/2425/18-19 dated 27.03.2019, letter No. Desk-17/NC/I/ID11327/1018/18-19 dated 12.01.2021, letter No. Desk-17/NC/RS-I/ID-12159/655/20-21 dated 29.07.2021 and letter No. Desl-17/Nodal/Chandrapur/12159/294/21-22 dated 20.10.2021 '*Final/Stage-II approval*' of the Central Government is hereby accorded under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 121.58 ha of forest land for Durgapur Deep Extn. Open Cast Mine in favour of Western Coalfield Limited in District Chandrapur, Maharashtra State subject to fulfillment of the following conditions:


A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Govt.:


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- i. The State Government shall ensure that the user agency implements 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 monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
- ii. The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, before handing over of forest land to the user agency;
- iii. The State Govt. shall ensure that the boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- iv. The State Government shall ensure that proposed forest land i.e. 121.58 ha shall be handed over to the user agency only when the user agency has acquired the required non-forest land, if any, for the project;
- v. The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the E-Green Watch portal of FSI, before handing over forest land to the user agency.

B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

- i. Legal status of the forest land shall remain unchanged;
- ii. Compensatory Afforestation shall be raised over 11 patches of Degraded Forest land in Wadsa Forest Division in Gadchiroli Circle under Gadchiroli District, Maharashtra State. As far as practicable a mixture of local indigenous species will be planted and mono-culture of a species has to be avoided;
- iii. The user agency shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.;
- iv. 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 and transfer the same to the ad-hoc CAMPA under intimation to this Ministry;
- v. The user agency shall ensure that *Prosopis spp.* is eliminated from the existing plantation areas of WCL within Chandrapur in a phased manner by replacing with native species, which will greatly help in reducing the human-wildlife conflicts in the area;
- vi. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to


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be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

- vii. The State Government shall constitute a Committee under the chairmanship of PCCF, Wildlife & CWLW to ensure continued monitoring and use of existing corridor by wildlife and suggesting the measures for maintenance of corridor functionality;
- viii. The State Government shall ensure that mitigation measures suggested by Wildlife Institute of India, Dehradun may be implemented by the User Agency;
- ix. User agency either himself or through the State Forest Department shall undertake gap planting and soil & 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;
- x. 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 Dy. Director General (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.
- xi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xii. The 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 & Regulating) Act, 1957, as amended or Rules framed there under;
- xiii. The State Govt. shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person without obtaining prior approval of the Central Government;
- xiv. The User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department;
- xv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvi. No labour camps shall be set up inside the forest area. Labour management


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plan should be implement with emphasis that no labour camp be set up in the close vicinity of the eco-fragile and sensitive areas;

- xvii. The Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xviii. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- xix. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xx. No damage to the flora and fauna of the area shall be caused;
- xxi. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xxii. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxiii. The State Govt. shall ensure that the compliance report of this approval is uploaded on e-portal (<https://parivesh.nic.in/>);
- xxiv. The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019;
- xxv. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency; and
- xxvi. The State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval letter dated 16.12.2015 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project.

Yours sincerely,

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to: -

1. The PCCF & HoFF, Department of Forests, Government of Maharashtra,

Nagpur;

2. The Regional Officer, Integrated Regional Office, MoEF&CC, Nagpur;
3. The Nodal Officer (FCA), O/o PCCF, Government of Maharashtra, Nagpur;
4. User Agency;
5. Monitoring Cell, FC Division, MoEFCC, New Delhi for uploading on PARIVESH portal.


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