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To be seen by the REC
03.12.2024

ବାଲେଶ୍ୱର ବନ୍ୟଜୀବ ବନଖଣ୍ଡ, ବାଲେଶ୍ୱର
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 / dfo.balasorewl@odisha.gov.in

Memo No. 12443 /4F (Misc.)-F. No. 42/2023

Dated, Balasore, the 2nd December, 2024

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. - **Submission Compliance - Reg.**

Ref:-

This office memo No. 4215 dated 29.05.2024.

In inviting kind reference to the correspondence cited above on the captioned subject, this is to inform you that vide No. 5-ORC588/2023 - BHU dated 24th April, 2024 of the Dy. Inspector General of Forests (C), Ministry of Environment, Forest and Climate Change, IRO, Bhubaneswar, the User Agency has been requested to realign the proposed railway line excluding CRZ-IA, CRZ-IB & No Development Zone area and submit the details of realigned railway proposal to his office through proper channel.

In this context, enclosing Office Memorandum No. F. No. IA3-12/3/2023-IA. III (E-220190) dated 06.10.2023 of the MoEF & CC, the Project Proponent i.e. Subarnarekha Port Private Limited (SPPL) has intimated that, the Railway Projects covered under Railway's Act 1989, shall not attract CRZ clearance and requested for further processing of Forest diversion proposal without change in the alignment and the SPPL will take necessary compensatory plantation of mangroves for the affected area as per prevailing norms enclosing copy of relevant Memorandum / Letters / Documents vide Ref. No. SPPL/ ENV/22/2024 dated 23.09.2024.

In view of the above, copy of the above letter submitted by Subarnarekha Port Private Limited (SPPL) along with its enclosure enclosed herewith for information and further course of action.

Encl.: As above.

Divisional Forest Officer
Balasore Wildlife Division, Balasore

Memo No. 12444 / dated the 2nd December, 2024

Copy forwarded to the Chief Conservator of Forests (Nodal), O/o the Principal C.C.F. & HoFF, Odisha for favour of kind information & necessary action with reference to this office memo No. 4216 dated. 29.05.2024.

Divisional Forest Officer
Balasore Wildlife Division, Balasore

P.T.O.

Ref. No: SPPL/ENV/22/2024

Date: 23.09.2024

To,
The Divisional Forest Officer,
Balasore (WL) Division.

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. (SPPL)

Ref: 1. Your email dated 29.05.2024

2. Field Director, Simlipal Tiger Reserve, Baripada's letter no 1620/3F-33/2024 dated 17.05.2024
3. MoEF & CC, RO, Bhubaneswar's letter No.5-ORC588/2023-BHU dated 24.04.2024

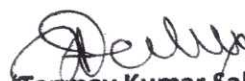
Dear Sir,

With reference to the diversion of 12.202 ha of forest land for Single Line Broad Gauge Railway Connectivity from Amarda Road Station to Subarnarekha Port (Railway Project) and above referred letters, SPPL has the following submissions:

1. As per Office Memorandum No. F.No. IA3-12/3/2023-IA.III (E-220190) dated 06.10.2023 of Ministry of Environment, Forest and Climate Change; the Railway Projects covered under Railway's Act 1989, shall not attract CRZ clearance (refer point 6 of above OM, a copy of which has been enclosed as **Annexure 1**).
2. SPPL has applied for in-principle approval of the Rail project under the provisions of participative policy of December, 2012 of Ministry of Railways (Railway Board).
3. Vide letter no. 2019/Infra/12/13 dated 16.09.2019 (a copy of which has been enclosed as **Annexure 2**), the Railway Board has granted an In-principle approval for development of rail connectivity from Amarda Road station to the proposed Subarnarekha port in Odisha under the Non-Government Rail (NGR) model of the participative policy of December, 2012.
4. As stipulated in the participative policy of December, 2012 (**refer section 6.1 of the above policy, a copy of which has been enclosed as Annexure 3**), Non-Government Rail (NGR) model is covered under Railway's Act 1989.
5. Subsequently, vide letter no. P64/2414 dated 09.10.2019, South Eastern Railway advised SPPL to submit the Detailed Project Report (DPR) as per the participative policy and the conditions therein (a copy of which has been enclosed as **Annexure 4**).
6. SPPL had submitted the DPR in July 2021 which was approved by South Eastern Railway vide letter no. P64/2414 dated 01.12.2021 (a copy of which has been enclosed as **Annexure 5**).
7. Further, the Engineering Scale Plan was also approved by South Eastern Railway vide letter no. EST/SID/Subarnarekha/ARD/23/D-9 on 15.02.2023 (a copy of which has been enclosed as **Annexure 6**).

As it is evident from the above points, the Railway Project of SPPL is covered under Railway's Act 1989. Hence, CRZ clearance is not applicable for proposed Railway Project for which forest diversion proposal has been applied. We therefore request your necessary assistance for further processing our Forest Diversion Proposal without any change in the alignment. SPPL will take necessary compensatory plantation of mangroves for the affected area as per prevailing norms.

Thanking You,
Yours sincerely,


(Tanmay Kumar Sahu)
Authorized Signatory

Received
L. P. S.
23-9-24



F.No. IA3-12/3/2023-IA.III (E-220190)
 Government of India
 Ministry of Environment, Forest and Climate Change
 IA-III Section (CRZ)

Indira Paryavaran Bhawan
 Jor Bagh Road,
 New Delhi - 110003
 Dated: 06th October, 2023

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 Konkan Railway (Writ Petition No. 170 of 1992 decided on 29th 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 3rd August 2022, in WP No.15 of 2021 in the matter of Ganv Bhavanchi 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 uthority under the diverse legislation.

5. Ministry vide OM 19-172/2018-IA.III dated 28th 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 (EnHM) Directorate of the Ministry of Railways and fulfilling the standard environmental safeguards as prescribed in the OM dated 28th 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

2/14/19
8/9/19
P/715
18-07-19

Annexure-1.1

12

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

Rail Bhavan, New Delhi-110001.
Dated : 16.09.2019

No. 2019/Infra/12/13

The General Manager,
South Eastern Railway,
11, Garden Reach Road
Kolkata 700 043

Sub: Rail connectivity to proposed Subarnarkeha Port Project.
Ref: Your letter No.P64/2414 dated 16/20.8.2019. (F/11)

Board has granted 'in principle' approval for development of rail connectivity from Amarda Road Station to the proposed Subarnarkeha Port in Odisha under the Non-Governmental Railway (NGR) model of the participative policy of December, 2012 with no financial commitment from Railways.

2. As per the Participative Policy, 2012, the project developer will submit a Detailed Project Report (DPR) which establishes project cost, land requirements and other project component requirements to Zonal Railway. This report will be considered by Zonal Railway and approval granted.

3. The approval granted, by Zonal Railway as per the Participative Policy, 2012, may be intimated to the Railway Board.

7am 1/10/2019
(Nawal Kishore Sharma)

Dy. Director-II/Infra,

Tel. 011-47845320

Email: nksharma.nks.nks@gmail.com

Copy to:

1. The PCOM, South Eastern Railway, Kolkata



**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)**

No.2011/Infra/12/32

New Delhi, Dt.10.12.2012

**General Managers,
All Indian Railways**

**Subject:- Participative models for rail-connectivity and
capacity augmentation projects.**

Cabinet Committee on Infrastructure has approved a policy on participative models for rail connectivity and capacity augmentation projects which is enclosed. This policy supersedes the R3i and R2CI policies notified earlier. Adequate publicity may be given to the policy for attracting potential investors.

This issues with the concurrence of Finance Directorate of Ministry of Railways.

The receipt of this letter may please be acknowledged.

DA: As above.



(Mukul Saran Mathur)
Executive Director/Traffic/PPP

No.2011/Infra/12/32

New Delhi, Dt.10.12.2012


Copy to:

1. FA&CAO, All Indian Railways
2. DAI(Railways) with 36 spares


For Financial Commissioner/Railways

Copy forwarded for information and necessary action to:

1. Chief Operations Manager, All Indian Railways
2. Chief Commercial Manager, All Indian Railways,
3. Principal Chief Engineers, All Indian Railways
4. DG/RDSO, Manak Nagar, Lucknow
5. DG/Railway Staff College, Vadodara
6. Director, Indian Railways Institute of Transport Manager, Manak Nagar, Lucknow
7. Managing Director, Konkan Railway Corporation, RVNL, DFCCIL, CRIS, IRCON, RITES, CONCOR


(Mukul Saran Mathur)
Executive Director/Traffic/PPP

Copy for information to:

1. CRB, FC, MT, ME, MM, MS, ML and Secretary Railway Board, New Delhi
2. AM/T, AM/C, AM/Plg, Adv/Rates, Adv/Finance, Adv/Infra, Adv/Vig., EDTT(M), EDTT(S), EDTT(F), ED/P, EDPP, EDF(C), EDV(T), ED/F/PPP, ED/Infra/Civil, ED/Mech/PPP, DTT(Cord), OSD(CRB), OSD(MT) and DTC(R), Railway Board


(Mukul Saran Mathur)
Executive Director/Traffic/PPP
Railway Board

POLICY FOR PARTICIPATIVE MODELS IN RAIL-CONNECTIVITY AND CAPACITY AUGMENTATION PROJECTS

1. General

Indian Railways are operating in the core sector of the economy. To strengthen, modernise and expand the IR network, the investment requirement is huge. Ministry of Railways wishes to attract private capital for accelerated construction of fixed rail infrastructure. For this purpose, it has formulated participative investment models for its existing shelf of projects and also for new projects.

These are generic models. The specific issues will be decided on a case-to-case basis depending on the model of private investment, Ministry of Railways will either grant direct permission or go in for competitive bidding for award of concession.

2. Who Can Participate

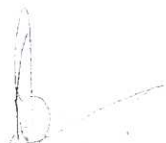
- State Governments.
- Local bodies
- Beneficiary industries
- Ports
- Large import and export companies
- Co-operative Societies and other body corporate.
- Infrastructure and Logistics providers, PIO/Overseas Corporate Bodies (OCB) (After FIPB clearance)
- Foreign Direct Investor (After FIPB clearance)
- Other investors.

3. Advantages to Investors

- Opens opportunity for returns from investment in rail projects.
- Ensure timely availability of rail infrastructure to the beneficiaries viz. Port, Industry and States.

4. Advantages to the State Governments

- Ensure timely development of rail infrastructure critical to the economic development of the State.
- Reduces congestion on the roads.
- Investment in rail is cost effective compared to road.
- It is environment-friendly.



5. Objectives

- Supplementing Government investment in rail infrastructure projects by private capital flows.
- Involving the States in creation/development of rail infrastructure for the common public good.
- Timely creation of rail transport capacity to avoid supply-demand mismatch.
- Ensuring availability of transport needs consistent with the expected GDP growth of 9%.

6. Models and policy framework¹

6.1 Non-Government Railway Model-Salient Features

Applicability

This model shall be applicable to first and last mile connectivity projects at either end of the rail transportation chain providing connectivity to ports, large mines, logistics parks or other similar industries/ cluster of industries, which are handling goods traffic for multiple consignors or consignees. It is applicable for transportation of any kind of goods traffic. These railways will be operated on "common carrier" principle for public transportation of goods. The railway connectivity will be developed on private land and it will be a Non- Government Railway project.

Legal/Policy Framework

It will be a Non- Government Railway under Railway's Act 1989. The Railway will become member of Indian Railway Conference Association. Under extant governmental policy, the train operation will be undertaken by the Zonal Railway serving the Non- Government Railway in a seamless manner. Proposal for such a Railway system will emanate from the beneficiaries of the first/ last mile connectivity.

Project Development and Project Structuring

- Project development and project structuring will be done by Project Developer to establish project cost, land requirement and other project component requirements. The project report will be examined by IR from the stand- point of

¹ This paragraph outlines the basic principles of various participatory models. Detailed guidelines/Concession Agreements will be developed in due course



its meeting of operational requirement for the traffic being projected for the railway system.

Project Developer, Funding and Land acquisition

- It envisages financial participation of the project proponent in the development and creation of rail infrastructure for providing first/last mile connectivity under an agreement with MoR either on its own or as a joint venture with infrastructure financing and development institutions.
- Funds will be fully mobilised by the project proponent etc. without any participation by the Railways.
- Land for the line will be acquired by the Project Developer to provide connectivity with the main line railway system. Railway land for providing connectivity may also be made available on lease/license as per extant policy. However, in such case commercial utilisation of the railway land for purposes other than for the project will not be permissible.

Construction

- Project construction will be done by Private Railway either on its own through a private agency or through Railways as special deposit work. Certification will be done by IR as per extant rules/policy.

Maintenance

- Maintenance of the project line and project assets will be done by the Non-Government Railway as per IR standards under supervision/ certification by the Zonal Railways on payment of supervision charges. Alternatively, Non-Government Railway may choose to entrust the maintenance to IR by entering into an O&M agreement.
- Renewal of project asset, technological up-gradation and capacity addition from time to time shall be undertaken by the project developer at its own cost as per IR standards.

Operations and Revenue Collection

- There will be seamless operation between IR network and the non- government railway system by IR with IR's rolling stock and locomotives. Railways will recover the cost of operation from non- government Railways (See Revenue Model).
- Commercial activities related to freight handling at the terminal will be done through Goods Clerk posted by IR whose cost shall be borne by IR. Freight for both outward and inward traffic will be collected by IR.



Revenue Model

- IR will pay user fee for the usage of infrastructure.
- User fee will be calculated on the basis of following :
 - Private line's apportioned share of 95% freight computed on the basis of Inter Railway Financial Adjustment Rules as provided in Paras 868 and 869 of Indian Railways Finance Code Volume-I Net of cost of operation and other fees/charges.
- Normal IR tariff/ freight rates shall apply on the project line. Freight revenue will be collected by IR
- The Non-government Railway shall pay the fixed cost i.e. the cost of essential operational and commercial staff to operate the line such as station staff, gate-keepers and maintenance supervisors etc. to IR. Variable Cost of operation shall be computed in terms of cost of rolling –stock usage,fuel/energy, crew etc including allocable overheads. The variable cost and other charges such as demurrage on wagons at terminals operated by the Non-Government Railway, where applicable, shall also be recovered by IR at the time of making net payment to the Non-government Railway.

Sidings and new line connectivity

- IR will have full rights to provide new rail connectivity taking off from the project line or provide sidings from the project line. However, the cost of the new connectivities including modifications to stations/yards shall be borne by new entrants and interests of original customers of the Non-Government Railway for freight movement shall be protected.

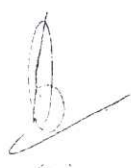
Concession Period

- As the project line is on private land and the assets are fully private infrastructure, it will be transferred to IR in case of violations of specified terms of agreement at terms set out in the Agreement or by mutual consent at such terms as may be mutually agreed.

6.2 JV Model for operationally necessary/ bankable sanctioned/to be sanctioned Railway projects - Salient Features

Applicability

- It is generally applicable for bankable **New line** and **Gauge Conversion** projects either sanctioned or proposed to be sanctioned having clearly identifiable stake holders either as user of the line or utilities such as ports, mines, exporters, plants and the State Governments. Bankability of the



projects, if required, can be enhanced through innovative financial structuring such as sub-ordinate debt, grants etc.

Project Development and project structuring, Land acquisition

- Project development will be done by Indian Railways or its PSU through consulting firms to establish project cost, land requirement, project design and other project component requirements, and project bankability.
- IR will do financial structuring of the project to make it bankable including Identification of risks and mitigation measures.
- Land acquisition will be done either by Indian Railways at the JV's cost or by the JV itself as mutually decided. Ownership of the land will vest with the Railways. Land will be given to the JV on annual token lease of one rupee for the entire concession period. Cost of acquisition of land will be treated as a long-term non-interest-bearing advance and will be refunded to the JV on expiry/termination of concession. For such cases, the land acquisition cost will be certified by an independent agency.
- Railway land, as available, and MG/NG assets in case of Gauge Conversion projects, required for the project will be made available on lease/license at a token rental/fee of Re 1.00 per annum.

Selection of equity partners, Funding, Revenue Model

- It envisages participation of the stakeholders and beneficiaries besides national level infrastructure funding institutions in the development and creation of rail infrastructure through appropriate concession.
- Financial participation will be through equity participation in the JV. The JV will be a joint venture with Railways as a partner with IR or its PSU holding a minimum of 26% equity shares. Other partners will be selected from the stakeholders such as users of the line like ports, mines etc. Selection of partners will be done through a transparent Expression of Interest process, with clearly laid down technical qualifications based on parameters like networth, minimum threshold of equity participation etc. However participation by state governments and PSU's and other government entities will be through nomination basis.
- Project will be assigned to the JV by Ministry of Railways on nomination basis.
- Debt will be raised through Project Finance route without any guarantee by the Government of India.
- Revenue from the operation on the project line will be collected by IR through its commercial staff. Revenue stream of the JV shall be established through revenue apportionment from freight operation for the



project line as per Inter-Railway Financial Adjustment as stipulated in IR Finance Code Vol-I. No apportionment of passenger revenues will be made. JV will provide free access to IR passenger trains.

- Normal IR tariff/ freight rates shall be applicable. Inflated tariff to improve bankability could be approved by Railway Board in specific cases.
- Commercial utilisation of railway land, commercial publicity rights as permissible under the law and public policy.

Construction

- Project construction will be done by the JV. The JV must ensure transparency in project procurement in line with the extant guidelines of Government for public procurement. The JV, may, however, choose to entrust construction to IR or its agencies by entering into a Construction Agreement. Certification will be done by IR as per the extant rules/policy.

Maintenance

- Maintenance of the project line could be done either by the JV or by IR through an O&M agreement. In case the maintenance is undertaken by the JV, supervision/certification shall be done by IR on payment of supervision/certification charges by the JV.

Operations

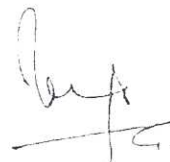
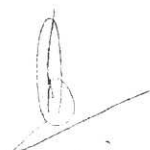
- Operations will be done by IR.

Recovery of O&M cost

- IR will recover O&M cost or cost of operation as applicable as per the Agreement. The JV shall compensate IR for the fixed cost i.e. the cost of essential operational and maintenance staff and other maintenance expenditure (if maintenance is to be done by IR) or the cost of supervision/certification. The variable cost of operation i.e. the cost of rolling-stock usage, fuel, crew etc. shall be recovered from the apportioned revenue. IR will pay to the JV apportioned revenue net of such cost as applicable, as per a pre-defined formula to be specified in the O&M or Operations agreement.

Concession period

- Concession period will be normally 30 years including the Construction period. The concession period shall be subject to both upward and



downward revision depending on shortfall/excess of traffic materialisation vis-à-vis the specified threshold traffic (80% of the total traffic to be carried during the Concession period expressed in terms of million tonne kilometres) on the Target Date (25 years after signing of the Agreement). Threshold traffic shall be determined on the basis of the Feasibility Report. For every shortfall of 4%, the Concession shall be extended by one year and the reverse principle shall apply if actual traffic exceeds the threshold traffic. However, the concession period shall not be less than 25 years and more than 35 years of operation.

- Cost of land acquisition paid by the JV shall not be factored in for the purpose of such equity return. No termination payment shall be admissible in case of natural expiry of the concession period.

Risk Mitigation

- Traffic guarantee and rolling stock availability agreement will be signed wherever such guarantees are considered necessary to mitigate the demand risk. Traffic guarantee shall be in the form of a "take or pay" agreement on the part of the strategic partners (users) for the minimum volume of traffic to be moved. Strategic partners will be required to enter into an agreement with IR on minimum commitment of traffic volumes to be moved on the line. IR shall assure provision of rolling-stock for loading and transportation in respect thereof. In case of failure by either the strategic partners (users) or IR, penalties stipulated in the agreement shall be payable to JV.

General Features

- JV shall operate on "common carrier" principle for public transportation of goods and passengers. For rail users, IR would be the interface.

6.3 Railway Projects on BOT awarded through Competitive Bidding - Salient Features

Applicability

- This model shall be applicable to the sanctioned Railway projects where it is not possible to identify a stakeholder or strategic investor who can take a lead in making investment in the project line. The projects under this model will generally be long rail corridors carrying traffic generated from various streams. These will be sandwiched sanctioned new line and gauge conversion projects or dedicated freight corridors. In the absence of strategic investor, selection of investors will be done through competitive bidding process. The



concessionaire so selected will design, build, finance, maintain and transfer the railway line at the end of concession period.

Project Development

- Project development, preparation of DPR, establishing financial viability & bankability will be done by MoR/Zonal Railway by engaging credible consultants and the project will be sanctioned as a railway project following the applicable procedure of appraisal/approval of PPP projects.

Selection of concessionaire

- The concessionaire will be selected through competitive bidding process. Premium or grant (through viability gap) will be the bidding parameter.

Design, Build, Finance, Maintain and Transfer(DBFMT) Concession

- The project will be funded by the concessionaire. The concessionaire will design and build the project within the design & performance parameters specified by MoR. The statutory/mandatory design approvals, wherever required, will have to be taken from CRS or the concerned Zonal Railway. However, it will be the responsibility of the concessioning authority/IR/Zonal Railways to get these approvals within a specific timeframe.
- Land acquisition for the project will be done by the Railways at their cost. Land will be owned by the Zonal Railways. It will be given to concessionaire on license on a token license fee of Re1 per annum.

Revenue share

User fee to be paid by IR will be calculated on the basis of following principles:

- i. IR published tariff for the year of RFQ will be used as base tariff along with specified annual escalation percentages based on inflated mileage charges.
- ii. Inter Railway Financial Adjustment formulae shall be used for apportionment of freight realized by IR on the project section.
- iii. The user fee to be paid to concessionaire by IR will be 50% of the apportioned freight as calculated in (ii) above.

Regardless of actual running of trains, trains chargeable to the route as per the routing indicated in the Railway Receipt (RR) shall be considered for apportionment. To insulate the concessionaire from the risk of inflation, appropriate mechanism for year-on-year escalation of base tariff (prevailing tariff levels) shall be built in. In case, freight revisions by IR lag and freight



charges do not cover the pay-out to the concessionaire, IR would recover such additional amounts by levying and collecting inflated mileage charges on the project line on the pattern of Konkan Railway.

Construction

- Project construction will be done by concessionaire through its own agency under mandatory certification and supervision from Railways.

Maintenance

- The concessionaire shall be responsible for maintenance of the project line to make it rail-worthy at all times including replacement/renewal of assets as per IR standards and specifications. Supervision and certification shall be done by IR on payment of specified charges.

Operation

- Train operation will be done by Indian Railways.

Concession Period

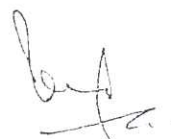
- Concession period will be fixed at 25 years. This shall include the Construction period. The concession period shall be subject to both upward and downward revision depending on shortfall/excess of traffic materialisation vis-à-vis the specified threshold traffic (80% of the total traffic to be carried during the Concession period expressed in terms of million tonne kilometres) on the Target Date (20 years after signing of the Agreement). Threshold traffic shall be determined on the basis of the Feasibility Report. For every shortfall of 4%, the Concession shall be extended by one year and the reverse principle shall apply if actual traffic exceeds the threshold traffic. However, the concession period shall not be less than 20 years and more than 30 years.

6.4 Capacity Augmentation (Doubling/Third line/Fourth line, etc) with funding provided by customers.

This model addresses doubling/ multiple line projects where some customers are beneficiaries of the capacity addition and may be interested in funding the project for expeditious completion/commissioning

Project Development, Financing, Construction, Maintenance and Operation

- The project will be sanctioned as a railway project on the basis of an MOU/Agreement entered into between Railways and the Customers wishing



to fund the project in full or part. It will be constructed, maintained and operated by Railways. IR shall ensure that the funds advanced by the customers will be treated as deposits and used solely for timely execution of the concerned project by appropriate ring-fencing. The ownership of the line and its operation and maintenance will always remain with Railways. In return, Railways will pay upto 7% of the amount invested through freight rebate on freight volumes every year till the funds provided by the project beneficiary is recovered with interest at a rate equal to the prevailing rate of dividend payable by Railways to General Exchequer at the time of signing of the agreement. The interest shall be payable on the reducing balance.

6.5 Capacity Augmentation (Doubling/Third-line/Fourth line, etc)- Annuity Model Applicability

This model is applicable to sanctioned doubling, third line and fourth line projects where it may not be possible to find funding from any specific user.

Project Development, Financing, Construction, Maintenance and Operation

- Indian Railways will be responsible for project formulation, DPR, Final Location Survey etc. The feasibility report would be prepared by a consulting firm to provide an indicative assessment to the prospective bidders. The prospective bidders will carry out due diligence on the feasibility report.
- Concession period will be fixed in the range of 15-20 years based on the feasibility report.
- Indian Railways shall also be responsible for finalization of Engineering Scale Plans & Signal Interlocking Plans, if any as also technical standards and specifications.
- Project will be appraised, approved and awarded following the procedure laid down by Government for PPP projects.

Land acquisition

- Land acquisition and shifting of structures to the extent required would be done by IR.

Nature of Design, Build and Transfer concession and selection of the concessionaire

- The concession would be for financing and construction. Supervision and certification of construction would be carried out by IR under guidelines specified in the agreement.



- Train operations and maintenance will be by IR i.e. IR will manage stations, signals, level crossing gates, if any, running of trains and section control.
- IR shall, based on the requisite papers submitted by the Concessionaire, apply for and obtain CRS sanction.
- Non-interlocking (NI) activities preceding operationalisation of the double/multiple line will be undertaken within a stipulated period after Construction Completion Certificate in respect of the civil works is furnished by the Concessionaire. NI will be done by the Concessionaire under the supervision of IR.
- Track-mounted technological tools could be deployed to eliminate possibility of disputes on account of flat-wheels, hot axles, hanging parts during the period of defect liability. In addition, an appropriate mechanism would be set up for resolution of technical disputes.

Revenue model

- The concessionaire would be paid through annuity for limited predetermined period. Annuity will be determined through competitive bidding
- Annuity payments will be budgeted and paid on a committed basis.

6.6 STATE GOVERNMENTS:

In case state governments or their agencies evince interest in developing and taking up any railway project in their respective states, they can participate under the schemes described herein. In particular, if the projects can be structured as an JV or a Non-Government Railways as defined in the Railways Act, 1989, it is proposed to permit them to take up such projects under the framework described in para 6.1 or 6.2 above (subject to a limited concession period with the additional flexibility to run passenger services on these lines in compliance with all safety and statutory requirements). Further, they will be permitted to bid out such projects within the boundaries of the Concession Agreement. In other words, they will not create any additional encumbrances on the project assets or additional obligations on Railways. They will be, however, fully responsible to meet their commitments to Ministry of Railways regardless of the outcome of the bidding.

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Annexure -1.2

दक्षिण पूर्व रेलवे

कार्यालय
प्र मुख्य परिचालन प्रबंधक
गार्डेन रीच, कोलकाता-43
दिनांक-09.10.2019

सं: P64/2414

सेवा में,
Executive Director,
Subarnarekha Port Private Ltd.

Dear Sir,

विषय : **Rail connectivity to proposed Subarnarekha Port project.**

- संदर्भ: 1) Your letter No. SPPL/SMP/SER/2019-1057 dated 09.10. 19.
2) Railway Board's letter No. 2019/Infra/12/13 dated 16.09.19 (copy enclosed).

Reference above, feasibility study report submitted by your consultant M/s K.V.R.Rail Infra Consultancy Services (I) Pvt. Ltd. for development of a rail connection from Amarda Road station to the proposed Subarnarekha Port in Orissa under the non-governmental Railway (NGR) model of the participative policy of Dec., 2012 was examined and forwarded to Rly. Board for granting of "In-Principle Approval (IPA)". Rly. Board vide their letter under reference has communicated In-principle approval for the same.

Now, as per the participative policy it is requested to submit a Detailed Project Report (DPR) providing the project cost, land requirement and other project component to this railway for approval of the DPR. While preparing the DPR the observations of this railway on the feasibility study report are furnished herewith, which may please be incorporated in the DPR.

1. Construction of this rail connectivity from Amarda Road station to the proposed Subarnarekha Port will be done strictly in accordance with NGR model of Participative Models for Rail Connectivity and Capacity Augmentation Projects issued by Railway Board vide letter No. 2011/Infra/12/32 dated 10.12.2015.
2. Detailed Project Report (DPR) and Engineering Scale Plan (ESP) should be prepared by approved consultant of South Eastern Railway and approved by concerned Railway Authorities.
3. Standard parameters of Indian Railway shall be followed while designing the yard and connectivity with Indian Railway network.
4. Any modification/alteration, if needed to the proposed rail connectivity within the port area or in railway area shall be finalised in consultation with the Railways and cost will be included in the project.
5. Cost of construction of rail connectivity will have to be fully borne/arranged by M/s. Subarnarekha Port Private Ltd.
6. All safety measures will have to be ensured.

7. EOL scheme will be applicable to this project.
8. Movement of rakes will take place in block rakes. Proper and adequate loading/unloading facilities will have to be created by M/s. Subarnarekha Port Private Ltd. to minimize the detention to stock and locomotives.
9. Land licensing, if needed may have to be got done as per extant rules.
10. NGR will have to be electrified at the cost of M/s. Subarnarekha Port Private Ltd.
11. Provision of Electronic In Motion Weigh Bridge (EIMWB) and related infrastructure of FOIS for weighment of rakes will have to be made by M/s. Subarnarekha Port Private Ltd. at their own cost as per the extant rules and guidelines.
12. Staff cost as per extant policy will have to be borne by M/s. Subarnarekha Port Private Ltd.
13. All agreements related to project should be executed as per extant rules.
14. All the applicable charges as per extant policies of Railway shall be paid by M/s. Subarnarekha Port Private Ltd. from time to time.
15. All the safety certificates, clearance from Ministries/Organizations other than Railways will have to be obtained by M/s. Subarnarekha Port Private Ltd. on their own.
16. Policies issued by Railway Board from time to time shall be applicable to NGR and they shall adhere to the same.
17. A Special Purpose Company viz. Subarnarekha Port Private Ltd. has been formed to give shape to the Concession Agreement signed between Govt. of Odisha and Creative Port Development Pvt. Ltd. on BOOST basis. The details of the constituents of the Special Purpose Company i.e. Subarnarekha Port Private Ltd. has not been furnished.
18. Documents related to involvement of M/s Tata Steel Ltd. for the said project has been included.
19. Connectivity to the proposed port is in form of Y connection. Y-1 connection from Up grid and Y-2 connection from the Dn grid. The surface crossing proposed for the Y-2 connectivity may be planned with provision of flyover.
20. It is proposed to develop a single line connectivity in Phase-I for a stretch of 37 kms with a R&D station at 4.9 kms, crossing station at 17.8 kms and Subarnarekha Port Terminal Yard at 33.9 kms. The length of the critical section will be 16 kms between crossing station and port terminal yard. The projected traffic is 25 MTPA which will be translated into 25 trains each way per day considering the bunching factor. The critical section will not be able to withstand more than 20 trains each way with an efficiency of 70% of capacity utilisation. Hence, doubling of this section needs to be planned in Phase-I itself.
21. At least one long loop should be planned at the crossing station.
22. The total traffic i.e. 24.5 MTPA has been planned in Dn direction. The destinations for the imported traffic have not been mentioned.
23. The loading complex comprises of three silos of capacity 2000T on all the three loading lines. The engines of the incoming trains will put their panto lowered and will be hauled by captive power and after completion of loading, the train

power will be placed in the R&D yard for onward dispatch. As such, the nos. of power required by Port railway has not been mentioned.

24. For loading of 25 MTPA roughly 20 trains will be required per day and with bunching it comes to 24 trains per day. In that event, working of 18 trains per day as mentioned in the DPR (Para 1.6, Page 24) is not correct.
25. The report should elaborate the detailed connectivity with the rail system at the Amarda road station.
26. The signalling system proposed as Absolute Block System with MACL signalling and panel interlocking. This needs to be relooked as Centralised Traffic Control System for optimum utilisation of the section.
27. The report does not have the authority for engaging consultancy for conducting the survey or the concessional Agreement executed by Govt. of Odisha with Creative Port Development Pvt. Ltd. (CPDPL).
28. The report needs to be detailed further for better appreciation and understanding.

Thanking you,

Encl. As above.

नयन भट्टाचार्य
(टी. के. भट्टाचार्य)

उप मुख्य परिचालन प्रबंधक (योजना / समन्वय)
कृते प्र मुख्य परिचालन प्रबंधक

दक्षिण पूर्व रेलवे
South Eastern Railway

मु. परि. प्र. का कार्यालय
Pr. Chief Operations Manager's office,
गार्डन रीच : कोलकाता-700043
Garden Reach, Kolkata- 700043.
दिनांक / Dated : 01. 12. 2021

संख्या /No.: P64/2414

सेवा में

Executive Director

M/s Subarnarekha Port Project Ltd.,
DCB-917, 9th floor, DLF Cyber city,
Chandaka Industrial Estate,
Bhubaneswar- 751024
Odisha.

Odisha -758035

Dear Sir,

विषय/Sub: - DPR approval of Rail Connectivity to proposed
Subarnarekha Port Project taking off from Amarda
Road Station in KGP division of SER.

संदर्भ / Ref :- i) Your consultant M/s. RITES letter No.-
RITES/BBSR/SPPL-ARD/644 dated 08.07.2021.
ii) MoM dated 26.10.2021.

The DPR (July'2021) submitted by M/s. RITES vide letter under reference (i) in connection with proposed Subarnarekha Port Project. is hereby approved subject to the following :

1. This proposal will be governed by the Railway Board Policy Guideline for Participative Models in Rail Connectivity and Capacity Augmentation projects issued vide letter No. 2011/Infra/12/32 dated 10.12.2012.
2. The DPR is examined and approved on the basis of traffic projection of 18 rakes/day in each way as mentioned in the compliance vide letter dated 07.09.2021. As agreed in MoM dated 26.10.2021, when the traffic increases to more than 20 rakes per day each way, the section will be planned for doubling. As well as when the traffic from Bhadrak end will increase more than 5 rakes per month, fly over towards BHC end will be provided.
3. Scope of work of the proposal:-

i) **Junction arrangements:** Subarnarekha Port is to be served by Amarda Road station (ARD) located at KM:197.80 on Howrah- Chennai Trunk Route with the provision of a surface "Y" connection and a Fly-Over (ROR) on Kharagpur end of Amarda Road station.

ii) **Amarda Road Station-** One full length loop line beside the proposed 3rd line and one cross over between DN main line and 3rd line at Bhadrak end.

iii) **Grade separator/Fly-over:** A Grade Separator/Fly-Over has been planned to avoid criss-cross movement of outward trains from the Port with mainline trains towards KGP end.

iv) **R&D yard-** At distance of approx. 5 KM a R&D yard has been planned with 7 full length bidirectional lines.

v) **Crossing station-** At distance of approx. 17 KM from take off a crossing station with 3 full length bidirectional lines (line no. 1 long haul loop CAL 1500m).

vi) **Subarnarekha terminal station (SPT) :-** At a distance of approx. 34 KM from take off, a Subarnarekha terminal station (SPT) with 8 full length R&D lines, 2 loco lines with covered shed at both end of SPT yard, a sick line on the port end by extending line no. 3 for attending repairs of sick wagons if any, 2 nos. of EIMWB on twin single lines.

vii) **Loading/unloading Bulb arrangement (unwired)-** At a distance of approx. 37 Km from take off a MGR terminal with 1 full length iron ore/thermal coal unloading line, 1 steel unloading line, 1 limestone loading line, 3 silos with pre and post silo lines and one through line.

4. The proposed siding will be fully electrified except Loading/Unloading Bulb arrangement area.
5. The siding should be Engine on Load (EOL) compliant. M/s. SPPL will have to abide by the latest EOL norms as circulated from time to time. Staff Rest Room is to be provided.
6. Direct reception and dispatch facility to be provided at R&D yard, crossing station, SPPT Port terminal yard.
7. Permission from competent authority to be taken for installation of all new LC gates. The operating staff will have to be certified by the training institute of railway and periodically their competence will have to be checked and certified for which port management will bear the cost.
8. New EIs will be provided at Junction Cabin, R&D yard, Crossing station and Port Terminal yard.
9. A new SP & SSP will be provided near Amarda Road station and near Crossing Station.
10. The section will be 25 ton axle load compliant, will have 100 kmph speed potential and will be provided with 1 in 12 crossovers except at the terminal yard.
11. Final DPR should be submitted incorporating compliance of all observations by respective Departments of HQ & Division and MOM dated 26.10.2021 with revision of estimates (for Civil Engineering, Electrical Engineering and S&T) as per observations.
12. The proposed EIMWB at SPPT Port Terminal should be of 140 T and EIMWB should comply with RDSO specifications, including site location, as issued from time to time. EIMWB should be sourced from RDSO's approved vendors.

13. A load adjustment line should be provided at the Port Terminal Station with a wharf and sufficient space to unload the materials as discussed & decided in the meeting dated 26.10.2021.
14. D&G Charges should be paid in accordance with the revised estimate and payment of GST should be ensured on D&G charges as per norms.
15. Railway reserves the right to stipulate additions / alterations to the proposal whenever required for operational and other technical purposes.
16. The entire cost of the project is to be borne by M/s SPPL, the Railways shall not bear any cost under any circumstances whatsoever. M/s.SPPL have to abide by the Railways terms and conditions.
17. The Final DPR should contain authentication by authorised representative of M/s. SPPL as well as their consultant M/s RITES in every pages of the final DPR.

You are requested to accordingly submit 15 (fifteen) copies of Final Detailed Project Report incorporating therein all changes as suggested by various departments of this Railway during the process of approval. Payments to complete 0.25% D&G charges as per cost estimate of the Final DPR in Bankers Cheque/ Demand Draft in favour of F.A & C.A.O/ S.E.Railway/Garden Reach as well as 18% GST on balance D &G Charges under GST Registration No.- 19AAAGM0289CIZG under State Code No.- 19 directly to MoF under Reserve charge Mechanism with intimation to this office.

Thanking you.

Yours faithfully,

नमन मराथ
(टी. के. भट्टाचार्य)

उप मुख्य परिचालन प्रबंधक (योजना / समन्वय)
कृते मुख्य परिवहन योजना प्रबंधक

Copy to :

- 1.M/s RITES Ltd., 11th floor, Unit 1122-1132, DLF Cyber city, near Info city, Chandaka Industrial estate, Patia, Bhubaneswar-751024, Odisha
- 2.CPDE/ S. E. Railway/Garden Reach.
- 3.CEDE/ S. E. Railway/Garden Reach.
- 4.CSE/ S. E. Railway/Garden Reach.
- 5.CRSE (Fr.) / S. E. Railway/Garden Reach.
- 6.FA&CAO (HQ) / S. E. Railway/Garden Reach.
- 7.CCM (FM)/S. E. Railway/14, Strand Road, Kolkata-700001.
- 8.DRM/ S. E. Railway/KGP.
9. Sr.DOM/ S. E. Railway/KGP.

सं.:EST/SID/Subarnarekha/ARD/23/D-9

दिनांक: 15-02-2023

To
The Executive Director,
M/s Subarnarekha Port Private Ltd.
Chandaka Industrial Estate, Infocity Road,
Chandrasekharpur, Bhubaneswar-751024.

Sub:-Approval of ESPs in connection with the Rail connectivity for proposed Subarnarekha Port Project taking off from Amarda Road Station in KGP Divn.

Ref:-DEN/South/KGP's letter No-W/DRG/SOUTH/ESP, dated 12-05-2022.

1. Owner of the Siding: M/s Subarnarekha Port private Ltd.
2. Consultant of Project: M/s RITES Ltd., Bhubaneswar.
3. Supervising Agency from Rly. Side: DRM/S E Railway/Kharagpur Division.

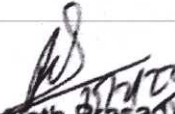
In connection with the above subject, ESP/Alignment Plans (5 sheets) have been approved by the Competent Authority vide CE' Drg No. S-2662/23 Sheet Nos 1 to 5 subject to following conditions :

- 1) This project was approved by Railway Board vide Rly Board's letter No. 2019/Infra12/13 Dated:-16-09-2019 as Non-Governmental Railway and shall be governed under Participative models for Rail-connectivity capacity augmentation projects vide RB's circular No. 2011/Infra/12/32, Dated: 10-12-2012. All necessary charges to be submitted as per this policy.
- 2) Party/Consultant has to submit the ESPs of Amarda Road station yard, Crossing Station, R&D Yard & Subarnarekha Port Terminal Yard with MGR in 1: 1000 scale based on these approved ESP to division.
- 3) Party/Consultant has to submit revised Longitudinal Section in proper scale based on approved ESP (5 sheets).
- 4) Party/Consultant has to submit necessary drawings of 08 nos temporary manned level crossings to Division for approval of competent authority at the earliest.
- 5) After execution of work as per approved CE's Drg. No.S-2562/23 (Sheet No. 1 to 5), Completion Drawings as well as Completion Estimate are to be prepared through approved Consultant and submitted to Railways for verification and approval by the Competent Authority
- 6) Based on the approved Completion Drg of Phase-I work, fresh ESPs for proposed Phase-2 work along with proposal for removal of 08 nos temporary manned LCs (as permitted by RB vide Letter No. 2019/Infra/12/13, dated: 18-01-2023) in 1:1000 scale are to be submitted for approval of Competent Authority through division before execution of Phase -2 work.
- 7) Drawings for bridges as per RB's circular No. 2018/22/CE-III/BR/Sidings Dated: 21-08-2019 is to be submitted to Division for necessary approval.
- 8) SI plan, OHE Plan and others, if any, related to the approved ESPs are to be prepared by the approved Consultant of S.E. Railway and should be submitted to the concerned /respective departments of Railways for approval.


15/02/23

- 9) Land Licensing agreement is to be executed for portions of connectivity & junction arrangement of SPPL project at Amarda Road station yard.
- 10) Railway reserves the right to stipulate additions/alterations to the Siding Proposal whenever required for operational and other technical purposes.
- 11) Supervision to be ensured through Approved Consultant of S E Railway during execution and monthly progress of work is to be submitted to this office and Division also.
- 12) Any alteration/s in the approved ESPs must have prior approval of respective Competent Authority prior to its execution at site.
- 13) For the proposed high embankment, formation of heavy axle load, Report No. RDSO/2007/GE.0014 and latest instructions from Railway Board to be followed.
- 14) For the proposed alignment portion, precautions and stabilization / safeguard of cutting slopes to be planned in terms of RDSO's guideline for Cutting No. GE:G-2/Aug-2005 and latest instructions from Railway Board.
- 15) Factual Accuracy of gradient, chainages, curvature and estimated quantities considered in the estimate of DPR should be ensured by the Consultant.
- 16) Drawings for Service Buildings, Cabin, Goomty etc. are to be submitted to the Competent Authority at Division for approval.

Encl: Softcopy of CE's Drg. No.
S-2562/23, Sheet No. (1 to 5)


(Ram Nath Prasad)
Dy. Chief Engineer(Sdg. & Genl.)
for Chief Engineer (General)
S E Railway, Garden Reach

Copy for information and necessary action to along with Soft copy of CE's Drg No. S-2562/23,
(Sheet No. 1, 2, 3, 4 & 5):
1) CTPM/GRC, 2) CSTE(Plg)/GRC, 3) CEDE/GRC, 4) CRSE(Fr)/GRC, 5) CPDE/GRC,
6) CBE/GRC, 7) DRM/KGP,
8) Sr.DEN(Co)/KGP and 9) M/s RITES Ltd., RPO/BBS.