

**GOVERNMENT OF ARUNACHAL PRADESH  
DEPARTMENT OF ENVIRONMENT & FORESTS  
ITANAGAR**

File. No. FOR.14-8/Cons/2003/Part-I/1081-86

Dated: 22<sup>nd</sup> August, 2017

To

The Secretary,  
Department of Geology & Mining  
Government of Arunachal Pradesh  
Itanagar

Sub: Proposal for seeking prior approval of the Central Government under Section- 2 (iii) of the Forest (Conservation) Act, 1980 for grant of Petroleum Mining Lease (PML) over 427.058 sq km (originally proposed for 540.668 sq km (54066.80 ha) of forest land in favour of Chief Engineer, Oil India Ltd., Duliajan in Ningru Extension Block, Changlang & Namsai District in the State of Arunachal Pradesh.

Ref: MoEF & CC's F No. 8-118/2006-FC dated 26.07.2017

Sir,

With reference to the MoEF & CC's F No. 8-118/2006-FC dated 25.07.2017 referred above, I am directed to convey the clearance/approval of the State Government of Arunachal Pradesh for re-grant of Petroleum Mining Lease (PML) over 427.058 sq km (**originally proposed for 540.668 sq km (54066.80 ha)**) of forest land in Changlang & Namsai District of Arunachal Pradesh on compliance of the following conditions:

Sl. No.	Condition stipulated by the Ministry	Compliance
(i)	Legal status of the forest land shall remain unchanged	The legal status of the forest land will remain unchanged.
(ii)	The State Government shall charge the Net Present Value (NPV) of entire forest land of the Mining Lease for assignment of lease for the extended period of lease under this proposal from the User Agency as per the order of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007 FC dated 05.02.2009 and No. 11-599/2014-FC dated 01.04.2015 and 19.10.2015 in this regard.	As clarified by MoEF & CC vide letter No. 8-118/2006- FC dated 11 <sup>th</sup> August, 2017, the condition no. (ii), (vii) & (viii) stipulated letter dated 26.07.2017 related to NPV shall be read as 2% of the NPV of the entire PML area.
(iii)	Prior approval of the Central Government under Section- 2 (iii) of FC Act, 1980 shall be subject to payment of NPV @ 2% of entire forest land allowed to be assigned on mining lease.	NPV @ 2% for Ningru PML under Section- 2 (iii) of FC Act, 1980- <b>Rs. 71,54,80,974/- (Rupees seventy one crore fifty four lakh eighty thousand nine hundred seventy four)</b> only has already been remitted vide UTR No. <b>SBIN 525419854823 credited to SB Account No. 344902010105408</b> maintained in the name of the Arunachal Pradesh State CAMPA in Union Bank of India, Sundarnagar, New Delhi.

(iv)	Demarcation of mining lease area will be done on the ground at project cost using 4 feet high concrete pillars with serial numbers, bearing distance from pillar to pillar and GPS co-ordinates.	M/s Oil India Ltd. has given undertaking ( <b>Annexure-I</b> ) to carry out demarcation of mining lease on the ground at project cost using 4 feet concrete pillars with sl. nos. bearing distance from pillars to pillars with GPS co-ordinates vide letter No. OIL/Corp/Ningru/111 dated 17.08.2017.
(v)	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.	M/s Oil India Ltd., has given undertaking ( <b>Annexure-II</b> ) to pay the additional amount of NPV, if so determined as per the final decision of the Hon'ble Supreme Court of India vide letter No. OIL/Corp/Ningru/111 dated 17.08.2017.
(vi)	All the funds received from the User Agency under the project shall be transferred on line to Adhoc CAMPA in the Saving Bank Account pertaining to the State concerned.	<p>(a) NPV @ 2% for Ningru PML under Section- 2 (iii) of FC Act, 1980- <b>Rs. 71,54,80,974/-</b>. (<i>Rupees seventy one crore fifty four lakh eighty thousand nine hundred seventy four</i>) only</p> <p>(b) Penal NPV @ 20% for 36.142 ha of forest land- <b>Rs. 8,44,27,712/-</b> (<i>Rupees eight crore forty four lakh twenty seven thousand seven hundred twelve</i>) only</p> <p><b>Total payable (a) + (b)= Rs. 79,99,08,686/-</b></p> <p>(c) Already deposited on 11.09.2015 to Adhoc CAMPA- <b>Rs. 74,00,00,000/- crore</b> as per details given at condition no. (iii).</p> <p>(d) <b>Rs. 5,99,08,686/-</b> (<i>Rupees five crore ninety nine lakh eight thousand six hundred eighty six</i>) only through RTGS on 05.08.2017 vide UTR No. KKBKR 22017080500057262 credited to SB Account No. 344902010105408 maintained in the name of the Arunachal Pradesh State CAMPA in Union Bank of India, Sundarnagar, New Delhi.</p>
(vii)	State Government shall, within a period of 30 days from the date of issue of this letter realize from the User Agency, NPV of the entire forest land falling in the mining lease, in case NPV of such forest land has not already been realized.	Entire NPV levies as clarified by AIGF (FC) vide letter No. 8-118/2006- FC dated 11 <sup>th</sup> August, 2017, has been realized within the stipulated period of 30 (thirty) days of issue of Ministry's letter dated 26.07.2017.
(viii)	In case State Government fails to realize from the User Agency, NPV of the entire forest land falling in a mining lease within a period of 30 days from the date of issue of this letter this approval in respect of such mining lease, shall be kept in abeyance, till	-do-



	such time the NPV of such forest land is realized by the State Government.	
(ix)	No physical diversion of forest land will be allowed and no breaking up of forest land to be permitted without approval under section 2 (ii) of Forest (Conservation) Act.	Undertaking furnished by the User Agency to comply with this condition ( <i>Annexure- III</i> ).
(x)	The grant of permission under Section- 2 (iii) of Forest (Conservation) Act, 1980 will not confer any right on the project proponent for diversion under Section- 2 (ii) of Forest (Conservation) Act, 1980.	Will be complied with ( <i>Annexure-IV</i> ).
(xi)	The forest department will be free to manage the forest area as per normal management practices and working plan prescriptions.	-
(xii)	State Government to confirm complete compliance of the provision of FRA 2006 prior to executing/ granting forest area on lease.	M/s Oil India Ltd., Duliajan, Assam has given undertaking ( <i>Annexure-V</i> ) to complete compliance of the provision of FRA 2006 prior to breaking up of any forest land under FC Act, 1980 vide letter No. OIL/Corp/Ningru/111 dated 17.08.2017.
(xiii)	User Agency shall pay penalty for drilling 13 wells, covering an area of 36.142 ha, without valid clearance under Forest Conservation Act, 1980 and shall raise penal CA equivalent to the land utilized in violation of the provision of Forest (Conservation) Act, 1980. The User Agency shall seek approval under Section 2 (ii) of FC Act for violations committed for drilling of 13 wells covering a forest area of 36.142 ha. The user agency shall pay penal NPV at the rate 20 percent for each year since the violation of Forest (Conservation) Act, 1980 has commenced. The user agency will submit undertaking to pay the additional penalty if so recommended by the Ministry.	Condition complied as at Sl. No. (vi) (b).  The User Agency has given undertaking to pay the additional penalty if so recommended by the Ministry ( <i>Annexure-VI</i> ).
(xiv)	Grant of this approval does not in any manner; exonerate the concerned authorities in the State Government or in any other Authority from the proceeding under Section 3 A and 3 B of the FC Act liable to be initiated for violation. If any, of the FC Act committed by them by assigning such forest land on mining lease without obtaining prior approval of Central Government under Section- 2 of the FC Act	-
(xv)	The approval under Section 2 (iii) of FC Act, 1980 shall be valid for a period of co-terminus with the period of PML in accordance with the provisions of P & NG Rules, 1959 made under Oil Field (Regulation % Development) Act, 1958 (ORDA 1958).	-

(xvi)	The User Agency and the State Government shall ensure compliance to provisions of the all Act, Rules, Regulations and Guidelines for the time being in force as applicable to the project.	M/s Oil India Ltd. has also given undertaking <b>(Annexure-VII)</b> and ensure the compliance of the provisions of all the Acts, Rules, Regulations and Guidelines for the time being in course as applicable to the project vide letter No. OIL/Corp/Ningru/111 dated 17.08.2017.
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(xvii) As per National Green Tribunal (NGT) order dated 21.11.2012 in Appeal No.27/2012

- (i) The project proponent shall publish entire forest clearances granted in verbatim in two widely circulated daily News Papers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the project proponent for use of forest land for non forest purposes.
- (ii) A copy of the forest clearance order shall be sent by the project proponent to the concerned Heads of local bodies, Panchayat, Zilla Parishad and Municipal Bodies in addition to the relevant officers of the Government, who in turn has to display the same for 30 (thirty) days from the date of receipt.

Yours faithfully,

(Dr. C. M. Rao)  
APCCF & Nodal Officer (FCA)

Copy to:

1. The Inspector General of Forest (FC), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi- 110003 for information.
2. The Addl. PCCF (Central), Ministry of Environment, Forests & Climate Change, NER Shillong, LAW-U-SIB, Lumbatngen, Near MTC Workshop Shillong- 21 for information.
3. The Resident Chief Executive, Oil India Ltd., Duliajan, Assam for information.
4. The Director, Department of Geology & Mining, Govt. of Arunachal Pradesh, Itanagar for information and necessary action.
5. The Secretary (Planning), Government of Arunachal Pradesh, Itanagar for information and updates on 'Pragati' Portal.

(Dr. C. M. Rao)  
APCCF & Nodal Officer (FCA)