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No.5-ORC240/2015-BHU

17th June, 2015

To

STAGE-I CLEARANCE ORDER

The Principal Secretary,
Forest & Environment Deptt.,
Govt. of Odisha,
Bhubaneswar.

Sub:- Diversion of 19.70 ha of forest land in villages Darlipali, Raidihi, Chuabahal and Kalamegha in Sundargarh district, Odisha for construction of MGR-Rail Corridor by M/s NTPC Ltd. for transportation of coal from their Dulanga Coal Mines to Darlipali Super Thermal Power Plant in Sundargarh district, Odisha.

Sir,

I am directed to refer to State Govt. letter No.10F(Cons)34/2015-3653/F&E dated 03.03.2015, No.5609/F&E dated 31.03.2015 and No.7752/F&E dated 12.05.2015 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forests & Climate Change under section 2 of Forest(Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee held on 09.06.2015, the Ministry of Environment, Forests & Climate Change hereby conveys 'in-principle' approval for diversion of 19.70 ha of forest land in villages Darlipali, Raidihi, Chuabahal and Kalamegha in Sundargarh district, Odisha for construction of MGR-Rail Corridor by M/s NTPC Ltd. for transportation of coal from their Dulanga Coal Mines to Darlipali Super Thermal Power Plant in Sundargarh district, Odisha, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- ✓(ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of 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 in this regard.
- (iii) At the time of payment of the Net Present Value (NPV) at the present 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.
- ✓(iv) Compensatory Afforestation shall be raised over 41.62 ha (39.40 ha of effective area) of degraded land identified by the State Govt. in village Raidihi and Nuadihi under Ujjalpur Range of Sundargarh Forest Division at the cost of the user agency. The user agency shall transfer the cost of compensatory afforestation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to the Forest Department.

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- (v) All the funds received from the user agency under the project shall be transferred to concerned Saving Bank account of the Ad-hoc CAMPA in Corporation Bank CGO Complex, Lodi Road Branch, New Delhi-11003.
- (vi) The user agency shall comply with the conditions stipulated by State Govt. vide letter No.10(Cons)34/2015-3653/F&E dated 03.03.2015.
- (vii) State Govt. shall upload the compensatory levies demanded and received from the user agency in the Ministry website before Stage-II approval.
- (viii) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc. The distance between any two pillars shall be kept at about 50 mtr and each pillar should be clearly visible from pillars on both sides.
- (ix) The State Forest Department/UA shall submit the surveyed sketch of 41.62 ha (39.40 ha of effective area) of degraded land identified by the State Govt. village Raidihi and Nuadihi under Ujjalpur Range of Sundargarh Forest Division as proposed for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall submit the DGPS reading of each demarcated pillar giving the latitude and the longitude.
- (x) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled in a phased manner under strict supervision of the State Forest Department.
- (xi) The designing of culverts/bridges, if any, over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
- (xii) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xiii) No labour camp shall be allowed in the forest area.
- (xiv) The user agency shall provide fuelwood, preferably alternate fuel, to labourers working at the site to avoid damage/tree felling.
- (xv) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xvi) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xvii) The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without prior approval of Ministry of Environment & Forests.

- (xviii) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment & Forests.
- (xix) The user agency will obtain clearance under the provision of ST&OTFD (Recognition of Forest Rights) Act, 2006 before final approval of the project and will submit certificate towards settlement of all claims and rights over the proposed forest land as per the Guidelines of Ministry communicated vide letter No.11-9/1998-FC (Pt) dated 03.08.2009 read with guidelines dated 28.10.2014.
- (xx) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.
- (xxi) The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.


After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. **Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forests & Climate Change.**

Yours faithfully,

(S. Mohapatra)
Conservator of Forests (Central)

Copy to:-

1. The Inspector General of Forests (FC), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi - 110 003.
2. The Director, ROHQ, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi - 110 003.
3. The Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharapur, Bhubaneswar.
4. The Addl. PCCF & Nodal Officer (FC), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharapur, Bhubaneswar.
5. The Divisional Forest Officer, Sundargarh Forest Division, Sundargarh, Odisha.
6. The General Manager (I/c), Super Thermal Power Project, M/s NTPC Ltd., 3rd Floor, Amba Towers, Hospital Road, Sundargarh-770001, Odisha.
7. Guard file.


Conservator of Forests (Central)