



महाराष्ट्र शासन

वन विभाग

मुख्य वनसंरक्षक, चंद्रपुर वनवृत्त, चंद्रपुर यांचे कार्यालय

सिव्हील लाईन, नागपुर रोड, चंद्रपुर- 442401

दुरध्वनी क्र. 07172-256279, 252232

Email id- ccfchandrapur@gmail.com, ccfchandrapur@mahaforest.gov.in

क्रमांक : कक्ष-3(1)/जमिन/प्र.क्र.44/2022-23/ 8546

दिनांक :- 28-3-2023

प्रति,

अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी,
महाराष्ट्र राज्य, नागपूर

विषय :- Diversion of 12.07 ha. Forest land in favour of Western Coalfield Ltd. Ballarpur under Forest (Conservation) Act, 1980 for Sakhari- Irawati (Pounill) Opencast Mine Project at village Sakhari, ta. Rajura in Chandrapur District of Maharashtra State-Regarding.

- संदर्भ :- 1. केंद्र शासनाचे पत्र क्र. F-II/MH-165/2021-NGP/11158, दिनांक 09.02.2023
2. अपर प्रधान मुख्य वनसंरक्षक व केंद्रस्थ अधिकारी महाराष्ट्र राज्य नागपूर यांचे कडील पत्र क्र. कक्ष-17/नोडल/आयडो12417/3062, दि. 10.02.2023.
3. उपवनसंरक्षक, मध्य चांदा वनविभाग, चंद्रपूर यांचे कडील पत्र क्र. कक्ष/सर्व्हे/जमीन/2022-23/1754, दिनांक 28.03.2023

केंद्र शासनाचे संदर्भित पत्र क्र. 1 अन्वये विषयांकीत प्रस्तावामध्ये 1 ते 7 मुददे उपस्थित केलेले आहेत व आपले संदर्भित पत्र क्र. 2 अन्वये सदर मुददांची पूर्तता करण्याकरीता कळविण्यात आलेले होते. त्यानुषंगाने प्रकल्प यंत्रणेने त्यांचे स्तरावरील असलेली त्रुटी क्रमांक 1 ते 5 व 7 ची पूर्तता करून उपवनसंरक्षक, मध्य चांदा वनविभाग, चंद्रपूर यांचेकडे सादर केलेला असता त्यांनी सदर अहवालाचे संस्करण करून त्यांचेशी संबंधित असलेला मुददा क्रमांक 6 ची पूर्तता करून अहवाल योग्य असल्याची खातरजमा करून शिफारशीसह त्यांचे संदर्भित पत्र क्र. 3 अन्वये या कार्यालयास 4 प्रतीत सादर केलेला आहे.

उपवनसंरक्षक, मध्य चांदा वनविभाग, चंद्रपूर यांनी सादर केलेला त्रुटी पूर्तता अहवाल 3 प्रतीत पुढील कार्यवाहीस्तव सादर करण्यात येत आहे.

करीता माहितीस सविनय सादर.

सहपत्र:- वरीलप्रमाणे 3 प्रतीत

(प्र.ज.लोणकर)

मुख्य वनसंरक्षक

चंद्रपूर वनवृत्त, चंद्रपूर

प्रतिलिपी:- उपवनसंरक्षक, मध्य चांदा वनविभाग, चंद्रपूर यांना माहितीस अग्रेषित.



सत्यमेव जयते
महाराष्ट्र शासन

Office of The Principal Chief Conservator of Forest, (HoFF) Maharashtra State,
Ramgiri Road, Civil Lines, Nagpur 440 001.

The Additional Principal Chief Conservator of Forests And Nodal Officer, Maharashtra State,
Ramgiri Road, Civil Lines, Nagpur 440-001.

0712-2556916

Email: apccfnodal@mahaforest@gov.in

Speed Post/Email

No. Desk-17 Nodal/Chandrapur/I.D.12417/3062/22-23
Nagpur - 440 001 Dated 10/02/2023.

Sub: Diversion of 12.07 ha. Forest land in favour of Western Coalfield Ltd. Ballarpur under Forest (Conservation) Act, 1980 for Sakhari-Irawati (PounIII) Opencast Mine Project at Village Sakhari, Tal. Rajura, in Chandrapur District of Maharashtra State- Regarding.

Ref: Regional Office, Ministry of Environment, Forests and Climate Change letter no. FC-RI/MH-165/2021-NGP/11158, dt-9th February 2023.

Please find enclosed a copy of letter under reference. The Govt. of India vide letter under reference has raised 7 queries on the proposal mentioned under subject above. It is requested to submit point wise reply in English to this office at the earliest.

Encl: As above

(Signature)
10/2/23

(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests And Nodal Officer
Maharashtra State, Nagpur

To,

The Chief Conservator of Forests (T)

Chandrapur Circle.

Copy five to Principal Secretary (Forests) Revenue and Forest Department, Mantralaya, Mumbai-32 for information.

Copy five to Area General Manager, Western Coalfields Limited, Ballarpur Area, P.O. Sasti, Dist. Chandrapur 442 706 along with letter under reference.

क्रमंक कक्षा-301/जमीन/प्र.क. 122-23/8288
चंद्रपूर, दिनांक:- 93-02-23

प्रतिविषय: उपवनसंरक्षक, मध्य चंद्रा वनविभाग, चंद्रपूर यांना माहिती व आवश्यक कार्यवाहीस सादर. कक्ष शासनाने फातलि. 1 ले 7 मुख्यांची पुर्तता करून पुर्तता अहवाल तात्काळ या कार्यालयास सादर करावा ही विनंती

E:\OFFICE\CHANDRAPUR_CIRCLE\DIVERSION OF 12.07 HA SAKHARI IRAWATI_ID_12417.DOCX

(Signature)
मुख्य लेखपाल
मुख्य वनसंरक्षक यांचे कार्यालय
चंद्रपूर बसवृत्त, चंद्रपूर



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

Integrated Regional Office
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcentral-ngp-mef@gov.in

F.No. FC-II/MH-165/2021-NGP /11158

Date: 9th February, 2023

To,

The Principal Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai - 400032.

Sub: Diversion of 12.07 ha forest land in favour of Western Coalfield Ltd., Ballarpur under Forest (Conservation) Act, 1980 for Sakhari-Irawati (Pound III) Opencast Mine Project at Village- Sakhari, Tal. Rajura, Distt- Chandrapur in the State of Maharashtra- regarding.

Sir,

The undersigned is directed to refer to Government of Maharashtra letter No. FLD-3616/CR-01/R-10 dated 10.06.2021 and APCCF & Nodal Officer (FCA), Maharashtra vide his letter No. Desk-17/NC/1/I.D- /1715/15-16 dated 15.12.2015 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal was forwarded to the MoEF&CC, New Delhi for approval of the competent authority. Now the proposal has been returned with a request to submit the additional information on the following points:

- i. Mining Plan for enhanced capacity of 1.55 million tonnes per annum has been approved by the Board of Directors of WCL on 29.05.2010. However, a copy of the same is not available in the proposal. A copy of mining plan for enhanced capacity along with the undertaking from the User Agency that the land use provided in the proposal is in conformity with the land use provided in the approved Mining Plan.
- ii. Mining Plan has been approved in the year 2010 while the proposal for approval under the FC Act, 1980 has been received after a gap of almost 12 years. Reasons for exorbitantly delay needs to be furnished.
- iii. It is indicated in the proposal that the mining operations in the lease area are ongoing. However, it cannot be ascertained whether the mining operations in the additional area required for enhanced capacity are also being taken up by the user agency. Exact detail of the same may be furnished by the State Government.
- iv. Land use proposed in the forest land cannot be ascertained from the detail available in the proposal, same need to be submitted.
- v. As per detail provided in the Part-I, the total project area has been indicated as 820.70 ha while the same is mentioned as 1140.59 ha in the deliberation of REC dated 14.10.2022. Exact position in this regard may be informed by the State Government.
- vi. To mitigate the impact of project activity on the wildlife, preparation of Wildlife Management Plan of Rs. 20 lakh has been recommended by the State Government, same need to be approved by the PCCF (Wildlife) and specific comments in term of holistic impact of the mining activity on the surrounding flora and fauna need to be submitted.

Chandrapur
Mef
10/2/23

- ④
- vii. The specific comments from the State Government on why this case should not fall under category of *fait accompli*, since mining is on in NFL and now the UA is asking for mining in forest land need to be submitted.

In view of the above, I am directed to request the State Government to submit information on the shortcomings, as indicated above, to this Ministry for further consideration of the proposal for approval under the Forest (Conservation) Act, 1980.

This issues with the approval of Regional Officer [Central], Integrated Regional Office, MoEF & CC, Nagpur.

Yours faithfully,

(N. K. Dimri)

Technical Officer (Gr. I)

Copy to:

- i. The PCCF (HoFF), Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. User agency.
- iv. Guard file.

Sd.
(N. K. Dimri)

Technical Officer (Gr. I)



Western Coalfields Limited
Office of the Area General Manager
Ballarpur Area
 P.O.SASTI, DISTT.CHANDARPUR(MS) Pin-442706
 Tel: 07173-230105, 230260 Fax: 07173-230076

File No : W.C.L./BA/AGM/PLG/ 743 Date : 18/03/2023

To,

The Dy.Conservator of Forests And Nodal Officer
 Maharashtra State Nagpur.

Sub :- Diversion of 12.07 Ha. Forest land in favor of Western Coalfields Ltd.
 Ballarpur under Forest (Conservation) Act. 1980 for Sakhari- Irawati
 (Pouni-III) Opencast Mine project at Village Sakhari, Tal. Rajura, in
 Chandrapur District of Maharashtra State- Regarding.

Ref. :- 1) No.Desk-17/Nodal/Chandrapur/I.D.12417/3062/22-23 Nagpur-440001 Dated 10/02/2023.
 2) कमांक कक्ष -3(1)/ जमीन/प्र.क./22-23/4264 चंद्रपुर, दिनांक:- 13/02/2023

Sir,

With reference to the above mentioned subject please find enclosed
 herewith the point wise reply in english of 7 queries alongwith annexures.
 This is kind information and further necessary action at your end.

Yours Faithfully

[Signature]
 Area General Manager
 Ballarpur Area

Encl. A.a.
 C.C. to
 1. APO, BA.
 2. SAM, PSA

WCLBALLARPUR AREA

<p>1 Mining Plan for enhanced capacity of 1.55 million tones per annum has been approved by the Board of Directors of WCL on 29.05.2010. However, a copy of the same is not available in the proposal. IRO needs to ensure if the land use provided in the proposal is in conformity with the land use provided in the approved Mining Plan.</p>	<p>Reply: The Project Report for Pauni III OC mine was prepared in March, 2009 for a target capacity of 1.25 My. The Project Report for Pauni-II OCP (updated February 2010) was placed in the 224th meeting of the Board of Directors of WCL held on 29.04.2010. As desired, a copy of the approval of Board of Directors of WCL (Board Resolution) in respect of the subject proposal for the project Sakhari-Irawati (Pauni III OC) is enclosed for ready reference as Annexure-I. (Page no.-10). It may be seen from the above mentioned Board Resolution that after deliberations at length, the Board accorded first stage approval, i.e. approval of the Mining Plan to facilitate application of forestry and environment clearance for a capacity of 1.25 Mty at a capital investment of Rs 360.7987 crores with Departmental Option. The Board directed for entering into Coal Supply Agreement with prospective consumer on Cost Plus Basis to yield 12% IRR at 85% target capacity and clearance from CIL. However, the Cost Plus agreement could not be finalized & the project did not take off. It may also be seen from the Board resolution that Board also accorded approval for enhancement of capacity of Sakhari-Irawati (Pauni- III OCP) to 1.55 MTY without any capital investment for the purpose of obtaining EMP clearance.</p> <p>Subsequently, the land rates were also increased in Maharashtra as per MSGR 2014 and in absence of Cost Plus Agreement with prospective consumers in respect of Pauni-Mine OC it was decided by the management of WCL to combine the Pauni-II OC & Pauni-III OC projects with common infrastructure facilities for better economics of the two projects. It may be worthwhile to mention here that Pauni-II OC is another project of WCL adjacent to the subject project.</p> <p>Accordingly, a Project Report for Amalgamated Pauni-II & III OC mine was prepared by CMPDI in May, 2015. The target of this Amalgamated mine was envisaged as 3.25 Mty (0.75 Mty of Pauni II OC and 2.50 Mty of Pauni-III OC) & maximum possible proved reserves in both the blocks were considered.</p> <p>As per the recommendation of EAC, the project was renamed as Pauni-II Expn. OC which was approved by WCL Board in its 281 meeting held on 19.09.2016 with total land area of 1152.66 Ha. The Corresponding Board approval is enclosed as Annexure-II. (Page no.-11). The forest land involved in Pauni II Expansion OC was 12.07 Ha.</p> <p>Subsequently, looking into the fact of non availability of forestry clearance in respect of 12.07 Ha forest land, the proposal for seeking Environmental Clearance was processed with a revised Mining Plan with total Mine Lease area of 1095.52 Ha (excluding forest land and adjacent non-forest land) and approved by WCL Board on 26.12.2018. The same was also placed before EAC in its meeting held on 24.01.2019 where it was also noted by EAC that total land requirement for Pauni-II Expn. OC is 1152.66 Ha with about 12.7 Ha forest land. Detailed minutes of the meeting attached for ready reference as Annexure-III. (Page no.-12 to 14). Based on the recommendation of EAL, EC for Pauni-II OC for 1095.52 ha</p>
--	---

		<p>(without 12.07 ha of Forest land) was granted. A copy of the same is enclosed as Annexure-IV.(Page no.-15 to 23)</p> <p>It may be seen from the EC that Pauni-II Expansion OC is having a total land area of 1095.52 and there is no forest land involved in the project. It has also been recorded in the EC that FC for 12.07 is yet to be secured and fresh proposal for EC amendment there in shall be submitted to take into account the additional land after receipt of Stage-I FC for the forest land of 12.07 ha.</p> <p>As such, it is humbly submitted that the Mining Plan presently in vogue is of Pauni-II Expn. OC and the land use provided by WCL in its reply dtd. 10.10.2021 (copy attached as Annexure-V.(Page no.-24 to 25)) is in conformity with the approved Mining Plan. An undertaking for the same is attached as Annexure-VI.(Page no.-26)</p>
2	<p>Mining Plan has been approved in the year 2010 while the proposal for approval under FC Act, 1980 has been received after a gap of almost 12 years. Reasons for exorbitantly delay needs to be furnished.</p>	<p>Reply: The Project Report for Pauni- OC mine was prepared in March, 2009 for a target capacity of 1.25 Mty. The Project Report for Pauni II OCP updated February 2010) was placed in the 224th meeting of the Board of Directors of WCL held on 29.04.2010. After deliberations at length, the Board accorded first stage approval, i.e., approval of the Mining Plan to facilitate application of forestry and environment clearance for a capacity of 1.25 Mty at a capital investment of Rs 360.7987 crores with Departmental Option. The Board Directors for entering into Coal Supply Agreement with prospective consumer on Cost Plus Basis to yield 1.2% IRR at 85% target capacity and clearance from CIL. However, the Cost Plus agreement is not yet finalized. The Project Report envisaged acquisition of 821.84 Ha land.</p> <p>The acquisition process was started in the year 2012 wherein 820.70 Ha land notified under section 4(1) of CBA(A&D) act, 1957 vide S.O. no. 3159 dtd. 03/10/2012 including 12.07 Ha Forest Land. Subsequently, 778.54 Ha land (including 12.07 Ha forest land) notified under section 7(1) of CBA(A&D) act, 1957 vide S.O. no. 3054(E) dtd. 09/10/2014 which is "Intention to acquire".</p> <p>The Application for diversion of 12.07 Ha was submitted vide ref. no. WCL/ BA/AGM/PLG/83 dtd. 14 - 16/02/2015. The application was forwarded to MH State Govt. by APCCF & Nodal Officer-FC vide letter dtd. 15.12.2015. However, the same was not processed further for want of NOC under FRA 2006</p> <p>The matter was taken up at different levels of MH State Govt. as well as MOEF&CC quoting Forest (Conservation) Amendment Rules, 2016 as per which the compliance of FRA 2006 is required to be submitted along with Stage-1 FC compliance. However, the process took almost 3 years and finally Maharashtra State Govt. issued directives vide CR dtd. 15.01.2019 indicating NOC under FRA 2006 required to be submitted along with Stage-I FC compliance report. As such, the delay was caused majorly due to NOC under FRA 2006. However, it is to submit that NOC under FRA 2006 has now been obtained from Collector, Chandrapur vide letter dtd. 24.01.2022.</p> <p>In the meantime the subject Pauni-III OC Project was amalgamated with adjacent Pauni-II OC based on the approved Mining Plan of Amalgamated Pauni-II & Pauni III vide Board approval dated 26/06/2015.</p>

		<p>Subsequently, this amalgamated project was renamed as Pauni II Expansion OC following the directions of MOEF&CC and Board approval was secured vide WCL/BD/SECTT/BM-281/2016/618 dt.29/9/2016.</p> <p>Thus, this 12.07 ha of forest land is involved in Pauni-II OC Expansion with total land area of 1152.66 ha land accordingly Board approval was secured vide WCL/BD/SECTT/BM-281/2016/618 dt.29/9/2016.</p> <p>This Mining Plan has further been revised for total land of 1095.52 ha thereby based on the aforesaid Mining Plan, EC has been granted for Pauni-II OC Expansion recording the facts & figures of excluding 12.07 ha of Forest land and surrounding Non forest land.</p>																											
3	It is indicated in the proposal that the mining operation in the lease area are ongoing. However, it cannot be ascertained whether the mining operations in the additional area required for enhanced capacity are also being taken up by the user agency. Exact detail of the same may be furnished by the IRO.	<p>Reply: As already indicated that the project involving 12.07 ha of forest land is for Pauni-II Expansion OC with a total land of 1152.66 ha for a Capacity of 3.25 Mty as per the approved Mining Plan dated 26/06/2015. This Mining Plan was subsequently revised with same capacity 3.25 Mty) due to the fact that there was urgent need to enhance the coal production and simultaneously stage-I FC was not in possessing with land of 1095.52 ha thereby deleting 12.07 ha of forest land and surrounding non forest land lying in the immediate vicinity of said forest land.</p> <p>Based on the revised Mining Plan (without Forest Land) of 1095.52 ha with same capacity, Pauni-II Expansion OC was granted EC while recording all these facts and figures about deletion of forest land and subsequent directions. The mine is in operation within 1095.52 ha of land as per the aforesaid EC.</p>																											
4	Land use proposed in the forest land cannot be ascertained from the detail available in the proposal.	<p>Reply :- Land-use proposed in 12.07 Ha forest land is for excavation of coal as already submitted by WCL in its reply dtd. 19.10.2021 (Copy of the same attached as Annexure-VII (Page no.-27) for ready reference).</p>																											
5	As per detail provided in the Part-I, the total project area has been indicated as 820.70 ha. (Pg 10/c) while the same is mentioned as 1140.59 ha in the deliberation of REC dated 14.10.2022. Exact position in this regard may be informed by the IRO.	<p>Reply :- The details of total project area has already been submitted by WCL in its reply dtd. 19.10.2021 (Copy of the same attached as Annexure-VII (Page no.-27) for ready reference) and presentation made by WCL in REC meeting held on 14.10.2022. The total land acquired for the projects as per requirement is 1152.66 Ha.</p> <p>The details are as follows :</p> <table><tr><th rowspan="2">Sl.No.</th><th rowspan="2">Particulars</th><th colspan="2">Quarry-I</th><th rowspan="2">Total land</th></tr><tr><th>Existing Land (Acquired for Pauni OC)</th><th>Additional Land</th></tr><tr><td>1</td><td>Tenancy land</td><td>21.61</td><td>281.03</td><td>302.64</td></tr><tr><td>2</td><td>Govt. land</td><td>0.00</td><td>24.77</td><td>24.77</td></tr><tr><td>3</td><td>Forest land</td><td>0.00</td><td>0.00</td><td>0.00</td></tr><tr><td colspan="2">Total:</td><td>21.61</td><td>305.80</td><td>327.41</td></tr></table>	Sl.No.	Particulars	Quarry-I		Total land	Existing Land (Acquired for Pauni OC)	Additional Land	1	Tenancy land	21.61	281.03	302.64	2	Govt. land	0.00	24.77	24.77	3	Forest land	0.00	0.00	0.00	Total:		21.61	305.80	327.41
Sl.No.	Particulars	Quarry-I			Total land																								
		Existing Land (Acquired for Pauni OC)	Additional Land																										
1	Tenancy land	21.61	281.03	302.64																									
2	Govt. land	0.00	24.77	24.77																									
3	Forest land	0.00	0.00	0.00																									
Total:		21.61	305.80	327.41																									

6	<p>To mitigate the impact of project activity on the wildlife, preparation of Wildlife Management Plan of Rs. 20 lakh has been recommended by the State (pg 5/c). Efficacy of the same needs to be assessed by the IRO in term of holistic impact of the mining activity on the surrounding flora and fauna.</p>	<p>Reply :- Necessary action in this regard may please be taken by MH State Forest Deptt.</p>
7	<p>The specific comments from the State Government on why this case should not fall under category of fait accompli, since mining is on in NFL and now the UA is asking for mining in forest land need to be submitted.</p>	<p>Reply :- As already deliberated in the earlier paragraphs, the presently operating Pauni-II Expansion OC mine does not involve any forest land.</p> <p>The Mining Plan of Pauni-II Expansion was originally prepared for 3.25 MTY with 1152.66 ha land involving 12.07 ha of Forest land. But due to the fact that Stage-I FC was not in possession for 12.07 ha and simultaneously, there was an urgent need for enhancement of Coal production to meet the surged demand of power coal the aforesaid Mining was subsequently revised with same capacity and with reduced land area of 1096.62 ha (excluding 12.07 ha of forest land plus surrounding non forest land). On receipt of the approval of the said Mining Plan, the application for grant of EC was made & after detailed deliberation of the same in the EAC, the format EC was granted by MOEFF & CC wherein all these facts & figures about deletion of forest land have been duly recorded. The Pauni-II OC Expansion mine is in operation as per the aforesaid EC without any involvement of forest land.</p> <p>As directed by MOEFF & CC, fresh application for amendment of existing EC for addition of land including 12.07 of Forest land will be made on receipt of Stage-I FC for the same. So, question of fate accompli does not arise at all.</p>

19/3/13
Area General Manager

Ballarpur Area