

283

(263)

**OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF
FOREST FORCE), MAHARASHTRA STATE, NAGPUR**
 ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR.
 First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.
 Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

Sub. :- Diversion of 36.98 Ha of reserved Forest land in favour of Western Coalfields Ltd. (WCL), Chandrapur Area for Hindusthan Lalpeth (Expansion) Opencast Project at reserve Forest Compartment No.485 in Chandrapur Forest Division under Section 2 of Forest (Conservation) Act, 1980 in Chandrapur District in the state of Maharashtra.

No. :- Desk-17/NC/RS/I/ID-12402/1071 /19-20
 Nagpur, Dated:- 26/9/2019

To,
 The Assistant Inspector General of Forests (FC),
 Government of India, Ministry of Environment, Forests and Climate Change
 (Forest Conservation Division) Indira Paryavaran Bhawan,
 Aliganj Jorbagh Road, New Delhi-110003.

Ref. :- 1) Government of India, MoEF&CC (FC Division), New Delhi letter F. No. 8-115/1995-FC (Vol.), dated 16/04/2018. P/241
 2) The Chief Conservator of Forests (T), Chandrapur vide letter No.3 (1)/Land/CR/297/PR-41/1045, dt.29/08/2019. P/258

Sir,

Government of India, MoEF & CC (FC Division), New Delhi conveyed the 'in-principle' approval for diversion of 36.98 Ha of reserved Forest land in favour of Western Coalfields Ltd. (WCL), Chandrapur Area for Hindusthan Lalpeth (Expansion) Opencast Project at reserve Forest Compartment No.485 in Chandrapur Forest Division under Section 2 of Forest (Conservation) Act, 1980 in Chandrapur District in the State of Maharashtra. The compliance report of the conditions of in-principle approval letter dt.16/4/2018 is furnished as under:-

Sr. No.	Conditions put forth by Government of India vide letter dt.16/04/2018	Compliance
(i)	Legal status of the diverted forest land shall remain unchanged.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No. I) . Compliance Report P/1
(ii)	The User Agency shall pay NPV for entire forest area (36.98 ha) which is proposed to be used for Opencast Mining in addition to whatever NPV has been paid by User Agency in past for underground mining.	The User Agency has deposited an amount of Rs. 2,31,49,480/- towards NPV on 04 th January 2019 and the same has ^{been} transferred in Ad-hoc CAMPA Account No.150785863980546 of Corporation Bank, New Delhi through RTGS (UTR) No. MAHBR52019010406047403. A copy of the same is enclosed herewith as (Annexure No. II) . P/240 3
(iii)	Compensatory Afforestation shall be raised over degraded forest land equivalent to double the diverted forest land. At least 1000 plants per Hectare (36.97 Hectares X 1000 = 36970 plants) shall be planted over identified degraded forest	The User agency has deposited an amount of Rs. 4,03,95,177/- for raising compensatory afforestation over 73.96 ha. double degraded forest land at the rate of Rs. 5,46,176/- per ha as per the P/240 3

	land with provision for ten years subsequent maintenance.	<p>rate for CA for financial year 2018-2019 on 04th January 2019 and the same has ^{been} transferred in Ad-hoc CAMPA Account No.150785863980546 of Corporation Bank, New Delhi through RTGS (UTR) No. MAHBR52019010406047403. A copy of the same is enclosed herewith as (Annexure No. II).</p> <p>However, the rate per ha. for CA has been increased w.e.f 1/4/2019 is Rs. 6,17,948/- for the current financial year 2019-2020. Therefore, the User Agency has submitted an undertaking to defray the additional balance amount is enclosed herewith as (Annexure No. II-A).</p>
(iv)	25% of revised CA cost will be deposited extra by the User Agency for soil and moisture conservation (SMC) activities on the CA Land.	<p>The User Agency has deposited an amount of Rs. 1,00,98,795/- towards Soil & Moisture Conservation Activities at the rate of Rs. 5,46,176/- per ha as per the rate for CA for financial year 2018-2019 on 04th January 2019 and the same has transferred in Ad-hoc CAMPA Account No.150785863980546 of Corporation Bank, New Delhi through RTGS (UTR) No. MAHBR52019010406047403. A copy of the same is enclosed herewith as (Annexure No. II).</p> <p>However, the rate per ha. for CA has been increased w.e.f 1/4/2019 is Rs. 6,17,948/- for the current financial year 2019-2020. Therefore, the User Agency has submitted an undertaking to defray the additional balance amount is enclosed herewith as (Annexure No. II-A).</p>
(v)	Completed compliance of Forest Right Act 2006 will be complied by the User Agency and State Government. The User Agency shall submit the compliance of the Schedule Tribes and Other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 in format prescribed by Government of India vide letter dt.03.08.2009 read with 05.07.2013 before final approval.	The user agency submitted the complete compliance under Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006, and the same has been submitted the Government of India. The copies of the same are enclosed herewith as (Annexure No. III).
(vi)	State Government shall get the area demarcated and boundary pillars on ground prior to commencement of work. No additional forest area more than 36.98 Ha. shall be used for opencast mining. The user agency shall ensure demarcation of boundary of safety zone and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPs co-ordinate and deploying adequate number of watchers under the supervision of the State Forest Department. The boundary pillars around the lease area will be	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No. IV).

	erected by the user agency at its own cost by involving the Forest Department and Revenue Department in the District.	
(vii)	The Agency will pay the cost of survey, demarcation and erection of the permanent pillars on the compensatory afforestation land, project land made available by the Agency.	The User Agency submitted an amount of Rs. 1,00,119/- towards cost of survey demarcation on 04 th January 2019 and the same has been transferred in Ad-hoc CAMPA Account No.150785863980546 of Corporation Bank, New Delhi through RTGS (UTR) No. MAHBR52019010406047403. A copy of the same is enclosed herewith as (Annexure No. II) . P/283 The User Agency has also submitted an undertaking to defray the additional balance amount is enclosed herewith as (Annexure No. III-A) . P/4
(viii)	Adequate precautions shall be taken to safeguard the adjoining areas from explosives and it shall not be stored in the forest area.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No. V) . P/84
(ix)	The User Agency will dump the overburden on the revenue land or on adjacent private land owned by agency as per their undertaking and forest land will not be used for dumping.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No. VI) . P/35
(x)	A safety zone of 7.5 meter will be maintained along the boundary with in the mining lease site. Fencing, protection and regeneration of the safety zone are (7.5 meter strip all along the outer boundary of the mining lease area) where feasible, shall be done at the project cost. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the User Agency at the project cost under supervision of the Forest Department.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No. VII) . P/36
(xi)	In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation / roads is properly fenced by the user agency at the project cost to protect the vegetation / regeneration activities in the safety zone.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No. VIII) . P/37
(xii)	Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half time the area of forest land under safety zone shall also be at the project cost under the supervision of the State Forest Department.	The User Agency has deposited an amount of Rs. 15,89,373/- towards maintenance of 2.91 ha. Safety Zone Afforestation on 04 th January 2019 and the same has transferred in Ad-hoc CAMPA Account No.150785863980546 of Corporation Bank, New Delhi through RTGS (UTR) No. MAHBR52019010406047403. A copy of the same is enclosed herewith as (Annexure No. II) . P/38 to 45 The User Agency has also submitted an undertaking to defray the additional balance amount and the P/4

		same is enclosed herewith as (Annexure No. IV-A).	
(xiii)	The area will be reclaimed as per approved Mining Plan and handed over back to the Forest Department. Rehabilitation shall be done as per the approve rehabilitation action plan prepared by CMPDIL Nagpur.	The User agency submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No. IX).	P/82 46/081
(xiv)	The Forest area will be reclaimed during the currency of lease, and the area will be handed over to the Forest Department periodically.	The User agency submitted an undertaking alongwith. A copy of the same is enclosed herewith as (Annexure No. X).	P/83 to 85
(xv)	The user Agency shall pay Rs. 50 Lakhs for Wildlife Mitigation purpose as per the recommendation of Chief Conservator of Forest (Territorial) Chandrapur plan for which will be approved by Principal Chief Conservator of Forests (Wildlife) Maharashtra State, Nagpur.	The User agency submitted an amount of Rs. 50,00,000/- towards the cost of Wildlife Mitigation purpose on 04 th January 2019 and the same has transferred in Ad-hoc CAMPA Account No.150785863980546 of Corporation Bank, New Delhi through RTGS (UTR) No. MAHBR52019010406047403. A copy of the same is enclosed herewith as (Annexure No. II).	P/210 3
(xvi)	The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale.	<p>While submitting the proposal under the Forest (Conservation) Act, 1980 73.96 ha degraded forest land has been proposed by the Chief Conservator of Forests (T) Chandrapur in Chandrapur Forest Division, Chandrapur as per the following details:-</p> <ol style="list-style-type: none"> 1) C.No. 484 Chandrapur Range 23.96 ha. 2) C.No. 13B Warora Range 25.00 ha. 3) C.No. 1534(p) Saoli Range 25.00 ha. <p>The Chief Conservator of Forests (T) Chandrapur has certified in his compliance report that the DFL above at Sr. No. 1 & 2 proposed for CA sites has already been afforested by the Forest Department under various schemes. Hence only one site at Sr. No. 3 comprising 23.96 ha. DFL is available for Compensatory Afforestation. He has further stated that two new sites have been identified in Central Chanda Forest Division, Chandrapur for CA as below.</p> <ol style="list-style-type: none"> 1) C.No. 139 Wirur Range 30.00 ha. 2) C.No. 531 Pombhurna Range 20.00 ha. <p>The new sites proposed for CA land has been depicted on a Survey of India topo-sheet alongwith CA scheme and Suitability certificate of the DFO, Chandrapur are enclosed herewith as (Annexure No. XI) . KML file for CA land is</p>	P/87 10 11
(xvii)	The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online	The User agency has deposited an amount of Rs. 4,03,95,177/- for raising compensatory afforestation over 73.96 ha. double degraded forest land at the rate of Rs. 5,46,176/- per ha as per the	P/210 3

	portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent year.	<p>rate for CA for financial year 2018-2019 on 04th January 2019 and the same has transferred in Ad-hoc CAMP Account No.150785863980546 of Corporation Bank, New Delhi vide RTGS (UTR) No. MAHBR52019010406047403 through online portal. A copy of the same is enclosed herewith as (Annexure No. II).</p> <p>However, the rate per ha. for CA has been increased w.e.f 1/4/2019 is Rs. 6,17,948/- for the current financial year 2019-2020. Therefore, the User Agency has submitted an undertaking to defray the additional balance amount is enclosed herewith as (Annexure No. II-A).</p>
(xviii)	The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders 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. The requisite funds shall be transferred through online portal into Ad-hoc CAMP Account of the State concerned.	The User agency has deposited an amount of Rs. 2,31,49,480/- towards the cost of NPV on 04 th January 2019 and the same has transferred in Ad-hoc CAMP Account No.150785863980546 of Corporation Bank, New Delhi vide RTGS (UTR) No. MAHBR52019010406047403 through online portal. A copy of the same is enclosed herewith as (Annexure No. II).
(xix)	The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.	The User Agency has submitted an undertaking. A copy of the same is enclosed herewith as (Annexure No. XII).
(xx)	Following activities shall be implemented of the cost of user agency.	
a)	Mitigative measures to minimize soil erosion and chocking of stream shall be initiated to be implemented within a period of three years with effect from the date of issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.	The User Agency has submitted an undertaking alongwith a plan regarding mitigative measures to minimize soil erosion and chocking of stream duly approved by DFO, Chandrapur and the same are enclosed herewith as (Annexure No. XIII)
b)	Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;	The User agency submitted an Undertaking alongwith a plan for planting of adequate drought hardy plant species and sowing of seeds approved by DFO, Chandrapur. A copy of the same is enclosed herewith as (Annexure No. XIV)
c)	Construction of check dams, retention / toe walls along the contour to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;	The User agency submitted an Undertaking alongwith a scheme for construction of check dams, retention / toe walls along the contour to arrest sliding down of the excavated material duly approved by DFO, Chandrapur. The same are enclosed herewith as (Annexure No. XIV)
d)	Stabilize the overburden dumps by appropriate grading / benching in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28° and	The User agency submitted an Undertaking alongwith a scheme to stabilize the overburden dumps by appropriate grading / benching duly approved by DFO, Chandrapur. The same are enclosed herewith as (Annexure No. XIV).

e)	No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.	The User agency submitted an Undertaking alongwith a soil management plan duly approved by DFO, Chandrapur. The same are enclosed herewith as (Annexure No. XIV) .	258 P/128
(xxi)	The user agency should ensure that the compensatory levies (CA cost, NPV etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.	The User agency deposited an amount of Rs. 8,03,32,944/- towards compensatory levies (NCR) ^{was ban} generated online on web portal and deposited in Account of Ad-hoc CAMPA through RTGS UTR No. MAHBR52019010406047403 on 04 th January 2019 of Corporation Bank, New Delhi. A copy of the same is enclosed herewith as (Annexure No. II)	P/210 3
(xxii)	The Forest clearance will be for a period co-terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement.	The User Agency has certified that the proposed 36.98 ha. land has notified under Section 9 (i) of Coal Bearing Act with All Rights vide notification S.O. No. 1709, dated 26 th May 2017. Since, the forest land acquired under CBA (A&D) Act 1957, and therefore the mining lease shall be co-terminus till the exhaust of Coal Reserve. A copy of CBA (A&D) 1957 Notification is enclosed as (Annexure No. XV)	P/132 to 135
(xxiii)	The user agency shall implement the land surrender schedule in accordance with the approved mine plan and progressive mine closure plan;	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XVI)	P/136
(xxiv)	User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 meters from outer perimeter of the mining lease.	The DFO, Chandrapur has certified that no suitable degraded open forest (having crown density less than 0.4), is located within 100 meters from outer perimeter of the mining lease for Gap Planting and Soil & Moisture Conservation Activities. The certificate of DFO, Chandrapur is enclosed herewith as (Annexure No. XVII) However, User Agency has submitted submitted an undertaking for Gap Planting and Soil & Moisture conservation activities and the same is enclosed as (Annexure No. XVII)	P/138
(xxv)	The State Govt. ensure that the user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government / Regional office of MoEF&CC along with indicators for monitoring and expected observable milestones.	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XVIII)	P/139
(xxvi)	The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XIX)	P/140

	and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.	
(xxvii)	The User Agency shall obtain for Environment Clearance as per the provision of the Environment (Protection) Act 1986, if required.	The User agency has submitted Environment Clearance issued by the Ministry of Environment & Forests, Government of India vide letter No.J-11015/93/2005-IA.II(M) dt.14/7/2006. The copy of the same is enclosed herewith as (Annexure No. XX) P/141 to 145
(xxviii)	Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXI) P/146
(xxix)	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXII) P/147
(xxx)	No labour camp shall be established on the forest land;	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXIII) P/148
(xxxi)	The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXIV) P/149
(xxxii)	The user agency will abide by the applicable recommendations of the State Government including State Forest / Wildlife Departments'	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXV) P/150
(xxxiii)	The forest land shall not be used for any purpose other than that specified in the proposal.	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXVI) P/151
(xxxiv)	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXVII) P/152
(xxxv)	No damage to the flora and fauna of the adjoining area shall be caused.	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXVIII) P/153
(xxxvi)	The user agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXIX) - P/154
(xxxvii)	Any other condition that the concerned Regional office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife, and	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXX) P/155
(xxxviii)	The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order(s) and National Green Tribunal Order(s) pertaining to this project, if any,	The User agency has submitted an Undertaking. A copy of the same is enclosed herewith as (Annexure No. XXXI) P/156

for the time being in force, as applicable to this project.	
-------------------------------------------------------------	--

In view of the above, it is requested that the Government of India may kindly be moved for approval under section-2 (ii) of the Forest (Conservation) Act-1980, at the earliest.

Encl : As above

Yours sincerely,

(Sanjeev Gaur)

Addl. Principal Chief Conservator of Forests
& Nodal Officer,

S.D. Wadha 24/9/2019 24/9/19

Copy submitted to Principal Secretary (Forests), Revenue & Forests Department, Mantralaya
Mumbai -32, for information.

Copy to the Chief Conservator of Forests (T), Chandrapur for information.

Copy to the Divisional Forest Officer, Chandrapur Division, Chandrapur for information.

Copy to the Area General Manager, WCL, Chandrapur Area, P.O.Babupeth, Chandrapur for
information.