

भारत सरकार
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय
एकीकृत क्षेत्रीय कार्यालय,
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GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE
INTEGRATED REGIONAL OFFICE
ARANYA BHAWAN, NORTH BLOCK, SECTOR-19,
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F. No. FC-I/IROCH-22/2023/1324

Date: 23/03/2023

To,

Additional Chief Secretary (Forests),
Government of Chhattisgarh,
Forest Department, Mantralaya,
Mahanadi Bhavan, Nava Raipur, Atal Nagar (CG).

Sub: Diversion of 0.997 ha Forest land in favour of Raigarh Mining & Beneficiation Private Limited, Dumarpara, Janjgir Champa proposal for Construction of Approach Road at Village Chhita Pandariya, in Janjgir Champa District and Forest Division in the State of Chhattisgarh under Forest Conservation Act (1980) – reg.

Sir,

Kindly refer to the letter no. F-5-21/2022/10-2 dated 27.01.2023 of State Government and letter no.

क्र.भू.प्रबंध/विविध/115-906/2974 dated 21.12.2022, APCCF, Nodal Officer (FCA), Chhattisgarh, on the above subject seeking prior approval of the Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980. It is to say that the said proposal has been examined by the Integrated Regional Office in light of relevant provisions of the Forest (Conservation) Act, 1980 and Rules and Guidelines framed thereunder.

After examination of the proposal and on the basis of the recommendation of State Government, Chhattisgarh, the Central Government hereby accords '**In-principle**' under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 0.997 ha Forest land in favour of Raigarh Mining & Beneficiation Private Limited, Dumarpara, Janjgir Champa proposal for Construction of Approach Road at Village Chhita Pandariya, in Janjgir Champa District and Forest Division in the State of Chhattisgarh subject to the fulfillment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. **Compensatory afforestation:**
The State Forest Department shall undertake plantation of 10 times number of trees to be felled over degraded forest land as compensatory afforestation, in lieu of forest land being diverted at the cost of the User Agency;
- iii. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- iv. **NPV:**
 - a. The State Government shall charge the Net Present Value (NPV) for the 0.997 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble

Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, letter No. 5-2/2006-FC dated 03/10/2006, letter No. 5-3/2007-FC dated 05/02/2009 and letter No. 5-3/2011- FC(Vol-I) dated 06.01.2022 in this regard;

- b. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- v. No tree cutting shall be permitted in the diverted forest land;
- vi. The user agency can construct the approach road only in 0.382 ha of forest land. The remaining 0.615 ha of open forest land shall be used for Afforestation purposes only with the consultation of the concerned Forest Department at the cost of the user agency and apart from this; no other work is permitted on that land. The Forest Department is free to manage the forest area as per normal management practices and working plan prescriptions and the same shall need to be submitted in this Office;
- vii. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>);
- viii. The State Government of Chhattisgarh/ Nodal Officer (FCA), Forest Department of Chhattisgarh shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2022 dated 28.06.2022 and the same shall be submitted along with stage-I compliance by the user agency;
- ix. The user agency shall plant tall native forest tree species including fruit bearing tree species, like mango, banyan, tamarind, etc on the road side;
- x. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xi. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xii. 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.
- xiii. No labour camp shall be established on the forest land;
- xiv. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xv. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- xvi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xvii. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xviii. The forest land shall not be used for any purpose other than that specified in the project proposal;

- xix. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xx. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- xxi. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
- xxii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of a report on the compliance of conditions no ii, iii, iv (a), v, vi, viii, ix, xii, and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,

Chh 19
23/3/23

Chaturbhuja Behera, IFS,
Inspector General of Forests.

Copy to:-

1. The Inspector General of Forests (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003.
2. The PCCF (HoFF), Government of Chhattisgarh, Aranya Bhawan, Sector-19, Nava Raipur, C.G
3. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh, Aryan Bhawan, Nawa Raipur, Chhattisgarh.
4. User agency.
5. Guard file

Chh 19
23/3/23

Chaturbhuja Behera, IFS,
Inspector General of Forests.