



STATE FOREST HEADQUARTERS, ODISHA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF
PLOT NO. GD-2/12, ARANYA BHAWAN, CHANDRASEKHARPUR
BHUBANESWAR-751023

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No. **21049** / 9F (Road) -148/2014
Dated, Bhubaneswar the **17th** October '2022

From

Principal Chief Conservator of Forests
(Forest Diversion & Nodal Officer, FC Act)
O/o the PCCF & HoFF, Odisha, Bhubaneswar

To

The Deputy Director General of Forests (Central)
Government of India, Ministry of Environment, Forest & Climate Change
Integrated Regional Office, A/3, Chandrasekharpur
Bhubaneswar-751023

Sub: Diversion of 41.725 ha (39.98 ha of forest land proposed by the State Govt. + 1.745 ha of non-forest land to be treated as forest as per Supreme Court judgement dated 12.12.1996 in W.P. (C) No.202/1995) of forest land for widening of existing 2-Lane road to 4-Lane from Bankibahal to Kanika Railway Siding (0.000 Km to 25.750 Km) in favour of Executive Engineer, R&B Division, Sundargarh, Odisha- Submission of Stage-I compliance regarding.

Ref: Stage-I FC approval of MoEF & CC, Govt. of India, ERO, Bhubaneswar vide F. No.5-ORC259/2015-BHU dated 14.10.2015

Sir,

In reference to the above mentioned subject, this is to inform that Government of India, Ministry of Environment, Forest & Climate Change, ERO, Bhubaneswar have accorded '**in-principle**' approval vide F.No.5-ORC259/2015-BHU dated 14.10.2015 for diversion of 41.725 ha (39.98 ha of forest land proposed by the State Govt. + 1.745 ha of non-forest land to be treated as forest as per Supreme Court judgement dated 12.12.1996 in W.P. (C) No.202/1995) of forest land for widening of existing 2-Lane road to 4-Lane from Bankibahal to Kanika Railway Siding (0.000 Km to 25.750 Km) in favour of Executive Engineer, R&B Division, Sundargarh, Odisha subject to fulfilment of twenty five (25) nos. of conditions raised by GoI, ERO, Bhubaneswar and four (4) nos. of conditions raised by the Govt. of Odisha, F&E Deptt. stipulated therein respectively. The User Agency has complied all the conditions. The point wise compliance basing on the reports of the DFO, Sundargarh Forest Division and RCCF, Rourkela Circle are as follows:-

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Condition No.(i):- *Legal status of forest land proposed for diversion shall remain unchanged.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that the legal status of forest land proposed for diversion shall remain unchanged which is enclosed as **Annexure-I**.

Condition No.(ii):- *NPV shall be realized from the user agency for 41.725 ha (39.98 ha of forest land proposed by the State Govt. + 1.745 ha of non-forest land to be treated as forest as per Supreme Court judgement dated 12.12.1996 in W.P. (C) No.202/1995).*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the NPV amounting to **Rs.3,91,79,755/-** was deposited in favour of Odisha State CAMPA Account No.344902010105428, Union Bank of India, Sundar Nagar, New Delhi-110003 Vide **Cheque No. 118882 dated 21.11.2015** by the User Agency as per demand raised by the DFO, Sundargarh vide his office letter No.5828/4F/Misc./2015 dt.16.11.2015 enclosed as **Annexure-II**.

Further, as reported by the DFO, Sundargarh, the **differential amount of NPV Rs.2,07,65,281/-** has been deposited by the User Agency in favour of Odisha State CAMPA Account No.150826175750086, Union Bank of India, Sundar Nagar, New Delhi-110003 vide **UTR No. SBINR5202204027604715 dt.02.04.2022**, as per demand raised vide his office letter No. 1719 dt.30.03.2022. The payment details in this regard submitted by the DFO, Sundargarh Division are enclosed as **Annexure-IIA**.

Condition No.(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.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that he will pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India which is enclosed as **Annexure-III**.

Condition No.(iv):- *The State Govt. shall raise compensatory afforestation at the cost of the user agency in the non-forest land of 41.725 ha (39.98 ha of forest land proposed by the State Govt. + 1.745 ha of non-forest land to be treated as forest as per Supreme Court judgement dated 12.12.1996 in W.P. (C) No.202/1995). 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.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the cost of raising compensatory afforestation over 39.98 ha of Non-forest land identified in Biswanathpur under Hemgir Tahasil amounting to **Rs.63,90,700/-** at the wage rate of Rs 200/- per man day was raised by the DFO, Sundargarh vide his office letter No

113/4F/Misc./2016 dt. 07.01.2016 and the User Agency credited this said amount to the Odisha State CAMPA Account No.344902010105428, Union Bank Of India, Sundar Nagar, New Delhi-110003 vide **Cheque No. 118976 dated 14.01.2016 enclosed as Annexure-IV** .

Further, as reported by the DFO, Sundargarh Division, the differential amount of compensatory afforestation scheme over 41.725 ha of Non-forest land identified in Biswanathpur under Hemgir Tahasil of Rs.1,77,27,500/- at the wage rate of Rs.315/- per man day has been deposited by the user agency in favour of Odisha State CAMPA Account No.150826175750153, Union Bank of India, Sundar Nagar, New Delhi-110003 vide **UTR No. SBINR52022030470364698 dt. 03.03.2022**, as per demand raised vide his office letter No.754 dt. 07.02.2022. The User Agency has submitted the payment details which is enclosed as **Annexure-IVA**.

Condition No.(v):- *The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the non-forest land over 41.92 ha identified in village Biswanathpur under Hemgir Tahasil of Sundargarh District for raising compensatory afforestation has already been transferred and mutated in favour of the State Forest Department. The copy of ROR received from Tahasildar Hemgir is enclosed as **Annexure-V**.

The draft notification proposal for declaration of aforesaid Non-forest land of 41.92 ha as Protected Forest under Section 33 of OFA, 1972 received from RCCF, Rourkela vide his Memo No.3072 dt.12.09.2021 has been forwarded to the Addl.Chief Secretary to Government, FE&CC Department, Odisha Bhubaneswar vide this office Memo No.19968 Dt.27.09.2022 (copy enclosed as **Annexure-V-A**).

Condition No.(vi):- *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, Lodhi Road Branch, New Delhi-110003.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that all the funds have been deposited in the SB account of Odisha State CAMPA Union Bank of India, Sundar Nagar, New Delhi-110003. The statement of funds deposited by the User Agency in CAMPA Account pertaining to this proposal submitted by the DFO, Sundargarh Division duly countersigned by Nodal Officer is enclosed as **Annexure-VI**.

Condition No.(vii):- *The user agency shall comply with the conditions stipulated by State Govt. vide letter No.10(Cons)84/2015-14037/F&E dated 06.08.2015.*

(a) *The user agency shall pay the evaluated royalty of enumerated trees existing over forest/non-forest land of the alignment before commencement of work on payment of compensatory levies after issuance of stage-I forest clearance order by MOEF & CC, ERO and upon issuance of reasoned order of DFO, Sundargarh.*

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Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that an amount of Rs.69,82,776.00 has been credited to the Account No.344902010105428 in favour of Odisha State CAMPA, New Delhi vide cheque No.118930 dated 16.12.2015 toward royalty of the trees in forest Land (7265 nos. trees) Vide EE/R&B/ Sundargarh office letter no. 7409 dated 18.12.2015 as per demand raised by the DFO, Sundargarh Division vide his office letter No.6391/4F/Misc./2015 dt. 14.12.2015, which is enclosed as **Annexure-VII(A).**

(b) Duly approved scheme for avenue plantation of 10 times of the no. of trees to be felled from non-forest/private land of the road alignment shall be taken up at project cost.

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the Avenue Plantation Scheme for plantation of 10 times of the No. of trees felled from non-forest area had been prepared by the DM, OFDC, Jharsuguda for Rs.1,74,30,321.00 (Letter No.1023 dated 30.03.2017). As reported by him, the User Agency has already deposited Rs.49,79,885.00 (Rs.47,79,885.00+2,00,000.00) in two phases in favour of DM, OFDC Ltd, Jharsuguda towards Avenue Plantation of 2 times of the no. of trees felled. As per guide line of State Government, F&E Department and Letter No.5128 dated 29.06.2018 of DFO, Sundargarh, the User Agency has planted two times the no of trees felled in non forest land in the project area ie, $1917 \times 2 = 3834$ nos through DM, Jharsuguda Division. The User Agency has furnished the payment details, which is enclosed as **Annexure-VII(B).**

(c) The Site Specific Wildlife Conservation Plan shall be prepared for protection and conservation of wildlife in the area which shall be approved by the Principal Chief Conservator of Forests (Wildlife) Warden, Odisha and implemented at project cost.

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the Site Specific Wildlife Conservation Plan had been approved by the Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden, Odisha vide Memo No. 8804/1WL-SSP 77/2016 Dated, Bhubaneswar, The 10th Nov, 2016 with financial forecast of Rs.194.785 lakhs comprising of Rs.135.785 towards Forest Department intervention and Rs.59.00 towards the project proponent interventions. The SSWCP fund amounting to Rs.135.785 lakhs relating to forest department intervention has been deposited by user agency in CAMPA Account vide Parivesh website. e-challan No- 6175750705. Dated 09.10.2020.

As regards the project proponent intervention amounting to Rs.59.00 lakhs, the user agency has provided one Scorpio vehicle amounting Rs. 15.00 lakhs and deposited Rs.32.6 lakhs towards wages of driver, cost of POL and provision of silent generator.

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Further, the RCCF, Rourkela has reported that the User Agency has spent Rs.9.00 lakhs towards de-siltation of ponds/water body at Garjanbahal (GPS-Latitude-22 0 36N, Longitude-83 46 1E) and Rs.2.40 lakhs towards the fixing of signage work at GPS-Latitude-21 59 11N, Longitude 83 45 31E and GPS-Latitude-21 59 13N, Longitude-83 42 12E. The User Agency has furnished the payment details & handing over the vehicle model scorpio-S6+, Agreement letter, photographs which is enclosed as **Annexure-VII(C)**.

Condition No.(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.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the fixing of Boundary Pillars demarcating the forest land proposed to be diverted has already been completed. The User Agency has submitted the photographs of Boundary Pillars posted around the forest land proposed for diversion at GPS-Latitude-21° 57' 56" N, Longitude-83° 43' 43" E, GPS-Latitude-21° 59' 50" N, Longitude-83° 45' 46" E, which is enclosed as **Annexure-VIII**.

Condition No.(ix):- *The State Forest Department/ UA shall submit the surveyed sketch of 41.725 ha of non-forest land identified by the State Govt. in village Biswanathpur under Hemgir Tehsil of Sundargarh District 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.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the User Agency has submitted the surveyed sketch map of 41.725 ha of non-forest land identified by the State Govt. in village Biswanathpur under Hemgir Tehsil of Sundargarh District as proposed for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The User Agency has also submitted the photograph of Pillar posting over CA land under GPS-Latitude-21.9218014N, Longitude-83.765763E, GPS-Latitude-21.922853N, Longitude-83.767665E, which is enclosed as **Annexure- IX**.

Condition No.(x):- *In case the widening of the road is to be done in areas already having adequate clearance, tree shall not be cut. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that in case the widening of the road is to be done in areas already having adequate clearance, tree shall not be cut. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department which is enclosed as **Annexure-X**.

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Condition No.(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.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that 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 which is enclosed as **Annexure-XI**.

Condition No.(xii):- *The user agency shall use fly ash for the embankment construction and for filling up of void created due to soil borrows which will be followed by compaction and spreading of top soil over it in case the thermal power plant is located within 100 Km radius of the proposed diversion as per Fly Ash Notification and amended in 2003, No. S.O. 979 dated 27th August, 2003.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that the user agency shall use fly ash for the embankment construction and for filling up of void created due to soil borrows which will be followed by compaction and spreading of top soil over it in case the thermal power plant is located within 100 Km radius of the proposed diversion as per Fly Ash Notification and amended in 2003, No. S.O. 979 dated 27th August, 2003 which is enclosed as **Annexure-XII**.

Condition No.(xiii):- *The user agency shall submit an undertaking to ensure that flanks of roads should be filled by transported soil and not with soil dug from side of the roads.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking in this respect duly countersigned by the DFO, Sundargarh Division enclosed as **Annexure-XIII**.

Condition No.(xiv):- *For the wildlife areas/ wildlife crossing if any, adequate under pass shall be provided by the user agency for the safe movement of wildlife.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that the user agency will provide adequate underpass for the safe movement of wildlife at wildlife areas/ wildlife crossing if any which is enclosed as **Annexure-XIV**.

Condition No.(xv):- *No additional or new path will be constructed inside the forest area for any activity related to the project work.*

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Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that no additional or new path will be constructed inside the forest area for any activity related to the project work which is enclosed as **Annexure-XV**.

Condition No.(xvi):- *No labour camp shall be allowed in the forest area.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that no labour camp shall be established in the forest area which is enclosed as **Annexure-XVI**.

Condition No.(xvii):- *The user agency shall provide fuel wood, preferably alternate fuel, to labourers working at the site to avoid damage/ tree felling.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that the user agency shall provide fuel wood, preferably alternate fuel to labourers working at the site to avoid damage/ tree felling which is enclosed as **Annexure-XVII**.

Condition No.(xviii):- *The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that the user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner which is enclosed as **Annexure-XVIII**.

Condition No.(xix):- *The forest land shall not be used for any purpose other than that specified in the proposal.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that the forest land shall not be used for any purpose other than that specified in the proposal which is enclosed as **Annexure-XIX**.

Condition No.(xx):- *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, Forest & Climate Change.*

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Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that 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, Forest & Climate Change which is enclosed as **Annexure-XX**.

Condition No.(xxi):- *The layout Plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that the layout Plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change which is enclosed as **Annexure-XXI**.

Condition No.(xxii):- *The user agency shall not collect toll tax if any, from the Forest Department vehicles.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that the user agency shall not collect toll tax if any, from the Forest Department vehicles which is enclosed as **Annexure-XXII**.

Condition No.(xxiii):- *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.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has submitted the Certificate from District Collector regarding clearance under the provision of ST&OTFD (Recognition of Forest Rights) Act, 2006. Further, the User Agency has intimated that, the FRA certificate over 1.745ha out of 41.725ha is not required as it is a Non-Forest land. A copy of FRA Certificate for 39.98 ha of forest area issued by the District Collector, Sundargarh is enclosed as **Annexure-XXIII**.

Condition No.(xxiv):- *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.*

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Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that 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 is enclosed as **Annexure-XXIV**.

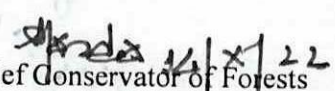
Condition No.(xxv):- *The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.*

Compliance: In compliance to the above, the RCCF, Rourkela Circle has reported that the user agency has furnished an undertaking duly countersigned by the DFO, Sundargarh Division that 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 which is enclosed as **Annexure-XXIV**.

In view of the above, the compliance to the conditions imposed by Government of India, MoEF& CC, ERO, Bhubaneswar is sent herewith for according final approval for diversion of 41.725 ha (39.98 ha of forest land proposed by the State Govt. + 1.745 ha of non-forest land to be treated as forest as per Supreme Court judgement dated 12.12.1996 in W.P. (C) No.202/1995) of forest land for widening of existing 2-Lane road to 4-Lane from Bankibahal to Kanika Railway Siding (0.000 Km to 25.750 Km) in favour of Executive Engineer, R&B Division, Sundargarh, Odisha under Section-2 of Forest (Conservation) Act, 1980.

Encl: Stage-I Compliance in one set

Yours faithfully


Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)


Memo No.

21050

/Dt. 17.10.2022

Copy alongwith one set of Stage-I compliance forwarded to the Additional Chief Secretary to Government, Forest, Environment and Climate Change Department, Odisha, Bhubaneswar for kind information and necessary action with reference to F&E Department Letter No. 10F(Con) 84/2015/19359/F&E dated 04.11.2015.

Encl: Stage-I Compliance in one set


Principal Chief Conservator of Forests
Forest Diversion and Nodal Officer, FC Act)

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Memo No. 21051 /Dt. 17.10.2022
Copy forwarded to the RCCF, Rourkela Circle for information and necessary action with reference to his Memo No.3346 dated 21.09.2022.

[Signature] 14/10
Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No. 21052 /Dt. 17.10.2022
Copy forwarded to the DFO, Sundargarh Forest Division for information and necessary action.

[Signature] 14/10
Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

Memo No. 21053 /Dt. 17.10.2022
Copy forwarded to the Executive Engineer (R&B) Division, Sundargarh/ Chairman-cum-Managing Director, Mahanadi Coalfields Ltd., PO-Jagriti Vihar, Sambalpur-76820 for information and necessary action.

[Signature] 14/10
Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)

d/c
(9F-Nodal)
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