



STATE FOREST HEADQUARTERS
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF, ODISHA
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Letter No. 20411 /9F (Misc)330/2020
Dated, Bhubaneswar, the 13 October, 2023

From

Sri Susanta Nanda, IFS
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)
Govt. of India, Ministry of Environment, Forests & Climate Change,
Regional Office, A/3, Chandrasekharapur,
Bhubaneswar

Sub: Diversion of 4.032 ha of Revenue Forest land in favour of Kalinga Institute of Social Science (KISS), Bhubaneswar for development of education facilities for the Tribal students in the District of Khurdha under Chandaka (WL) Division.

Sir,

In inviting reference to the above mentioned subject, this is to inform that Government of India, Ministry of Environment, Forest & Climate Change, Integrated Regional Office, Bhubaneswar have accorded Stage-I approval vide their Letter No.5-ORB425/2020-BHU dated 07.09.2021 for diversion of 4.032 ha of Revenue Forest land in favour of Kalinga Institute of Social Science (KISS), Bhubaneswar for development of education facilities for the Tribal students in the District of Khurdha under Chandaka (WL) Division subject to fulfillment of twenty eight (28) Nos of condition stipulated therein. The user agency has complied all the conditions imposed by Govt. of India, MoEF & CC, IRO, Bhubaneswar. In this regard the point wise compliances are furnished below.

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department

Condition No.(i):-The user agency shall transfer online, the Net Present Value (NPV) of 4.032 ha forest land being diverted under this proposal, 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. The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.

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Compliance:-In compliance to the above, the Divisional Forest Officer, Chandaka (WL) division has raised demand to deposit a sum of Rs. 25,24,032/- towards NPV vide his letter No. 5152 dated 21.10.2021. The user agency has deposited Rs. 1,84,36,192/- on 05.11.2021 online through Parivesh portal to the Account No. 150826226930466 in the Union Bank of India, Lodhi Complex Branch, New Delhi which includes NPV of Rs. 25,24,032/-, CA of Rs. 32,92,000/- and Penal NPV of Rs. 1,26,20,160/-.

The detailed calculation of NPV is mentioned below.

Sl No.	Forest Area (In Ha)	Eco-value Class	Density	Rate of NPV per Ha (InRs.)	Amount of NPV (InRs.)
1	4.032	III	0.1	6,26,000	25,24,032

Copy of the demand notice, payment details and status of payment downloaded from Parivesh portal is enclosed at **Annexure-I Series**.

Condition No.(ii):-State Govt. shall realize Penal NPV of five(5) times of the NPV from the user agency for violation of Forest (Conservation) Act, 1980 under Para 1.21 (ii)(a) of guidelines.

Compliance:-In compliance to the above, the Divisional Forest Officer, Chandaka (WL) division has raised demand to deposit a sum of Rs. 1,26,20,160/- towards Penal NPV (5 times of NPV of Rs. 25,24,032) vide his letter No. 5152 dated 21.10.2021. The user agency has deposited Rs. 1,84,36,192/- on 05.11.2021 online through Parivesh portal to the Account No. 150826226930466 in the Union Bank of India, Lodhi Complex Branch, New Delhi which includes NPV of Rs. 25,24,032/-, CA of Rs. 32,92,000/- and Penal NPV of Rs. 1,26,20,160/-.

Copy of the demand notice, payment details and status of payment downloaded from Parivesh portal is enclosed at **Annexure-I Series**.

Condition No.(iii):- The State Govt. shall initiate disciplinary case against Revenue department officials responsible for violation and intimate this office for launching prosecution under Section 3A/3B of the Act.

Compliance:-The Divisional Forest Officer, Chandaka (WL) division has requested the Collector, Khordha time and again ending with letter No. 5643 dated 16.09.2023 to take action against the officials responsible for violation of Forest (Conservation) Act, 1980 and to submit the action taken report at an early date for onward transmission to Govt. of India, MoEF&CC, IRO for further action at their level which is enclosed as **Annexure-II Series**. The PCCF (FD & NO, FC Act) has also moved to ACS, R&DM Department in this regard.

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Condition No.(iv):-*The identified non-forest land of 4.172 ha for raising compensatory afforestation shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval.*

Compliance:-The non-forest land measuring 4.172 ha identified in Panchada village of Laxmipur Tahasil of Koraput district has been transferred and mutated in favour of Forest department. The above non-forest land has already been declared as Panchada Protected Forest vide Notification No. FE-DIV-FLD-0022-2021-(10F-(Cons)-115/2020 – 10497 dated 22.05.2023

Copy of the RoR is enclosed as **Annexure-III(A)** and copy of the PF Notification is enclosed as **Annexure-III(B)**.

Condition No.(v):-*The land identified for the purpose of Compensatory Afforestation shall be clearly depicted on a Survey of India Topo sheet of 1:50,000 scale.*

Compliance:-The land identified for the purpose of Compensatory Afforestation has been depicted on a Survey of India Topo sheet of 1:50,000 scale which is enclosed as **Annexure-III (C)**.

Condition No.(vi):-*The KML files of the area to be diverted, CA area, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.*

Compliance:- In compliance to the above, the user agency has submitted that the KML files of the area to be diverted, CA area shall be uploaded on the e-green watch portal which is enclosed as **Annexure-IV A & IV B**.

Condition No.(vii):-*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 CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.*

Compliance:-Compensatory Afforestation scheme over 4.172 ha Non Forest Land has been prepared by the DFO, Koraput division with 10 years maintenance and the same is technically approved by the Addl. PCCF, Forest diversion & Nodal Officer, FCA for Rs. 32,92,000/-. The user agency has deposited Rs.1,84,36,192/- on 05.11.2021 online through Parivesh portal to the Account No. 150826226930466 in the Union Bank of India, Lodhi Complex Branch, New Delhi which includes NPV of Rs.24,24,032/-, CA of Rs. 32,92,000/- and Penal NPV of Rs 1,26,20,160/-.

Copy of the demand notice, payment details and status of payment downloaded from Parivesh portal is enclosed at **Annexure-I Series**.

Condition No.(viii):-*All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nin.in/>). Amount deposited through other mode will not be accepted s compliance of the Stage-I clearance.*

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Compliance:-In compliance to the above,the user agency has deposited all the compensatory levies in State specific CAMPA account online through Parivesh portal. The 12 point CAMPA format duly signed by the DFO, Chandaka (WL) division and countersigned by the PCCF, Forest Diversion & Nodal Officer, FCA is enclosed as **Annexure-V**.

Condition No.(ix):- *The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nin.in/>).*

Compliance:-In compliance to the above,the user agency has furnished an undertaking that the compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nin.in/>), which is enclosed as **Annexure-VI**.

Condition No.(x):- *The complete compliance of the FRA,2006 shall be ensured by way of prescribed certificate from the concerned District Collector.*

Compliance:-In compliance to the above, the user agency has submitted the certificate from District Collector, Khordha regarding complete compliance of FRA,2006 which is enclosed as **Annexure-VII**.

Condition No.(xi):- *The boundary of the proposed forest land for diversion,shall be demarcated on ground at the project cost by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number,distance from pillar to pillar and GPS co-ordinate.*

Compliance:-In compliance to the above, the user agency has posted four feet high cement concrete pillars with GPS co-ordinates mentioned on it.

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval.

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

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

Condition No.(ii):-*Compensatory afforestation shall be raised over 4.172 ha of non-forest land identified in village Panchada under LaxmipurTahasil of Koraput Division within three years from the date of Stage-II clearance and maintained thereafter by the State Forest Department as per approved plan/scheme and maintained thereafter at the cost of user agency. The species to be planted shall be indigenous to the area and naturally growing species shall be planted using intensive planting technique to ensure survival of the plantation. Intensive monitoring of the plantation needs to be doneand documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals. These reports shall be communicated to IRO periodically (six monthly)*

Compliance:-In compliance to the above, the user agency has furnished an undertaking duly countersigned by the DFO, Chandaka Wildlife Division which is enclosed as **Annexure-IX**.

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Condition No.(iii):-*At the time of payment of the Net Present Value (NPV)at the then prevailing 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 user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division to 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-X**.

Condition No.(iv):-*The user agency shall obtain Environment Clearance as per the provision of the Environment (Protection) Act,1986, if applicable.*

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division to obtain Environment Clearance as per the provision of the Environment (Protection) Act,1986, if applicable, which is enclosed as **Annexure-XI**.

Condition No.(v):-*No labour camp shall be established on the forest land and the user agency shall provide fuels preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.*

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, no labour camp shall be established on the forest area which is enclosed as **Annexure-XII**.

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

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, additional or new path will be constructed inside the forest area for any activity related to the project work which is enclosed as **Annexure-XIII**.

Condition No.(vii):-*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 user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, 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-XIV**.

Condition No.(viii):-*The lay out plan of the proposed forest land shall not be changed without prior approval of the Government of India, Ministry of Environment, Forest & Climate Change.*

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Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, lay out plan of the proposed forest land shall not be changed without prior approval of the Government of India, Ministry of Environment, Forest & Climate Change which is enclosed as **Annexure-XV**.

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

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, forest land shall not be used for any purpose other than that specified in the proposal which is enclosed as **Annexure-XVI**.

Condition No.(x):-*The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of the Ministry of Environment, Forests & Climate Change.*

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, the forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of the Ministry of Environment, Forests & Climate Change which is enclosed as **Annexure-XVII**.

Condition No.(xi):-*No damage to the flora and fauna of the adjoining area shall be caused.*

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, no damage to the flora and fauna of the adjoining area shall be caused which is enclosed as **Annexure-XVIII**.

Condition No.(xii):-*The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forest in the surrounding area.*

Compliance:-In compliance to the above, the DFO, Chandaka Wildlife Division has furnished an undertaking that, he will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forest in the surrounding area.
which is enclosed as **Annexure-XIX**.

Condition No.(xiii):-*The period of diversion under this proposal shall be co-terminus with the period of lease granted in favour of user agency or the project life, whichever is less.*

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, the period of diversion under this proposal shall be co-terminus with the period of lease granted in favour of user agency or the project life, whichever is less which is enclosed as **Annexure-XX**.

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Condition No.(xiv):-*The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and concerned Integrated Regional Office of this Ministry by the end of March every year.*

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division to submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and concerned Integrated Regional Office of this Ministry by the end of March every year which is enclosed as **Annexure-XXI**.

Condition No.(xv):-*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, shall be complied by the user agency.*

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife 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, shall be complied by the user agency which is enclosed as **Annexure-XXII**.

Condition No.(xvi):-*The State Government and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order(s) & Hon'ble Court Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.*

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, the State Government and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order(s) & Hon'ble Court Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project which is enclosed as **Annexure-XXIII**.

Condition No.(xvii):-*Violation of any of these conditions will amount to violation of Forest (Conservation) Act,1980 and action would be taken as prescribed in Para 1.1 of Chapter1 of the Handbook of Comprehensive guidelines of Forest (Conservation) Act,1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.*

Compliance:-In compliance to the above, the user agency has submitted an undertaking duly countersigned by the DFO, Chandaka Wildlife Division that, violation of any of these conditions will amount to violation of Forest (Conservation) Act,1980 and action would be taken as prescribed in Para 1.1 of Chapter-1 of the Handbook of Comprehensive guidelines of Forest (Conservation) Act,1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019 which is enclosed as **Annexure-XXIV**.

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In view of the above, the compliance to the conditions imposed by the GoI, MoEF& CC, RO, Bhubaneswar is sent herewith for according final approval for diversion of 4.032 ha of Revenue Forest land in favour of Kalinga Institute of Social Science (KISS), Bhubaneswar for development of education facilities for the Tribal students in the District of Khurdha under Chandaka (WL) Division for approval under Section-2(ii) of Forest (Conservation) Act, 1980.

Encl: **Stage-I compliance in one set.**

Yours faithfully

Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer FC Act

Memo No.

20412

/Dt. 13.10.2023

Copy along with its enclosure forwarded to the Additional Chief Secretary to Government, Forest, Environment & Climate Change Department, Odisha, Bhubaneswar for favour of kind information and necessary action.

Encl: As above

Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer FC Act

Memo No.

20413

/Dt. 13.10.2023

Copy forwarded to the Regional Chief Conservator of Forests, Bhubaneswar Circle for information and necessary action.

Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer FC Act

Memo No.

20414

/Dt. 13.10.2023

Copy forwarded to the Divisional Forest Officer, Chandaka (WL) Division for information and necessary action.

Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer FC Act

Memo No.

20415

/Dt. 13.10.2023

Copy forwarded to the Secretary, Kalinga Institute of Social Sciences, Bhubaneswar-751024 for information and necessary action.

Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer FC Act