



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

E-mail:- nodal.pccfhoff@odisha.gov.in / nodal.pccfodisha@gmail.com

No. **8693** /9F (Trans) -363/2021
Dated, Bhubaneswar the **04th** May' 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)
Government of India, Ministry of Environment, Forest & Climate Change
Integrated Regional Office, A/3, Chandrasekharpur
Bhubaneswar-751023

Sub: - **Diversion of 10.803 ha of forest land (PRF land 6.084 ha + Revenue Forest 4.719 ha) for construction of 33 KV Powerline corridor on NBLs Tower from 220/33 KV Grid Sub-Station at Khairput, Govindapalli of OPTCL to 33 KV Sub-station site near Saptadhara H.E.P. in Malkangiri District by M/s Avantika Power Projects, Bhubaneswar – Submission of Stage-I compliance.**

Ref: Lr. No.5-ORC473/2021-BHU dated 03.11.2021 of Dy. Inspector General of Forests(C), Government of India, MoEF& CC, IRO, Bhubaneswar.

Sir,

In inviting a reference to the above mentioned subject, this is to inform that Government of India, Ministry of Environment, Forest & Climate Change, IRO, Bhubaneswar has accorded Stage-I/In-principle approval vide Lr. No.5-ORC473/2021-BHU dated 03.11.2021 of Dy. Inspector General of Forests(C), Government of India, MoEF& CC, IRO, Bhubaneswar for diversion of 10.803 ha of forest land (PRF land 6.084 ha + Revenue Forest 4.719 ha) for construction of 33 KV Power line corridor on NBLs Tower from 220/33 KV Grid Sub-Station at Khairput, Govindapalli of OPTCL to 33 KV Sub-station site near Saptadhara H.E.P. in Malkangiri District by M/s Avantika Power Projects, Bhubaneswar subject to fulfilment of 13 nos. of conditions prior to handing over of forest land by the State Forest Department and 19 Nos. of conditions after handing over of forest land to the User agency by the forest department stipulated therein. The point wise compliance basing on the report of the DFO, Malkangiri Forest division and RCCF, Koraput Circle are as follows:

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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 10.803 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.

Compliance-The RCCF, Koraput Circle has reported that the DFO, Malkangiri Forest Division raised demand towards the cost of NPV (being the forest area of Eco-value class-I and canopy density of 0.5) for Rs.1,01,44,017/- vide Letter No. 4234 dt 23.11.2021. Accordingly the User Agency deposited Rs.1,01,44,017/- being NPV in CAMPA account of the State of Odisha vide UTR No.PUNBR52021120417152866 dated 04.12.2021. The copies of said demand letter and payment receipt thereof are enclosed as Annexure-A1.

Condition No.(ii):- The State Govt./User Agency shall submit compliance of earlier proposal for diversion of 3.599 ha of forest land for Saptadhara Small HEP by M/s Avantika Power Project Pvt. Ltd. within 6 months.

Compliance- The RCCF, Koraput Circle has reported that the State Govt. vide their Letter No.23741 dt 07.09.2006 have already submitted the compliance of earlier proposal for diversion of 3.599 ha. of forest land for Saptadhara SHEP by M/s Avantika Power Project Pvt. Ltd. The copy of compliance along with related documents is enclosed as Annexure-A2.

Condition No.(iii):- The State Govt./User Agency shall submit copy of the PF/RF Notification in respect of non-forest land identified for CA over 3.852 ha against Saptadhara Small HEP within 15 days as said by the Nodal Officer (FCA), Odisha.

Compliance- The RCCF, Koraput Circle has reported that the copy of PF Notification No.10F(DIV)-26/06-14512/F&E dt 07.09.2007 issued by Govt. Of Odisha, F&E Department, Bhubaneswar in respect of non-forest land over 3.852 ha as Burdiguda P.F. at village Katrimajhiguda identified for CA in respect of earlier diversion of 3.599 ha of forest land against Saptadhara SHEP is enclosed as Annexure-A3.

Condition No.(iv):- In the proposed Compensatory Afforestation Scheme, species selected for plantation may be same compositions that are to be felled in the project area, since CA is being taken up in the same division where project area is located.

Compliance- The RCCF, Koraput Circle has reported that the species selected for compensatory plantation over 22 ha for degraded forest land identified in Tandiki RF in Mathili Range under Malkangiri Forest Division is of same compositions that are to be felled in the project area.

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.

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Compliance- The RCCF, Koraput Circle has reported that the land identified for Compensatory Afforestation over 22 ha at Tandiki R.F. under Mathili Range has been clearly depicted on Survey of India Topo Sheet bearing No.E44K3 in 1:50,000 scale is enclosed here with as **Annexure-A4.**

Condition No.(vi):- *The KML files of the area to be diverted and the CA areas 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- The RCCF, Koraput Circle has reported that the KML files of the forest area to be diverted as well as the CA area have been uploaded on the e- green watch portal with all requisite details.

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- The RCCF, Koraput Circle has reported that the CA scheme for 22 ha degraded forest land identified in Tandiki RF under Mathili Range has been technically approved by the PCCF (Nodal) vide Memo No.1614 dt 29.01.2022 for Rs.94,25,200/- at wage rate @Rs 315/- per M.D. Due to enhancement of wage rate @ 333/- per M.D, the DFO, Malkangiri division vide Letter No.957 dt 28.02.2023 revised the CA cost to Rs 1,04,43,700/- and raised demand for differential CA cost of Rs.10,18,500/- (Rs.1,04,43,700 – Rs.94,25,200) against the User Agency. Accordingly, the User Agency deposited total CA cost of Rs.1,04,43,700/-in two phases i.e. Rs.94,25,200/- vide UTR No.PUNBR52022030810183429 dated 08.03.2022 & differential CA cost of Rs.10,18,500/- vide UTR No. PUNBR52023032312900808 dated 23.03.2023.

The copies of such technical approval Letters of PCCF (Nodal) and DFO, Malkangiri Division, demand letters of DFO, Malkangiri Division and payment receipts thereof are enclosed as **Annexure- A-5 series.**

Condition No.(viii):- *The User Agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal species) in right of way under the transmission line, and provide funds for execution of the said scheme by the State Forest Department.*

Compliance- The RCCF, Koraput Circle has reported that the scheme for creation and maintenance of plantation of dwarf species (preferably medicinal species) has been approved by him vide Memo No.522 dt 11.02.2022 for Rs.47,43,744/- at wage rate of Rs.315/- per MD. Subsequently due to enhancement of wage rate @ Rs.333/- per MD, the cost of the scheme has been revised by the DFO, Malkangiri Division to Rs.48,10,500/- vide his Letter No.960 dt 28.02.2023 and raised demand of differential cost of Rs.66,756/-. Accordingly the User Agency has deposited total amount of Rs.48,10,500/- in two phases i.e. Rs.47,43,744/- vide UTR

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No.PUNBR52022033010871926 dt 30.03.2022 and differential cost of Rs.66756/- (Rs.48,10,500 – Rs.47,43,744) vide UTR No.PUNBR52023032312900808 dt.23.03.2023 through e-portal (<https://parivesh.nic.in/>) in CAMPA account of the State of Odisha.

In this regard copies of approval letters of RCCF, Koraput Circle and DFO, Malkangiri Forest Division along with demand letters, payment receipts etc. are enclosed as **Annexure- A6 series**.

Condition No.(ix):- All the funds received from the User Agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.

Compliance- The RCCF, Koraput Circle has reported that all the funds under the project have been transferred/ deposited online in Odisha CAMPA account only through e-portal (<https://parivesh.nic.in/>). The funds deposited by the User Agency has been shown in 12 point CAMPA format signed by DFO, Malkangiri Division and countersigned by PCCF (Forest Diversion and Nodal Officer FC Act) is enclosed as **Annexure A7**.

Condition No.(x):- The cost of felling of trees shall be deposited by the User Agency with the State Forest Department. The User Agency shall explore the possibility of successful transplantation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.

Compliance- The RCCF, Koraput Circle has reported that the User Agency has deposited the charges for felling & removal of 242 Nos. of trees in Forest Land amounting to Rs.3,66,142/- on dated 24.03.2022 in favour of the Divisional Manager, OFDC Ltd., Jeypore (C-KL) Division, Jeypore the copy of which is enclosed as **Annexure- A7(i)**.

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

Compliance- The RCCF, Koraput Circle has reported that the User Agency has uploaded the Stage-I compliance report on e-portal (Parivesh) on 05.04.2023.

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

Compliance- The RCCF, Koraput Circle has reported that the copy of FRA Certificate issued by the Collector & District Magistrate, Malkangiri along with copy of related documents has been submitted by the User Agency which is enclosed as **Annexure- A8 series**.

Condition No.(xiii):- 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-ordinates.

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Compliance- The RCCF, Koraput Circle has reported that the User Agency i.e. M/s Avantika Power Project Pvt. Ltd. has demarcated the forest land proposed for diversion on the ground by erecting four feet high reinforced cement concrete pillars which has been checked by the DFO, Malkangiri Division. The copy of statement showing detail patch wise pillar no. GPS Coordinates of each pillar along with distance from pillar to pillar duly countersigned by DFO, Malkangiri Forest Division is enclosed as **Annexure- A 9.**

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- The RCCF, Koraput Circle has reported that the User Agency has furnished an undertaking duly countersigned by the DFO, Malkangiri Forest Division that the legal status of the forest land proposed for diversion shall remain unchanged, which is enclosed as **Annexure-B1.**

Condition No.(ii):- Compensatory afforestation shall be raised over 22.00 ha of degraded forest land identified in Tandiki RF of Mathili Range under Malkangiri Forest Division within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department, at the cost of User Agency. In the Compensatory Afforestation Scheme, species selected for plantation may be of same composition that are to be felled. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals

Compliance- The RCCF, Koraput Circle has reported that Compensatory afforestation shall be raised over 22 ha of degraded forest land identified in Tandiki RF under Mathili Range of Malkangiri Forest Division at the cost of User Agency. Range level and Divisional level monitoring shall be ensured both physically and GIS based platforms. The copy of an undertaking submitted by the DFO, Malkangiri Division is enclosed as **Annexure-B2.**

Condition No.(iii):- At the time of payment of 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- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking duly countersigned to pay the additional amount of NPV if determined as per the final decision of the Hon'ble Supreme Court of India which is enclosed as **Annexure- B3.**

Condition No.(iv):- The base of towers in forest area to be fenced with barbed wire in addition to spike on the legs of the towers so as to avoid elephant electrocution/death of wild animals especially in forest areas. The concerned DFO shall inspect the area and shall take a decision as to the specific towers which shall be provided with spike on the leg of the towers.

Compliance- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Malkangiri Forest Division is enclosed as **Annexure- B4.**

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Condition No.(v):- *Sufficient ground clearance has to be maintained in consideration of the sag and swing of lines and height of elephants to stop untoward incidence of electrocution as per existing guidelines of MoEF& CC dated 05.05.2014 and 19.11.2014.*

Compliance-The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B5.**

Condition No.(vi):- *The User Agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.*

Compliance-- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B6.**

Condition No.(vii):- *The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No. 7-25/2012-FC dated 05.05.2014 and 19.11.2014.*

Compliance-- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B7.**

Condition No.(viii):- *The User Agency shall obtain Environmental Clearance as per the provisions of Environment (Protection) Act, 1980, if applicable.*

Compliance- The RCCF, Koraput Circle has reported that the environmental clearance under Environmental (Protection) Act 2006 is not applicable.

Condition No.(ix):- *No labour camp shall be established on the forest land and 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;*

Compliance-The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure-B-8.**

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

Compliance-- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure-B-9.**

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

Compliance-- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B-10.**

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

Compliance-- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B-11.**

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

Compliance-- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B-12.**

Condition No.(xiv):- *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 Ministry of Environment, Forest & Climate Change.*

Compliance- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B-13.**

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

Compliance- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B-14.**

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

Compliance- The RCCF, Koraput Circle has reported that the DFO, Malkangiri Forest Division has submitted an undertaking to this effect which is enclosed as **Annexure-B16.**

Condition No.(xvii):- *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 The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B17.**

Condition No.(xviii):- *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-- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B18.**


Condition No.(xix):- *The State Govt. 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- The RCCF, Koraput Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by DFO, Malkangiri Forest Division which is enclosed as **Annexure- B19**.

In view of the above, the compliance to the conditions of Government of India, MoEF& CC, IRO, Bhubaneswar is sent herewith for according final approval for diversion of 10.803 ha of forest land (PRF land 6.084 ha + Revenue Forest 4.719 ha) for construction of 33 KV Power line corridor on NBLT Tower from 220/33 KV Grid Sub-Station at Khairput, Govindapalli of OPTCL to 33 KV Sub-station site near Saptadhara H.E.P. in Malkangiri District by M/s Avantika Power Projects, Bhubaneswar.

Encl: Compliance in one set


Yours faithfully


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

Memo No. 8694 /Dt. 04-05-2023


Copy along with the compliance report forwarded to the Additional Chief Secretary to Government, Forest, Environment and Climate Change Department, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to Lr. No.5-ORC473/2021-BHU dated 03.11.2021 of Dy. Inspector General of Forests(C), Government of India, MoEF & CC, IRO, Bhubaneswar. and No. 19598/FE&CC dated 09.11.2021 of Director Environment-cum-Special Secretary to Government, FE&CC Department.

Encl: Compliance in one set


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


Memo No. 8695 /Dt. 04-05-2023

Copy forwarded to the Regional Chief Conservator of Forests, Koraput Circle for information and necessary action with reference to his Memo No. 1159 dated 11.04.2023.


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


Memo No. 8696 /Dt. 04-05-2023

Copy forwarded to the Divisional Forest Officer, Malkangiri Forest Division for information and necessary action with reference to Memo No. 1160 dated 11.04.2023 of RCCF, Koraput Circle.


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

Memo No. 8697 /Dt. 04-05-2023

Copy forwarded to the Authorised Signatory, M/s Sri Avantika Power Projects Pvt. Limited, Flat No. 103, Utsav Enclave, Chandrasekharapur, Niladri Vihar, Main Road, Bhubaneswar-751016, Odisha, Dist-Khordha for information and necessary action.


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