



STATE FOREST HEADQUARTERS, ODISHA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF
PLOT NO. GD-2/12, ARANYA BHAWAN, CHANDRASEKHARPUR
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No. 19806 /9F (ET) – 65/2019
Dated, Bhubaneswar the 05th September' 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
Regional Office, A/3, Chandrasekharpur
Bhubaneswar-751023

Sub:- Diversion of 5.777 ha of revenue forest land for construction of 33 KV Power Transmission overhead line from NTPC Darlipali to OCPL Sub-Station for use in Manoharpur Coal Mine Project by M/s Odisha Coal & Power Ltd. (OCPL) under Sundargarh Forest Division of Sundargarh District – Submission of Stage-I Compliance regarding.

Ref: Letter No.5-ORC421/2020-BHU dated 31.07.2020 of the Deputy Inspector General of Forests(C), GoI, 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, Eastern Regional Office, Bhubaneswar has accorded Stage-I/In-principle approval vide letter No. 5-ORC421/2020-BHU dated 31.07.2020 of Deputy Inspector General of Forests (C), GoI, MoEF & CC, IRO, Bhubaneswar-751023 in respect of diversion of 5.777 ha of revenue forest land for construction of 33 KV Power Transmission overhead line from NTPC Darlipali to OCPL Sub-Station for use in Manoharpur Coal Mine Project by M/s Odisha Coal & Power Ltd. (OCPL) under Sundargarh Forest Division of Sundargarh District subject to fulfillment of 28 nos. of conditions imposed by the Govt. of India and 4 nos of additional conditions imposed by the State Government. The point wise compliance basing on the reports of the DFO, Sundargarh Forest Division and RCCF, Rourkela Circle are as follows:-

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

Compliance: The undertaking in this regard submitted by the User Agency is enclosed as Annexure- I.

Condition No.(ii):- Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.

Compliance: The user agency has furnished an undertaking to the effect that the forest land will be taken from competent authority only after handover of the required non-forest land from the concerned authorities to OCPL for the said project which is enclosed as **Annexure-I (a)**.

Condition No.(iii):- Compensatory afforestation shall taken up by the State Forest Department over 5.786 ha non-forest land identified in Plot No.64 & 104, Khata No.146 of village Diamunda under Lephripara Tahasil of Sundargarh district at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

Compliance: The RCCF, Rourkela Circle has reported that the Compensatory Afforestation (CA) land i.e. 5.786 ha as mentioned above in point no. ii, has already been handed over to competent authority (i.e. State Forest Department) and the CA cost (i.e. 19,93,700 /-) has also been deposited in CAMPA fund. The plantation over the identified CA land is in the scope of state forest department and it may be carried out at an appropriate stage decided by forest department.

Condition No.(iv):- The Non- Forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage- II approval.

Compliance: The RCCF, Rourkela Circle has reported that the Non-Forest land identified for compensatory afforestation has been transferred and mutated in favour of the State Forest Department. The copy of ROR is enclosed as **Annexure- II**.

Condition No.(v):- The non-forest land over which compensatory afforestation will be taken up shall be notified as PF/RF and shall remain under the administrative control of the State Forest Department.

Compliance: The RCCF, Rourkela Circle has reported that the Non-forest land over which compensatory afforestation will be taken up has been notified as Protected Forest (PF) vide Notification No. FE-DIV-FLD-0042-2022-16770/FE&CC, Date.19.09.2022 by Forest, Environment & Climate Change Department, Govt. of Odisha, and shall remain under the administrative control of the State Forest Department. A copy of PF declaration in this regard is enclosed as **Annexure- III**.

Condition No.(vi):- The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with 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.

Compliance: The RCCF, Rourkela Circle has reported that, the cost of Compensatory Afforestation amounting to Rs.19,93,700/- was approved by the Nodal Officer @Rs.298/MD on 07.09.2020 Accordingly, the User Agency has deposited a sum of Rs.66,32,631/- in the CAMPA account vide RTGS ICICR52020121400569074 dt.14.12.2020 which includes Rs.19,93,700/- towards

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Compensatory Afforestation cost + Rs. 46,38,931/- towards payment of NPV. The copy of UTR and the demand note raised by the DFO, Sundargarh in this regard is enclosed as **Annexure-IV**.

The CA scheme has been revised by the Nodal Officer on 02.06.2023 @ Rs.345/-MD amounting Rs.38,94,000/-.The user agency has deposited the differential amount of CA Rs.19,00,300/- in CAMPA fund through Union Bank of India vide UTR No.7928020230701068071, Transaction ID No. S73943045 dt. 01.07.2023. The copy of the payment receipt is enclosed as **Annexure-IV/a**.

Further, the Compensatory afforestation scheme approved for the said project includes appropriate provision such as prevailing wage rates, cost of survey, demarcation & erection of pillars, maintenance for 10 years, anticipated cost increase for works scheduled for subsequent years etc.

Condition No.(vii):- *The State Govt. shall charge the Net Present Value (NPV) for 5.777 ha forest area to be diverted under this proposal from the user agency as per the Orders of 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 Writ Petition (Civil) No.202/1995 and as per the guidelines issued by Ministry vide letter No.5-1/1998-FC(Pt. II) dated 18.09.2003, as well as letter No. 5-2/ 2006-FC dated 03.10.2006 and No.5-3 /2007-FC dated 05.02.2009 in this regard.*

Compliance: The RCCF, Rourkela Circle has reported that, as per demand note vide DFO, Sundargarh Office Letter No.6825 dt. 04.12.2020, the NPV of the forest land for 5.777 ha forest area of being diverted under this proposal amounting to **Rs.46,38,931/-** has been deposited to CAMPA, vide UTR No. ICICR52020121400569074 dt. 14.12.2022. The copy of same UTR and the demand note raised by the DFO, Sundargarh in this regard is enclosed as **Annexure-V**.

Condition No.(viii):- *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 Govt. from the user agency. The user agency shall furnish an undertaking to this effect.*

Compliance: An undertaking in this regard has been submitted by the User Agency which is enclosed as **Annexure- VI**.

Condition No.(ix):- *In hilly slope areas, sufficient ground clearance has to be maintained with additional height of towers 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: An undertaking in this regard has been submitted by the User Agency which is enclosed as **Annexure- VII**.

Condition No.(x):- *The user agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the user agency with the State Forest Department.*

Compliance: An undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure-VIII**.

Condition No.(xi):- *All the funds received from the user agency under the project shall be transferred /deposited to State CAMPA fund only through (<https://parivesh.nic.in/>).*

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Compliance: As reported by the DFO, Sundargarh Division, all the funds under the project have been transferred /deposited to State CAMPA fund through Parivesh Portal (<https://parivesh.nic.in/>). The copy of CAMPA format containing payment details has been duly signed and submitted by the DFO, Sundargarh which is attached as **Annexure-IX**.

Condition No.(xii):- *The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector. The user agency shall submit FRA certificate before issue of Stage-II approval.*

Compliance: As reported by the RCCF, Rourkela Circle, the necessary FRA certificate in compliance to the FRA, 2006 has been obtained from the District Collector, Sundargarh. The copy of same submitted by him is enclosed as **Annexure-X**. Further, the User Agency has submitted an undertaking stating that if any claim arises in future relating to FRA, the same will be paid as per the applicable norms, which is attached as **Annexure X (A)**.

Condition No.(xiii):- *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: As reported by the RCCF, Rourkela Circle, the detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal species) in right of way under the transmission line has been prepared and approved by RCCF, Rourkela, which is attached as **Annexure-XI**. As per financial outlay of approved dwarf plantation scheme, an amount of Rs.15,67,400/- has been deposited by the User Agency to CAMPA vide UTR No.SBINR52022050281492669, Dated-02-05-2022, which is attached as **Annexure-XII**.

Condition No.(xiv):- *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: As reported by the RCCF, Rourkela Circle, an undertaking in this regard submitted by the User Agency, which is attached as **Annexure- XIII**.

Condition No.(xv):- *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: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XIV**.

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

Compliance: As reported by the RCCF, Rourkela Circle, Environmental Clearance is not necessary for the Transmission Line, because transmission is not coming any categories of project under EIA notification, 2006. Necessary undertaking submitted by the user agency has been enclosed as **Annexure-XV**.

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Condition No.(xvii):- *The layout plan of the proposed forest land shall not be changed without the prior approval of Central Government.*

Compliance: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XVI.**

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

Compliance: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XVII.**

Condition No.(xix):- *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 Forest Development Corporation or any other legal source of alternate fuel.*

Compliance: As reported by the RCCF, Rourkela Circle, an undertaking in this regard submitted by the User Agency, which is attached as **Annexure- XVIII.**

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

Compliance: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XIX.**

Condition No.(xxi):- *The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.*

Compliance: As reported by the RCCF, Rourkela Circle, the boundary of the forest land to be diverted for the said project has been demarcated on ground by the user agency as per his directives. Further necessary undertaking given by the User Agency for the same is also enclosed as **Annexure-XX.**

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

Compliance: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XXI.**

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

Compliance: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XXII.**

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

Compliance: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XXIII.**

Condition No.(xxv):- *The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without the prior approval of Government of India.*

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Compliance: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XXIV**.

Condition No.(xxvi):- *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: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XXV**.

Condition No.(xxvii):- *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: As reported by the RCCF, Rourkela Circle, an undertaking in this regard has been submitted by the User Agency, which is attached as **Annexure- XXVI**.

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

Compliance: As reported by the DFO, Sundargarh Division, the compliance report has been uploaded on e-portal (<https://parivesh.nic.in>) and the copy of screen shot in this regard submitted by the User Agency is attached as **Annexure- XXVII**.

Additional Conditions of State Govt.:-

Condition No.(i):- *No sagging of transmission line is allowed. The user agency shall certify in the month of March of every year that sagging, if any has been corrected and further monthly report will be submitted by them till November of each year in the forest area to the DFO, for their reference.*

Compliance:As reported by the RCCF, Rourkela Circle, the User Agency has agreed to abide by this condition and submitted the report for the year 2020, 2021 & 2022 regarding sagging of transmission line and has submitted an undertaking in this regard which is enclosed as **Annexure-A**.

Condition No.(ii):- *The user agency shall be allowed to fell the trees on strips for the tension stringing work and the natural regeneration will be allowed to come up. Felling / Pollarding / Pruning of trees will be done with the permission of the local DFO, whenever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line.*

Compliance:As reported by the RCCF, Rourkela Circle, the User Agency shall be agreed to fell the trees on strips for the tension stringing work and the natural regeneration will be allowed to come up. Felling / Pollarding / Pruning of trees will be allowed to be done with the permission of the DFO, Sundargarh whenever necessary to maintain the electrical clearance. One outer strip shall be left clear to permit maintenance of the transmission line. An undertaking in this regard furnished by the User Agency is enclosed as **Annexure-B**.

Condition No.(iii):- *In the case of transmission lines to be constructed in hilly areas, where adequate clearance is already available, trees will not be cut.*

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Compliance: As reported by the RCCF, Rourkela Circle, the User Agency has furnished an undertaking to the effect that no trees will be cut in hilly areas where adequate clearance is available for the construction of transmission line which is enclosed as **Annexure-C**.

Condition No.(iv):- User agency shall take all measures for strengthening / maintaining the transmission tower and transmission line to be erected / laid on forest / non-forest land as per CEA norms for elephant corridor and any other conditions as may be imposed by CWLW, Odisha so as to ensure that no death of wild animals occur due to electrocution.

Compliance: As reported by the RCCF, Rourkela Circle, the User Agency shall take all measures for strengthening/ maintaining the transmission tower and transmission line to be erected/ laid on forest/ non-forest land will be followed as per applicable CEA norms. Further, as reported by him, no elephant corridor passes through the project area of proposed transmission line. However, appropriate measures will be taken up to ensure that no death of wild animals occur due to electrocution. An undertaking in this regard furnished by the User Agency is enclosed as **Annexure-D**.

In view of the above, the compliance to the conditions imposed by the Government of India, MoEF & CC, Integrated Regional office, Bhubaneswar dt.31.07.2020 are sent herewith for according final approval for diversion of 5.777 ha of revenue forest land for construction of 33 KV Power Transmission overhead line from NTPC Darlipali to OCPL Sub-Station for use in Manoharpur Coal Mine Project by M/s Odisha Coal & Power Ltd. (OCPL) under Sundargarh Forest Division of Sundargarh District.

Encl: Compliance in one set

Yours faithfully

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

Memo No.

19807

/Dt.

05.10.2023

Copy alongwith 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 5-ORC421/2020-BHU dated 31.07.2020 of Deputy Inspector General of Forests (C), GoI, MoEF & CC, IRO, Bhubaneswar-751023 and No. 12963/F&E dated 27.08.2020 of Special Secretary to Govt., F&E Department.

Encl: Compliance in one set

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

Memo No.

19808

/Dt.

05.10.2023

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle for information and necessary action with reference to his Memo No. 616 dated 21.02.2023 and 2851 dated 31.08.2023.

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

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Memo No. 19809 /Dt. 05.10.2023

Copy forwarded to the Divisional Forest Officer, Sundargarh Forest Division for information and necessary action with reference to Memo No.617 dated 21.02.2023 and 2852 dated 31.08.2023 of RCCF, Rourkela Circle.

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

Memo No. 19810 /Dt. 05.10.2023

Copy forwarded to the the Chief Executive Officer, Odisha Coal & Power Limited, Zone-A, Ground Floor, Fortune Towers, Chandrasekharpur, Bhubaneswar for information and necessary action.

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