

I/57367/2023

**Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)**

**Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road
New Delhi-110 003.**

Dated: November, 2023

To,

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.

Subject: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand.

Madam/Sir,

I am directed to enclosed herewith a copy of D.O. letter No. 11/25/2023-Th.1 dated 30.10.2023 (**copy enclosed**) on above subject as received from the Secretary, Ministry of Power proposing a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&CC) & Ministry of Coal for amicable resolution of the issue.

In this regard, the State Government is requested to furnish the updated status of the proposal and status of the compliance of the conditions stipulated in the Stage-1 approval, along with the report/comments on the court matter in the instant case for further necessary action.

Yours faithfully,

Signed by
Suneet Bhardwaj

**Sd/-
(Suneet Bhardwaj)**
Assistant Inspector General of Forests

Date: 10-11-2023 10:32:29

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Jharkhand, Ranchi;
2. The DDG (Central), Regional Office, MoEF&CC, Ranchi;
3. The Addl. PCCF—cum-Nodal Officer (FCA), Department of Forest, Government of Jharkhand, Ranchi;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.

पंकज अग्रवाल, भा.प्र.से.
सचिव
Pankaj Agarwal, I.A.S.
Secretary



एक पृथ्वी - एक परिवार - एक भविष्य
ONE EARTH - ONE FAMILY - ONE FUTURE

सत्यमेव जयते

भारत सरकार
विद्युत मंत्रालय
श्रम शक्ति भवन, नई दिल्ली-110001

Government of India
Ministry of Power
Shram Shakti Bhawan, New Delhi - 110001
Tele : 23710271/23711316
Fax : 23721487
E-mail : secy-power@nic.in
October 30, 2023

O/o IGF(FC/ROHQ/PE/IFS (RKP))

Dy. No.....1046745.....

Date...01/11/23.....

O/p Secretary(LN)

Dy. No. 1046745

Date...31/10/23.....

DO No.:11/25/2023-Fin.

Dear Ms Nandan,

As you may be aware that, NTPC Ltd. was allocated Pakri Barwadih Coal Mining Project (PBCMP) located in North Karanpura Coalfields, Jharkhand. Stage-I and Stage-II forest clearance was granted by MoEF&CC on 11.05.2010 & 19.09.2010 respectively. PBCMP is an operational mine which has produced 47.75 million tonnes of coal till Mar'23 and is expected to reach its peak rated capacity of 15 million tonnes in FY 23-24 which is also the coal production target set by the Ministry for this fiscal. PBCMP is a basket mine which supplies to around 20 Thermal Power Plants that are critical to power supply scenario in the country.

2. NTPC vide letter dated 17.10.2023 (copy enclosed) has informed that MoEF&CC had issued an amendment in 2023 along with the imposition of penal NPV (5 times the normal NPV) for the entire forest area (1026.438 Ha) diverted for the project along with maintaining a greenbelt of 100m (against requested 15m) on either side of 'Pakwa Nala' and 'Khorra Nala'. However, 'Dumuhani Nala' needs to be diverted for expansion of mine to enhance coal production. NTPC represented through Forest department, Govt. of Jharkhand, for review of decision of Forest Advisory Committee (FAC). However, DFO, Hazaribagh issued a demand notice for payment of Rs 857.52 Cr as per the recommendations. Further, Forest clearance Stage-II of Parkri Barwadih (North West) Project has also been linked with the payment of said penalty. A brief on the issue is enclosed.

3. Subsequently, NTPC filed an appeal before Hon'ble NGT, Eastern Bench against the demand of the penalty. Hon'ble NGT in its first hearing dated 01.08.2023 has ordered interim stay on the operation of DFO, Hazaribagh demand notice dated 14.06.2023. The stay has been extended vide subsequent orders and matter is scheduled for hearing on 23.11.2023.

4. In view of the above, may I propose a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&CC) & Ministry of Coal for amicable resolution of the issue. Your kind convenience is solicited for the proposed meeting.

Regards,

Yours sincerely

Encl: As Above

Secy - O.T.

plan
31/10/23
Please push up.

30-10-23

(Pankaj Agarwal)

Ms. Leena Nanadan
Secretary,
Ministry of Environment, Forest and Climate Change
Jor Bagh, New Delhi

AS (TK)
IG (FC)

AIG (SB)
31/10/23



एक कदम स्वच्छता की ओर

TO (PMK)

01/11/23

OAC (BS)
Pankaj
01/11/23

आज़ादी का
अमृत महोत्सव

Issues related to Amendment in Stage-I&II FC condition for Pakri Barwadih and Pakri Barwadih (North-West) Coal mines of NTPC

Background:

- Ministry of Coal (MoC), GoI allocated Pakri Barwadih Coal Mining Project (PBCMP) located in North Karanpura Coalfields to NTPC in 2004. The Mining Plan was approved by the MoC in 2006. The Environment Clearance (EC) was granted by the MoEF&CC in 2009. Stage-1 and Stage-II Forest Clearance were also accorded in 11.05.2010 and 19.09.2010 respectively.
- Environment Management Plan (EMP) of the block was prepared, based on the EIA study, and approved Mining Plan (2006). As per the EMP, three nalas viz. Western Nala (Khora/Khorrah), Central Nala (Dumuhani) and Eastern Nala (Pakwa) traverse through Pakri Barwadih coal mining block and outfall into Haharo river near Barkagaon village.
- Based on the recommendations of MoEF&CC, as part of EC condition, Central Water and Power Research Station (CWPRS) was engaged to carry out nala diversion study. CWPRS submitted its report in Feb' 2011.
- As per the report, DUMUHANI NALA (Central Nala) is to be diverted with progression of mining activity and its flow is to be diverted into PAKWA NALLAH (in eastern boundary of the mine) and Khorrah Nallah (in western boundary of the mine) and NTPC is required to develop green belt along Pakwa Nallah and Khorrah Nala. Further, as per the EC condition, NOC was also obtained from water resources dept., GoJH for diversion/realignment of Dumuhani Nala in 2013.
- However, in condition no. 7 of Stage- I FC (granted on 11.05.2010) and condition no. 8 of Stage- II FC (granted on 17.09.2010), in place of Khorrah Nala, the name of Dumuhani Nala (Which is flowing through the central part of the mine) has been mentioned inadvertently.

Representation by NTPC:

- NTPC requested MoEF&CC for amendment of condition no. 8 of stage-II and condition no. 7 of stage-I of Forest Clearance for replacement of the term "Dumuhani Nala" for "Khorrah Nala" of Pakri Barwadih in 2018.
- MoEF&CC had issued an amendment in 2023 along with the imposition of penal NPV (5 times the normal NPV) for the entire forest area (1026 Ha) diverted for the project along with maintaining a greenbelt of 100m on either side of nala. DFO had raised the demand of Rs. 857 crores to NTPC towards penal NPV.

Issues to be considered:

a) Pakri-Barwadih:

- i. The area pertaining to the violation may be changed from 1026.438 Ha (total area diverted for Pakri-Barwadih Coal Mining Project) to 37.20 Ha (alleged violated forest area) and the stretch of the alleged violation may be changed from 31 KM to 3.1 KM.
- ii. As per FAC, the penal NPV on 1026.438 Ha comes out to be around Rs.857 Cr. However, Penal NPV as per clause no 1.21(iii)(a) of the Forest handbook comes out to be Rs.1.83 Cr.

It is requested to review the penalty.

b) Development of Green Belt:

NTPC is developing a 50M green belt along Khora and Pakwa Nallah as per earlier approvals. However, FAC recommended developing a 100m green belt along the sides of Khora and Pakwa Nallah.

It is requested to allow a change in the width of the green belt development from 50 m to 15 m in line with regulation no. 149 of Coal Mines Regulation, 2017.

c) Pakri-Barwadih (North-West):

Stage-I forest Clearance for Diversion of 331.19Ha forest land in favour of NTPC for Pakri-Barwadih (North-West)

- i. FAC Recommended Stage-I approval.
- ii. Stage-II approval is linked with the deposition of Penal NPV for 1026.438Ha complete forest area diverted for Pakri-Barwadih.

It is requested to de-link the Stage-II forest clearance of PB-NW.

Present Status:

- NTPC represented the case before MoP and the State Forest Department, Govt. of Jharkhand for review of decision of FAC. Consequently, MoP directed NTPC to represent against FAC decision taken in the meeting held on 25.04.2023 at appropriate level in MoEF&CC and share the outcome with MoP, whereas DFO, Hazaribagh vide its Communication dated 14.06.2023 issued a demand notice for payment of Rs 857.52 Cr as per FAC recommendations.
- As NTPC had no other option, they approached NGT Kolkata on 17.07.2023; 03 hearings held till date. Hon'ble NGT in its first hearing dated 01.08.2023 has ordered interim stay on the operation of DFO, Hazaribagh's demand notice dated 14.06.2023. The stay has been extended vide subsequent orders dated 14.09.2023 and 17.10.2023.
- The matter is scheduled for hearing on 23.11.2023.



शिवम श्रीवास्तव
निदेशक (ईंधन)
SHIVAM SRIVASTAVA
Director (Fuel)

Ref. No. 01/DIR(FUEL)/2023/7

एनटीपीसी लिमिटेड
(भारत सरकार का उपन)

NTPC Limited
(A Government of India Enterprise)

केन्द्रीय कार्यालय/Corporate Centre

Date: 17.10.2023

To,
The Joint Secretary (Thermal)
Ministry of Power,
Government of India,
Shram Shakti Bhawan, Rafi Marg,
New Delhi – 110001.

Sub:- Resolution through Mutual consultation of NGT Kolkata appeal no 20/2023, dated 18.07.2023
(NTPC PBCMP vs State of Jharkhand & Others)- reg.

Dear Sir,

Ministry of Coal (MoC), GoI allocated Pakri Barwadih Coal Mining Project (PBCMP) to NTPC Ltd in 2004, Mining plan was approved In 2006, The Environment clearance was issued in 2009. Stage-I and Stage-II forest clearance was granted by MoEF & CC in 11.05.2010 & 19.09.2010.

NTPC requested MoEF&CC for amendment of condition no. 8 of stage-II and condition no. 7 of stage-I of Forest Clearance for replacement of the term "Dumuhani Nala" for "Khorrah Nala" of Pakri Barwadih in 2018. Diversion of Dhumani Nala is required for expansion of mine to enhance coal production. The above requests were reiterated through multiple letters and raised during various review meetings of the ministry.

MoEF&CC had issued an amendment in 2023 along with the imposition of penal NPV (5 times) the normal NPV for the entire forest area (1026Ha) diverted for the project along with maintaining a greenbelt of 100m on either side of nala.

NTPC represented the case before MoP and the State Forest Department (Govt. of Jharkhand) for review of decision of FAC vide its letter dated 18.05.2023, 02.06.2023, however, DFO, Hazaribagh vide its Communication dated 14.06.2023 issued a demand notice for payment of Rs 857.52 Cr as per FAC recommendations. Further NTPC requested MoEF & CC vide its letter dated 24.07.2023 & 03.08.2023 for review of penalties.

As NTPC had no other option, NTPC approached NGT Kolkata for relief on the Issue on 17.07.2023. Three hearings were held till date.

In view of above, Ministry of Power intervention is requested to take up the matter with MoEF & CC for resolution of the issue through mutual consultation.

Thanking you,

Yours faithfully,

(Shivam Srivastava)

Director (Fuel) & Nominated Owner of Mines

Corporate Identification Number : L40101DL1975GO1007966

एनटीपीसी भवन, कोर-7, पांचवां तल, स्कोपे कॉम्प्लेक्स, 7, इंस्टीट्यूशनल एरिया, लोधी रोड, नई दिल्ली-110 003 टेल/Tel. : 011-24360860,24361012,फैक्स / Fax : 011-24368417
NTPC Bhawan, Core-7, 5th Floor, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-110 003, E-mail : shivamsrivastava@ntpc.co.in, web site : www.npc.co.in



A Maharatna Company

एन टी सी लिमिटेड
(भारत सरकार का उपकरण)

NTPC Limited

(A Govt. of India Enterprise)

पकरी बरवाडीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

For Pakri Barwadih (North West) Opencast Coal Mining Project, MDO has been appointed for start of mining operations and application for the Environment Clearance is being processed by SEIA, Jharkhand. The EIA/EEMP and mining operations at Pakri Barwadih (North West) Coal Mining Project are not linked in any way with the existing Pakri Barwadih Coal Mining Project.

Please refer to our request letters dated 02.06.2023 & 21.06.2023 at various levels regarding the subject matter (Copies enclosed as Annexure-2 & 3 respectively). It is requested to kindly consider for Delinking of above condition of deposition of penal NPV and other penal levies as imposed in case of diversion of 1026.438 ha forest land for Pakri Barwadih Coal Mining Project for processing of stage-II clearance of Pakri Barwadih (North-West) CMP, So that compliance of stage 1 conditions of Pakri Barwadih (North West) CMP can be submitted to MoEF&CC for processing of Stage-II forest clearance and project can be started at the earliest to meet the country's coal requirement.

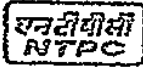
It is requested for your kind support for resolving the above issue.

With Regards.

Yours Sincerely,

Neeraj Jalota,
General Manager,
(PB, PB-NW CMP),
NTPC Limited.

Encl: A/a



A Public Sector Company

एन टी पी सी लिमिटेड
(भारत सरकार का उपक्रम)

NTPC Limited

A Govt. of India Enterprise

पकरी बरवाडीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

Ref. No.: 1040/PBCMP/EMG/2023/ 163

Dated 24.07.2023

To,
The Director General of Forest,
Ministry of Environment, Forest & Climate Change (MoEF&CC),
New Delhi.

Through Proper Channel (DFO, Hazaribagh West forest division)

Sub: Diversion of 331.198 Ha of forest land for non-forestry use, in favour of NTPC Ltd., for Pakri Barwadih (North-West) Coal Mining Project- Delinking of condition of penal NPV of Pakri Barwadih CMP-reg

Ref-1: Stage-1 Forest clearance obtained vide File Ref No 8-56/2009-FC-(vol) dated 26th May 2023.

Ref-2: Ltr No RED(CM) SectI/PBCMP/EMG/2023/475 Dated 02.06.2023 from NTPC.

Ref-3- Ltr No NTPC/PBCMP/EMG/2023 dated 21.06.2023 from NTPC.

Respected Sir,

Application for the diversion of 331.198 ha of forest land for non-forestry use for Pakri Barwadih (North West) Opencast Coal Mining Project has been submitted to MoEF&CC through Parivesh portal. Vide reference Ltr No 8-56/2009-FC-(vol) dated 26th May 2023, Inprinciple / Stage-I approval is accorded for non-forestry use of 331.198 ha of forest land under Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s NTPC Limited for Pakri Barwadih (North West) Opencast Coal Mining Project in West forest division, district Hazaribagh, Jharkhand subject to fulfillment of certain conditions. (Copy enclosed as Annexure-1).

As per Condition No. X of Stage-I FC states that:

Quote --

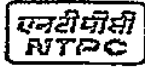
"A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval."

Un-Quote.

We would like to humbly submit that the diversion of 1026.438 ha forest land pertains to Pakri Barwadih Coal Mining and it is having a separate EIA/EMP and mining operations.

Pakri Barwadih Coal Mining Project, Sileri Site Office, Barkagaon, Hazaribagh - 825311
Registered Office : NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi - 110 003

Page | 1



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(भारत सरकार का उपकरण)

NTPC Limited

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पकरी बरवाडीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

We would like to humbly submit that the diversion of 1026.438 ha forest land pertains to Pakri Barwadih Coal Mining and it is having a separate EIA/EEMP and mining operations.

For Pakri Barwadih (North West) Opencast Coal Mining Project, MDO has been appointed for start of mining operations and application for the Environment Clearance is being processed by SEIA, Jharkhand. The EIA/EEMP and mining operations at Pakri Barwadih (North West) Coal Mining Project are not linked in any way with the existing Pakri Barwadih Coal Mining Project.


Please refer to our request letters dated 02.06.2023, 21.06.2023, 24.07.2023 at various levels regarding the subject matter (Copies enclosed as Annexure-2,3 & 4 respectively). Also NGT vide its order dated 01.08.2023 issued "stay" on demand order dated 14.06.2023 from office of DFO, Hazaribagh West Forest division for paying the penal NPV of Rs 857,52,85,944.32 for Pakri Barwadih CMP. Copy enclosed as Annexure-5.

It is requested to kindly consider for Delinking of above condition of deposition of penal NPV and other penal levies as imposed in case of diversion of 1026.438 ha forest land for Pakri Barwadih Coal Mining Project for processing of stage-II clearance of Pakri Barwadih (North-West) CMP, So that compliance of stage 1 conditions of Pakri Barwadih (North West) CMP can be submitted to MoEF&CC for processing of Stage-II forest clearance and project can be started at the earliest to meet the country's coal requirement.

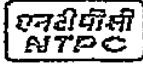
It is requested for your kind support for resolving the above issue.

With Regards.

Yours Sincerely,


Neeraj Jalota, 03/08/23
General Manager,
(PB, PB-NW CMP),
NTPC Limited.

Encl: A/a



एनटीपीसी
NTPC

एनटीपीसी लिमिटेड
(भारत सरकार का उपक्रम)

NTPC Limited

A Govt. of India Enterprise

पकरी बरवादीह कोयला खान नू परियोजना

Pakri Barwadih Coal Mining Project

Ref. No.: 1040/PBCMP/EMG/2023/165

Dated 03.08.2023

To,
The Director General of Forest,
Ministry of Environment, Forest & Climate Change (MoEF&CC),
New Delhi.

Through Proper Channel (DFO, Hazaribagh West forest division)

Sub: Diversion of 331.198 Ha of forest land for non-forestry use, in favour of NTPC Ltd., for Pakri Barwadih (North-West) Coal Mining Project- Delinking of condition of penal NPV of Pakri Barwadih CMP-reg

Ref-1: Stage-1 Forest clearance obtained vide File Ref No 8-56/2009-FC-(vol) dated 26th May 2023.

Ref-2: Ltr No RED(CM) Sect./PBCMP/EMG/2023/475 Dated 02.06.2023 from NTPC.

Ref-3- Ltr No NTPC/PBCMP/EMG/2023 dated 21.06.2023 from NTPC.

Ref-4-1040/PBCMP/EMG/2023/163 Dated 24.07.2023

Ref-5—Order dated 01.08.2023 of NGT (Appeal No 20/2023/EZ (I.A.No 34 /2023 / EZ)

Respected Sir,

Application for the diversion of 331.198 ha of forest land for non-forestry use for Pakri Barwadih (North West) Opencast Coal Mining Project has been submitted to MoEF&CC through Parivesh portal. Vide reference Ltr No 8-56/2009-FC-(vol) dated 26th May 2023, Inprinciple / Stage-I approval is accorded for non-forestry use of 331.198 ha of forest land under Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s NTPC Limited for Pakri Barwadih (North West) Opencast Coal Mining Project in West forest division, district Hazaribagh, Jharkhand subject to fulfilment of certain conditions. (Copy enclosed as Annexure-1).

As per Condition No. X of Stage- I FC states that:

Quote –

"A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval."

Un-Quote.