



भारत सरकार / Government of India

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest & Climate Change

क्षेत्रीय कार्यालय, भुवनेश्वर / Regional Office, Bhubaneswar

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No.5-ORC236/2015-BHU

1<sup>st</sup> April, 2024

To

The Addl. Director General of Forests (FC),  
Ministry of Environment, Forest & Climate Change,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi - 110 003.

Sub: Proposal seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry uses of 34.63 ha (out of 35.985 ha applied for) of Revenue Forest land for establishment of 2 x 350 MW coal based TPP at Sahajbahal and Barpali villages under Lakhanpur Tehsil in Jharsuguda district by M/s Ind-Barath Energy (Utkal) Limited - regading.

Ref: Ministry's letter No.5-ORC236/-2015-BHU dated 26.02.2024.

Sir,

With reference to the subject cited above, I am directed to inform that the site inspection of the above project was carried out by the Assistant Commissioner (F) of this office on 23.03.2024 and the site inspection report is enclosed herewith for kind information and necessary action.

Encl: As state above.

Yours faithfully,

*Padma Mahanti*

(Dr. Padma Mahanti)

Dy. Inspector General of Forests (C)

**RECOMMENDATION OF DEPUTY DIRECTOR GENERAL OF FORESTS (CENTRAL)**

I agree with the inspection report of the inspecting officer. The regularization of encroachment over 3.78 ha (9.34 Ac.) of revenue forest land is recommended with realization of Penal NPV and Penal CA as applicable along with other standard conditions and the balance area of 30.78 ha may be developed as Green belt realizing NPV and equivalent non-forest area for CA.



(A.T. Mishra)

Dy. Director General of Forests (C)

**Site Inspection Report in respect of proposal for regularization of encroachment and ex-post facto approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 34.63 ha (out of 35.985 ha applied for) of Revenue Forest land for establishment of 2 x 350 MW coal based TPP at Sahebganj and Barpali villages under Lakhanpur Tehsil in Jharsuguda district by M/s Ind-Barath Energy (Utkal) Limited (online proposal No.FP/OR/THE/4785/2010).**

Name of the Inspecting Officer: Sujoy Dutta, Assistant Commissioner (F), Sub Office at Kolkata, Regional Office Bhubaneswar, MoEF&CC

Date of Inspection: 23<sup>rd</sup> March 2024.

Officials present from the State Forest Department:

- (i) Shri Baljit Dungdung, ACF, Jharsuguda Forest Division
- (ii) Ms Rishna Jamdalia, Forest Ranger, Brajarajnagar

Officials present from the User Agency:

- (i) Shri CV Reddy, Plant Incharge, M/s Ind-Barath Energy (Utkal) Ltd.
- (ii) Shri Pradeep Manoor, Associate Vice President, M/s Ind-Barath Energy (Utkal) Ltd

**1. Legal status of the forest land proposed for diversion:**

Total 34.63 ha Revenue Forest (25.89 ha Gramya Jungle & 8.74 ha Patra Jungle) proposed for diversion

Name of Tehsil	Name of Village	Category of Revenue Forest land in Ha		Total forest land (in Ha)
		Gramya Jungle	Patra Jungle	
Lakhanpur	Sahajbahal	13.16	8.74	21.9
	Barpali	12.73	0.00	12.73
Total		25.89	8.740	34.63

**2. Item-wise break-up details of the forest land proposed for diversion.**

The User Agency has furnished purpose wise break up of total land of 238.54 ha (including 34.63 ha of forest land) which is as follows:

Sl. No.	Purpose	Govt. Non-forest land (in Acres)	Private land (in Acres)	Forest land (in Acres)	Total land (in Acres)
1.	T.G. Building	0.00	15.53	0.00	15.53

2.	Boiler, ESP, Chimney Bottom Ash Slurry Pump House	0.00	8.66	8.94	17.60
3.	Switch Yard	3.91	25.57	0.00	29.48
4.	Cooling Tower	4.36	16.16	4.24	24.76
5.	Crushed Coal Stock Pile	0.00	31.08	10.66	41.74
6.	Track Hopper/Wagon Tripler/ Coal Stock Yard	0.50	20.39	0.00	20.89
7.	Admn. Building, Store Room	0.00	5.80	0.00	5.80
8.	Colony Area	0.00	28.37	0.00	28.37
9.	Ash Disposal/Ash Dyke	4.11	39.67	0.00	43.78
10.	Road	6.04	41.45	0.00	47.49
11.	Green Belt	0.00	252.28	61.73	314.01
<b>Total Area (in Acres)</b>		<b>18.92</b>	<b>484.96</b>	<b>85.57</b>	<b>589.45</b>
<b>Total Area (in Ha)</b>		<b>7.656</b>	<b>196.256</b>	<b>34.63</b>	<b>238.54</b>

**3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:**

No new construction is proposed. Two nos of quarter are already constructed over 0.032 ha Gramya Jungle in Sahajbahal village.

**4. Total cost of the project at present rates:**

During site visit, it was reported by the representative of the User Agency that the total cost of the project is Rs. 2,600 Cr. Earlier it was estimated Rs.3,185 Cr.

**5. Wildlife: Whether forest area proposed for diversion is important from wildlife point of view or not:**

No rare/ endangered animals are reported in the forest area proposed for diversion. The proposed forest area does not form part of any National Park, Wildlife Sanctuary.

**6. Vegetation:**

**(a) Total number of trees to be felled:**

No fresh tree felling is proposed.

**(b) Effect of removal of trees on the general ecosystem in the area:**

NA.

**7. Background Note on the proposal**

- The proposal for 35.9 ha forest land diversion was submitted by the Ind-Barath Energy (Utkal) Ltd (i.e. IBEUL) vide proposal No.FP/OR/THE/4785/2010.
- Construction of the project started in forest land with out approval of the Central Government.
- A PIL (WPC NO.4167 of 2014) was filed by Anchalika Jana Kalyan Anusthan before Hon'ble High Court of Odisha on 12.12.2014 against the construction in forest land without prior approval of the competent authority.
- The proposal was recommended by the State Government of Odisha in 2015 with provision of penal NPV & penal CA to the RO Bhubaneswar, MoEF&CC.
- The RO Bhubaneswar, MoEF&CC deliberated the proposal in REC meeting in the month of Feb 2018 and decided to defer till the decision of Hon'ble High Court and User Agency was requested to pursue the court case.
- The M/s JSW Energy Limited (i.e. JSWEL) took over the acquisition of the project on 28.12.2022 vide successful corporate insolvency proceedings under the IBC, 2016 through NCLT, Hyderabad Bench.
- The JSWEL filed an affidavit before Hon'ble Odisha High Court in May 2023 with an appeal to allow Govt. authorities to process the pending proposal with appropriate remedial actions.
- The Hon'ble Odisha High Court vide order dated 17.05.2023 was pleased to direct that the forest land diversion proposal should be considered in accordance with law, without prejudice to the rights and contentions of any of the parties.
- In pursuant to the Hon'ble High Court's direction, the forest land diversion proposal was considered by the Regional Empowered Committee, Bhubaneswar RO, MoEF&CC on 13.06.2023 and recommended the proposal for regularization.
- The Hon'ble Odisha High Court in its order dated 14.08.2023 (in W.P.(C) No.4167 of 2014), grant a time period of six months to Opposite Party No.12 (M/s JSW Energy Limited) to obtain the final order for forest diversion proposal pertaining to its Thermal Power Plant.
- The proposal was forwarded by the RO Bhubaneswar to the MoEF&CC, New Delhi on 8.12.2023 for the approval of the Competent Authority in the Ministry.

## **8. Compensatory afforestation:**

Compensatory afforestation has been proposed over an area of 35.937 ha non-forest Revenue land in Rampela Village under Jharsuguda Forest Division.

**(a) Whether land for compensatory afforestation is suitable from plantation and management point of view or not:**

The proposed 35.937 ha revenue land is found suitable for plantation under the block plantation model @ 1600 plants/ ha. Some minor portion of the both proposed CA patches found very near to water logging area of the Dam and after soil filling, the areas will be suitable for plantation.

**(b) Whether land for compensatory afforestation is free from encroachment/ other encumbrances:**

Yes, it is free from any structural encroachment. However, some old agricultural practice was observed in some portion of the proposed CA land during the inspection.

**(c) Whether land for compensatory afforestation is important from Religious/Archaeological point of view:**

Not reported.

**(d) Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:**

In two contiguous patches.

Patch 1 (Rampela village – 26.711 ha) - One kacha road is passing through the southern side of the Patch 1 of plot No.1343. The proposed patch is surrounding a water body which is excluded from the proposed CA land and proposed CA land is approximately 200 m away from the Hirakud Reservoir Highest Water Level. During inspection, it was informed by the local forest officer that during rainy season the proposed land is above the highest water level of the Dam.

Patch 2 (Rampela village – 9.226 ha) – It is a contiguous patch and one black topped road & one kacha road is passing through the proposed patch. Northern portion of the proposed land is about 100 m distance from Hirakud Reservoir but it was informed by the local local forest officer that during rainy season the proposed land is above the highest water level of the Dam.

**(e) Total financial outlay:**

Rs.2,70,01,600/- as per AR plantation @ 1600 plant per ha over 29.988 ha land with 10 years maintenance along with Iron & Chain Link Wire Fencing and SMC activities.

**9. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:**

The State Forest Department of Odisha has reported the actual encroachment of 3.78 ha (9.34 ac) of revenue forest land which has been verified by a committee of Forest and Revenue Officials based on joint verification conducted on 26<sup>th</sup> & 28<sup>th</sup> April 2023. The details of illegal construction taken up by M/s Ind-Barath Energy (Utkal) Ltd in revenue forest land is as follows:

SL No.	Mouza	Khata No.	Plot No.	Encroached area in Ac	Kisam	Remarks
1	Sahajbahal	161	660	0.60	Gramya Jungle	Construction of Railway track by IBEUL
2		161	595/1739	0.08	Gramya Jungle	02 nos of IBEUL's quarter was constructed over the plot
3		163	975	1.54	Patra Jungle	The plot is coming inside the boundaries of IBEUL
4		163	980	1.33	Patra Jungle	The plot is coming inside the boundaries of IBEUL
5		163	1114	1.33	Patra Jungle	The plot is coming inside the boundaries of IBEUL. Chimney has been constructed over 0.33 ac area in the plot area.
<b>Sub Total</b>				<b>4.88 Ac</b>		
1	BArpali	185	106	0.03	Gramya Jungle	Railway track of IBEUL has been made over the said plot
2			6(P)	0.08		2 nos of HT Grid Tower
3			107	0.10		Railway track of IBEUL has been made over the said plot

4			108	0.04		Railway track of IBEUL has been made over the said plot
5			109	0.03		The plot is coming inside the boundaries of IBEUL
6			157	0.04		1 nos of HT Grid Tower
7			181	1.08		The plot is coming inside the boundaries of IBEUL
8			183	0.69		The plot is coming inside the boundaries of IBEUL
9			184	0.90		Railway track of IBEUL
10			181/ 1605	0.73		The plot is coming inside the boundaries of IBEUL
11			179/ 1740	0.74		The plot is coming inside the boundaries of IBEUL
<b>Sub Total</b>			<b>4.46 Ac</b>			
<b>Total</b>			<b>9.34 Ac (3.78 ha)</b>			

Earlier (in 2014), it was reported by the DFO, Jharsuguda that 14.52 acres of forest land has been used by the M/s Ind-Barath Energy (Utkal Limited). During site visit it was informed that some temporary infrastructure/ construction was removed by the UA and at present total encroached becomes 9.34 acres i.e. 3.78 ha).

It was also informed that in view of the fact that un-authorized encroachment of forest land has been taken place in this project and departmental officials have failed to bring it to the notice to proper quarter and also have failed to prevent such encroachment of forest land by the project proponent, the concerned Forest Guard, Tilia Beat and Forester, Bandhabahal Section were called upon to explain regarding not reporting the unauthorized encroachment and failing to prevent such encroachment of forest land by the proponent vide DFO, Jharsuguda memo No.06 dated 01.01.2014 and No.04 dated 01.01.2014 respectively. Departmental Proceeding have already been initiated against them. Eleven (11) no of



offence cases have been booked by the Forest department against the M/s Ind-Barath Energy (Utkal) Limited or removal of tree growth, which were subsequently compounded at a penalty of Rs.33,000/-.

Further, the encroached forest land is revenue forest land and hence, the Tahasilder, Lakhanpur has booked 8 nos of encroachment cases with levy of assessment and fine under OPLE Act against the M/s Ind-Barath Energy (Utkal) Limited and same has been deposited with Revenue Department.

It was also reported that non-permissible works in the proposed forest land have been stopped by the proponent since 31.01.2014. However, the 3.78 ha forest land is under possession of the User Agency i.e. coming inside the boundaries of M/s Ind-Barath Energy (Utkal) Limited.

**10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:**

During site visit, it was informed by the User Agency that at present no displacement of human habitation is required. As per old records of the Tahasildar, Lakhanpur, the people of ST community who were residing illegally in Barapali mouza having Kisam Gramya Jungle, have vacated the land and have been rehabilitated in rehabilitation colony constructed by the UA. R&R Plan has been reportedly provided to Collector, Jharsuguda.

**11. Reclamation Plan:**

Not applicable.

**12. Details on catchment and command area under the project:**

NA

**Catchment area treatment plan to prevent siltation of reservoir:**

NA

**13. Cost Benefit Ratio:**

The Cost: Benefit Ratio has been reported by the User Agency as 1:637 (as submitted by the State Government in the year 2015)

**14. Recommendations of the Principal Chief Conservator of Forests/State Government:**

Recommended for 34.63 ha forest land.

**15. Dy. Director General of Forests (Central) shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:**

Attached separately.

**16. Utility of the project:**

Odisha state is endowed with valuable mineral resources like coal, iron ore, bauxite etc. Efficient utilization of these mineral resources through establishment of industries concerning power, steel, alumina etc will lead to development of the State. Security in the electrical energy sector is a major requirement to the desired industrial and economic growth of a State. In this context, the Odisha State Government is making continuous endeavour to encourage the private enterprises for establishment of Power Plants to ensure availability of power at affordable rates not only to industrial houses but to the individual consumers as well. In this sequel of development, M/s Ind-Barath Energy (Utkal) Limited has come forward and signed MoU with the Government of Odisha on 7.02.2009 for setting up 700 MW (2 x 350 MW) Coal Based Thermal Power Plant at Sahajbahal & Barpali villages in Jharsuguda district.

**17. (a) Whether land being diverted has any socio-cultural/ religious value:**

Not reported.

**(b) Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:**

Not reported.

**(c) Whether the land under diversion forms part of any unique eco-system:**

Not reported.

**18. Situation with respect to any Protected Area:**

Proposed forest area does not touch any Protected Area within 10 Km. The proposed area is located at a distance of 14.1 Km from the ESZ of Hirakud Wildlife Sanctuary.

**19. Any other information relating to the project:**

- The proposal involved diversion of 34.63 ha revenue forest land excluding 1.355 ha of forest land (earlier proposal was 35.985 ha) since the Collector,

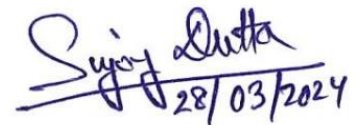
Jharssuguda has issued FRA certificate only for 34.63 ha forest land as the remaining land are under occupation by Village Temple and ST people.

- Compensatory afforestation is proposed in two contiguous patches. Between the both proposed CA patches, puca/ kacha road is passing through.
- At present actual encroachment of 3.78 ha (9.34 ac) of revenue forest land is reported which has been verified by a committee of Forest and Revenue Officials based on joint verification conducted on 26<sup>th</sup> & 28<sup>th</sup> April 2023.

It is reported that non-permissible works in the proposed forest land have been stopped by the proponent since 31.01.2014. However, the 3.78 ha forest land is under possession of the User Agency i.e. coming inside the boundaries of M/s Ind-Barath Energy (Utkal) Limited. Eleven (11) no of offence cases have been booked by the Forest department against the M/s Ind-Barath Energy (Utkal) Limited or removal of tree growth, which were subsequently compounded at a penalty of Rs.33,000/-. Further, the encroached forest land is revenue forest land and hence, the Tahasilder, Lakhanpur has booked 8 nos of encroachment cases with levy of assessment and fine under OPLE Act against the M/s Ind-Barath Energy (Utkal) Limited and same has been deposited with Revenue Department.

- During Site Visit it was informed by the User Agency that only 3.78 ha forest land (encroached area) shall be used by the User Agency and balance forest land shall be maintained as Green Belt.

Since the 700 MW coal-based Thermal Power Plan has already been set up on the land in question and at the edge of commissioning, it will be forward-looking to considering the land in question for regularization of encroachment and ex-post facto approval under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of 34.63 ha forest land. The proposal may be recommended for regularization of encroachment and ex-post facto approval.



(Sujoy Dutta)  
Assistant Commissioner (F)