

Sub: Diversion of 243.32 ha of forest land for North Karanpura Coal Keredari Coal Mining Project in favour of M/s NTPC Ltd. in Chatra South and Hazaribagh West Forest Division of Districts Chatra and Hazaribagh, respectively in the State of Jharkhand – regarding.

1. Facts of the case, in brief, are given as under:

- (i) The above mentioned proposal has been accorded Stage-I approval vide this Ministry's letter of even number dated 1st February, 2012 (Pg -639-641/c) subject to fulfilment of certain conditions prescribed therein.
- (ii) The State Government of Jharkhand vide their letter No. 22 P 2 (2) 22/2010/575 dated 10th February, 2014, placed along with its annexure at page pg 827-1005/c, had furnished the compliance report on the conditions stipulated in the Stage-I approval dated 1st February, 2012. Summary of the compliance report submitted by the State Government may kindly be seen at page 20-27/N. Examination of the said compliance report in the Ministry revealed certain shortcomings which may kindly be seen at page 26/N.
- (iii) In the said compliance report dated 10th February, 2014, it was inter-alia observed (Pg 26/N) in the Ministry that *'Stage-I approval in the instant case has been accorded over an area of 243.32 ha of forest land, comprising of 184.77 ha in Hazaribagh West Forest Division and 58.55 ha in Chatra South Forest Division while report on compliance of Stage-I approval has been submitted in respect of 163.04 ha only. The said compliance has been reported in view of the condition no. 7 of the Stage-I approval dated 1.02.2012 which is reproduced as under:*

A detailed alternate evacuation plan will be submitted keeping in mind the fact that diversion of forest land for part of proposed railway line has not been granted yet.'

- (iv) However, in view of the fact that coal block was the among the 214 coal blocks whose allocated was cancelled by the Hon'ble Supreme Court vide its order dated 24th September, 2014 and Ministry of Coal (MoC) was in the process of auction/bidding of cancelled block, the processing of the compliance was kept on hold by the Ministry.
- (v) Ministry of Coal vide their Order No. 13016/38/2015-CA-III dated 18.09.2015, placed along with annexure at page 1019-1034/c, forwarded vesting order, undertaking obtained from the user agency to comply with the conditions stipulated in the Stage-I approval dated 1.02.2012 along with a request to expedite the process of transfer of forest and environment clearance. As per vesting order, the mining lease was re-allocated to the same user agency in whose favour the Stage-I approval was accorded by the MoEF&CC under the Forest (Conservation) Act, 1980.
- (vi) Subsequently, after obtaining the approval of the competent authority, the compliance of Stage-I approval, which was kept on hold, was processed further and shortcomings observed in the compliance report were conveyed to the State Government vide Ministry's letter dated 26th November, 2015 (Pg 1041-1042/c).
- (vii) The State Government of Jharkhand vide their letter No. 3/Vanbhumi-103/2010-68 dated 6th January, 2017, placed along with its annexure at page 1043-1546/c, inter-alia reporting that compensatory afforestation has been proposed over 494 ha, comprising of 374 ha and 120 ha in Hazaribagh and Chatra Forest Divisions respectively. Details of compensatory levies realized from the User Agency as reported by the State Government in its letter dated 6th January, 2017 is given as under:

S. No.	Particulars	Name of Forest Division		Confirmation report of Ad-hoc CAMPA
		Hazaribagh (184.77 ha) (INR)	Chatra (58.55 ha) (INR)	
1.	CA	38331707.76	13905400	(Pg 1548/c)

2.	NPV	148370310	47015650	(Pg1550/c)
	Total	186702017.76	60921050	

- (viii) Examination of the additional compliance, reported by the State Government in its letter dated 6th January, 2017 revealed certain shortcomings viz. discrepancy in the CA land, compliance of FRA, 2006, etc. The shortcomings were conveyed to the State Government vide Ministry's letter dated 23rd June, 2017 (Pg 1554-1555/c).
- (ix) The PCCF, Jharkhand, vide his letter No. 22(P) 2(2) 22/2010-4815 dated 6th November, 2017, placed along with its enclosures at page 1565-1659/c along with PCCF-cum- Executive Director, Wasteland Development Board, Jharkhand, letter No. 986 dated 23rd October, 2017, submitted the reply to the observations, as contained in Ministry's letter dated 23rd June, 2017. Summary of the same may kindly be seen at page 42-49/N. Examination of the said additional compliance report again revealed shortcomings as copy of approved conservation plan, complete compliance of FRA, 2006, suitable lands identified for CA have not been submitted by the State Government. Aforementioned shortcomings were conveyed to the State Government, vide this Ministry's letter dated 28th June, 2018 (Pg 1660/c). A copy of the said letter was also endorsed to the Regional Office, Ranchi with a request to carry out inspection of the CA areas and submit report to the Ministry.
- (x) The State Government of Jharkhand, vide their letter No. 3/Vanbhum-103/2010-3956/VP dated 19th September, 2018, placed along with its annexure at page 1661-1339/c, submitted the reply to the observations of the Ministry. Summary of the same may kindly be seen at page 50-52/N. The Regional Office of the MoEF&CC at Ranchi, vide their letter dated 5-JHA 198/2011-BHU/2780 dated 12th December, 2018, placed along with its annexure at page 1741-1744/c, submitted inspection report of the area proposed for CA. The Regional Office reported that 6 ha in Block B (Chouparan) is MDF and another 5 ha in Block A (Chouparan) is under encroachment. The Regional Office also reported that in lieu of stipulated 486.64 ha, an area of 618.41 ha has been identified for raising CA which is much more than the requirement of CA. The Addl. PCCF (Central), Regional Office, Ranchi has also recommended the area for CA (Pg 1744/c).
- It can be ascertained from the above developments that sites of CA have been changed by the State Government than those which were proposed in the original proposal. Suitability of the new sites identified for CA have been submitted by the DCF Hazaribagh (1292/c) and DFO Chatra (Pg 1306/c) as well as the Regional Office of the Ministry.
- (xi) Examination of the additional compliance submitted by the State Government vide letter dated 19th September, 2018 revealed that despite repeated request approved conservation plan in compliance of condition no. 18 of the Stage-I approval has not been submitted by the State Government. Accordingly, the State Government was again requested on 1st November, 2018 (Pg 1740/c) to submit the same along with certified land schedule.
3. Now the State Government, vide their letter No. Van Bhumi-103/2010-130/VP dated 5th April, 2019, placed along with annexure at page 1749-1912/c, submitted the land schedules certified by the revenue official. With regards to the approved Conservation Plan, the State Government has reported that Integrated Wildlife Management Plan for North Karanpura area has been submitted for the approval of the Standing Committee of NBWL along with the recommendation of the SBWL vide letter No. Vanyaprani-09/2010 (Khand)/1282-VP dated 4th April, 2019.
4. From the above developments in the matter following may be concluded:
- (i) Condition no. 7 of the Stage-I approval regarding *detailed alternate evacuation plan will be submitted keeping in mind the fact that diversion of forest land for part of proposed railway line has not been granted yet* has not been complied with by the User Agency in view of the fact that the proposal relating the proposed railway line has been rejected by the Ministry and now the User Agency has proposed to go with the evacuation plan as proposed in their original proposal. It was also informed by the State Government that new station of Kharika on Shivpur –Khaturia line is

coming up which will be used for evacuation by the User Agency. Accordingly, it was informed by the State Government that that alternate evacuation plan is not needed.

- (ii) CA sites have been changed to new locations than what was proposed in the original proposal. Suitability of the new sites identified for CA have been submitted by the DCF Hazaribagh (1292/c) and DFO Chatra (Pg 1306/c) as well as the Regional Office of the Ministry.
- (iii) Finalized Integrated Wildlife Management Plan for North Karanpur area is yet to be received by the Ministry.

In view of the fact that sites identified for CA have been changed/shifted to new locations and conditions no. 7 of the Stage-I approval needs to be amended in lights of the submissions/justification submitted by the State Government, it is proposed that the proposal may be submitted to the FAC for its further examination.
