

F. No. 8-23/2007-FC (Vol. I)
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Jor bagh Aliganj Road,
New Delhi – 110003.

Dated: 25 May, 2019.

To,

The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

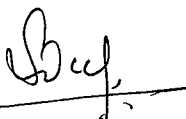
Subject: Proposal for change in land use pattern over an area of 0.218 ha from Safety Zone purpose to mining purposes of already diverted 48.632 ha of forest land over lease area of 49.372 ha at Raikela & Tantra Iron Mines in village Raikela & Tantra in Bonai Forest Division in Sundargarh District of M/s Penguin Trading & Agencies Ltd.

Sir,

I am directed to refer to the State Government's letter No. 10F (Cons)104/2018-7242/F&E dated 09.04.2019 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, '**In-principle**' approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 is hereby granted for change in land use pattern over an area of 0.218 ha from Safety Zone purpose to mining purposes of already diverted 48.632 ha of forest land over lease area of 49.372 ha at Raikela & Tantra Iron Mines in village Raikela & Tantra in Bonai Forest Division in Sundargarh District of M/s Penguin Trading & Agencies Ltd. subject to fulfilment of the following conditions: -

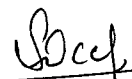
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation shall be raised over 0.261 ha. non forest land, as identified in village Dengula of Koira Tehsil coming under Barsuan Range of Bonai Forest Division, Distt.-Sundargarh, Odisha in lieu of 0.218 ha. of forest land being used for mining, within three years of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non- forest land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;
- (iii) **The State Government and user agency shall ensure to maintain safety zone as per the prescribed norms.**
- (iv) **It is reported that there are 166 number of trees which are enumerated over 0.218 ha area. User Agency shall ensure that wherever possible trees may translocated prior to starting mining activity in supervision of State Forest Department.**
- (v) The identified non-forest land for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the same shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months.
- (vi) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- (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


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- 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;
- (viii) The User Agency shall transfer the funds for the **Net Present Value (NPV)** of the forest land diverted under this proposal, **if not already paid**, from the User Agency as per the orders of the 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 **through online portal** of CAMPA account of the State Concerned;
- (ix) 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;
- (x) User Agency should ensure that the Compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- (xi) The State Govt. ensure that the user agency has complied all the conditions stipulated in Stage-II approval vide Ministry's letter no.8-23/2007-FC, Dtd.13.05.2009 for diversion of 45.585 ha of forest land.
- (xii) The State Govt. ensure that the conditions, if any, incorporated in Memorandum of Understanding as made on 15.10.2016 in between Jindal Steel & Power Ltd. & Penguin Trading & Agencies Ltd., Barbil for sharing common boundary shall be complied;
- (xiii) The complete compliance of the FRA, 2006 shall be complied, if not already done.
- (xiv) Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- (xv) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xvi) The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly; and
- (xvii) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,


(Sandeep Sharma) 22/5/19

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, O/o the PCCF, Government of Odisha, Bhubaneswar.
3. The Addl. Director General (Central), Regional Office, Bhubaneswar
4. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
5. Guard File


(Sandeep Sharma) 22/5/19

Assistant Inspector General of Forests (FC)