

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

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi - 110003
Dated: June, 2023

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

Subject: Request of user agency i.e. NMDC Limited to modify the conditions of Stage-I approval dated 23.01.2013 & 07.11.2013 regarding CA in degraded forest land for Rohne Coal Block in Hazaribagh District, Jharkhand - regarding.

Madam/Sir,

I am directed to enclosed herewith a copy of representation of User Agency i.e. NMDC Limited vide their letter No. NMDC/Coal/Rohne/R2-174 dated 29.04.2023 with a request to modify the conditions of Stage-I approval dated 23.01.2013 citing the example of Badam Coal Mining Project in Hazaribagh District, Jharkhand regarding CA in degraded forest land and requested relaxation on similar lines for Rohne Coal Block in Hazaribagh District, Jharkhand.

Accordingly, State Government is requested to furnish their comments on the request of the User agency. Further, the Stage-I approval in the instant matter was accorded in 2013, therefore, the State Government is requested to furnish the details of the identified suitable Non Forest Land for the purpose of CA by the erstwhile and current user agency as per stipulated condition.

Encl: As Above

Signed by

Yours Sincerely,

Dheeraj Mittal

Date: 13-06-2023 19:18:08 (Dr. Dheeraj Mittal)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Jharkhand, Ranchi;
2. The Regional Officer, Integrated Regional Office, Ranchi;
3. The Nodal Officer (FCA), Department of Forest, Government of Jharkhand, Ranchi;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi for uploading on PARIVESH portal.

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N M D C

एन एम डी सी लिमिटेड N M D C Limited

(भारत सरकार का उद्यम) A GOVT. OF INDIA ENTERPRISE
JSFC Bhawan, 2nd Floor, Main Road, Kadra, Ranchi-834002 (Jharkhand) and
जेएसएफसी भवन, दूसरी मंजिल, मेन रोड, कडरा, राँची - 834002 झारखण्ड
नगम पहचान संख्या @ Corporate Identity No. : L1210CTG1958 GOI 001874

NMDC/COAL/ROHNE/R2-174

Dated: 29.04.2023

To,
Inspector General (FC)
MoEF&CC, Govt of India,
New Delhi

Sub:- Modification in condition of Stage-I approval dated 23.01.2013 & 07.11.2013 regarding CA in degraded forest land for Rohne Coal Block in Hazaribagh District, Jharkhand.

Ref:-1) MoEF&CC Letter No. 8-36/2010 FC dated 18.11.2021

2) NMDC Letter No. NMDC/Coal/Rohne/79 dated 18.12.2021

3) MoEF&CC Letter No. 8-36/2010 FC dated 28.11.2022

4) DO letter of MOS bearing no D.O. No.S-28016/4/2022-NMDC dated 30.01.2023

Sir,

Ministry of Coal allotted Rohne Coal Block in Hazaribagh District, Jharkhand to NMDC on 18.06. 2021. The previous allottee of the coal block was M/s Rohne coal Company Pvt. Ltd (RCCPL).

MoEF&CC has transferred the Stage-I approval dated 23.01.2013 read with letter dated 26.02.2013 (for 567 ha), 07.11.2013 (for 211.23 ha) under Section 2 (iii) and dated 24.01.2014 (for 11.65 ha of forest land falling in the safety zone) granted under Forest (Conservation) Act, 1980 for non-forestry use of 789.88 ha for Rohne Opencast Coal Mining Project from erstwhile user agency i.e., M/s Rohne Coal Company Private Limited to M/s NMDC on 18.11.2021. As per the conditions of transfer, new user agency shall abide by all the conditions on which the forest land was leased to the original user agency.

As per the Stage-I FC, NMDC is required to raise Compensatory Afforestation (CA) over non-forest land measuring 789.88 hectare.

It is to note that as per para 2.5 (i) f Part B of the Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications)

12 (FC)

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TOC (M/K)
18/05/23

CA (CCS)

Planned for
18/05/2023

Page 1 of 3



“ CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted in the cases of the projects implemented by the Central Government/PSUs, excluding Central Govt./Central PSUs Projects implemented by/through State Government and State Sector Projects implemented by the Central Government/PSUs.”

Accordingly, NMDC vide letter dated 18.12.2021 requested MoEF&CC for amendment in the condition no 2,3,4,5,6 of Stage-I FC dated 23.01.2013 and condition no 5,6,7,8 of Stage-I FC dated 07.11.2013 in line with the provision in clause 2.5 (i) f of the above-mentioned FC Act.

However, NMDC's request was not acceded to and as per recommendation of FAC meeting held on 21.09.2022, MoEF&CC stated that the CA should be raised as per the conditions stipulated in the Stage-I approval and compliance of all other conditions will be ensured by the user agency.

In this regard, Ministry of Steel vide DO letter bearing no D.O.No.S-28016/4/2022-NMDC dated January30, 2023 requested MOEF & CC for consideration of modification in the stage-I FC conditions in line with the provision in clause 2.5 (i) f of the above mentioned FC Act. The letter is enclosed herewith for ready reference.

Recently in a similar case of NTPC (PSU), Advisory Committee in its meeting held on 24.03.2023 accepted NTPC's proposal for modification in condition of Stage-I approval dated 20.09.2010 wrt its Badam Coal Mining Project in Hazaribagh District (Jharkhand). Advisory Committee recommended to allow Compensatory Afforestation on degraded forest land which is twice in extent to the area proposed to be diverted instead of non forest land.

In view of the above, NMDC being Central PSU request MoEF&CC to modify the condition of Stage-I approval dated 23.01.2013 & 07.11.2013 regarding raising & maintaining CA on Non-forest land for Rohne Coal Block of NMDC in Hazaribagh



district of Jharkhand and allow NMDC for Compensatory Afforestation on degraded forest land which is twice in extent to the area proposed to be diverted.

Thanking you,

Yours faithfully,

(A K Prajapati) 23/1/22
Executive Director(Coal)

Encl: As above

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 18th November, 2021

To

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

Sub: Transfer of Stage-I approval dated 23.01.2013 read with letter dated 26.02.2013 (for 567 ha), 07.11.2013 (for 211.23 ha under Section 2 (iii)) and dated 24.01.2014 (for 11.65 ha of forest land falling in the safety zone) granted under Forest (Conservation) Act, 1980 for non-forestry use of 789.88 ha for Rohne Opencast Coal Mining Project from erstwhile user agency i.e. M/s Rohne Coal Company Private Limited to M/s NMDC - reg.

Sir,

I am directed to refer to the Ministry of Coal's letter no. NA-103/7/2019/NA dated 20th September, 2021 on the above subject requesting this Ministry's to transfer its approvals granted under Section 2 (ii) and section 2 (iii) of the Forest (Conservation) Act, 1980 to Rohne Coal Block in Hazaribagh District from from the original user agency i.e. M/s Rohne Coal Company Private Limited to M/s NMDC in whose favour the coal block has been allotted by the Ministry of Coal, in accordance with para 5.4 of the Guidelines given under the Handbook of the Forest (Conservation) Act, 1980.

In this connection, I am directed to say that after careful examination of the proposal for transfer of forest clearance and on the basis of recommendations of the Ministry of Coal, the Central Government hereby conveys its approval for transfer of 'in-principle' approvals dated 23.01.2013 read with letter dated 26.02.2013 (for 567 ha), 07.11.2013 (for 211.23 ha under Section 2 (iii)) and dated 24.01.2014 (for 11.65 ha of forest land falling in the safety zone) granted under Forest (Conservation) Act, 1980 for non-forestry use of 789.88 ha for Rohne Opencast Coal Mining Project in District Hazaribagh (Jharkhand) from the erstwhile user agency i.e. M/s Rohne Coal Company Private Limited to M/s NMDC, subject to the conditions as given below:

- Lease transfer charges @ 10% of the NPV or Rs. 1,00,000/- (1 Lakh) whichever is less will be realized from the new user agency and will be deposited in the account of CAMPA, through e-challan, pertaining the State concerned before execution of lease in favour of the new user agency.
- Reimbursement of amount paid by the original user agency shall be dealt with in the manner, as provided in the Coal Mines (Special Provisions) Second Ordinance, 2014 and Rules framed thereunder.
- The new user agency shall pay the NPV as per the approval granted under FC

Act if not paid earlier. The new user agency shall also furnish an undertaking to pay the additional NPV, if so determined by the Hon'ble Supreme Court of India.

- The new user agency shall abide by all the conditions on which the forest land was leased to the original user agency.
- The State Government shall upload the kml files of the area under diversion and accepted non-forest land and degraded forest land for raising compensatory afforestation on the E- Green Watch portal of FSI and detail of the same shall be submitted along with the compliance of Stage-I approval.
- The user agency shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which ae have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora , fauna, etc.
- The State Government shall ensure that compliance of conditions stipulated in the Stage-I approvals dated 23.03.2012 read with letter dated 26.02.2013 (for 567 ha),7.11.2013 (for 211.23 u/s 2 (iii) and 24.01.2014 (11.65 ha safety zone area) is submitted to the Ministry.

Yours faithfully,
Sd/-

(Suneet Bharadwaj)

Assistant Inspector General of Forests

Copy to:

1. Secretary, Ministry of Coal, Shastri Bhawan, New Delhi.
2. Principal Chief Conservation of Forests, Government of Jharkhand, Ranchi.
3. Regional Officer (Central), Integrated Regional Office, Ranchi.
4. Nodal Officer, O/o the PCCF, Government of Jharkhand, Ranchi.
5. User Agencies;
 - a. M/s Rohne Coal Company Private Limited
 - b. M/s National Mineral Development Corporation
6. Monitoring Cell, FC Division, MoEF&CC, New Delhi
7. Guard File.

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N M D C

एन एम डी सी लिमिटेड

N M D C Limited

(भारत सरकार का उद्यम) (A GOVT. OF INDIA ENTERPRISE)

JSFC, Bhiawan, 2nd Floor, Main Road, Kadru, Ranchi-834002 (Jharkhand)

जेएसएफसी भवन, दूसरी मंजिल, मेन रोड, कडरू, राँची - 834002 (झारखण्ड)

नेगम पहचान संख्या @ Corporate Identity No. : L13100TG1958 GOI 001674

18

NMDC/Coal/Rohne/79

Date: 18.12.2021

To

Assistant Inspector General (Forest)

MoEF&CC, GoI

New Delhi

Sub: Amendment in conditions of the Stage-I FC transferred to NMDC Limited from previous user agency M/s Rohne Coal Company Private Limited.

Ref:

1. MoEF&CC letter File No.8-36/2010-FC dated 18/11/2021
2. Stage-I approval dated 23.01.2013 read with the letter dated 26.02.2013 for 567 ha
3. Stage-I approval dated 07.11.2013 for 211.23 ha.
4. Stage-I approval dated 24.01.2014 for 11.65 ha.

Sir,

MoC vide allotment order dated 18.06.2021 allotted Rohne coal mine to NMDC. It is pertinent to mention here that MoC has allotted Rohne coal mine as per the Section 5(1) Coal Mine (Special Provisions) Act, 2015(CMSP) i.e. under provisions for allotment of Coal Mine to Govt. Companies. (Annexure-1)

1. As per the request of MoC vide letter dt. 20.09.2021, MoEF&CC has transferred the Stage-I approval dated 23.01.2013 read with the letter dated 26.02.2013 (for 567 Ha), 07.11.2013 (for 211.23 Ha under section 2 (iii)) and dated 24.01.2014 (for 11.65 Ha of forest land falling in the safety zone) granted under Forest (Conservation) Act, 1980 for non-forestry use of 789.88 Ha for Rohne Opencast Coal Mining Project in District Hazaribagh (Jharkhand) from erstwhile user agency i.e. M/s Rohne Coal Company Private Limited to M/s NMDC on 18/11/2021 vide letter mentioned at Ref-1.

One of the conditions of the transfer is that "The new user agency shall abide by all the conditions on which the forest land was leased to the original user agency."

The original user agency (Rohne Coal Company Pvt. Ltd) was a private company. Hence, in stage-I FC dated 23.01.2013 (Condition no 2,3,4,5,6) and FC dated 07.11.2013 (Condition no 5,6,7,8) issued to original user agency, MoEF& CC provided conditions to raise Compensatory Afforestation (CA) over the non-forest land and its related conditions.



In this connection, it is pertinent to mention that in the Hand book of FC Act, 1980 (Guidelines and Clarifications), as per the section 2.5, Special Provisions for CA for certain categories of Projects, in subsection (i),f for projects implemented by Central Government/PSUs, there exists provision that:

“CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted”

NMDC is a Central PSU under aegis of Ministry of Steel. Hence, NMDC is eligible to avail Special provisions for CA as per Section 2.5(i),f mentioned above i.e. to raise and maintain Compensatory Afforestation over degraded forest land twice in extent of diverted area in place of non-forest land specified in the Stage-I FC letters dt 23.01.2013 & 07.11.2013.

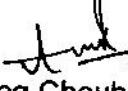
2. The last condition of the transfer Order dt. 18.11.2021, has stated about the compliance of conditions stipulated in the Stage-I approvals dated 23.02.2012. In this regard we would like to draw your kind attention that Stage-I approval was granted on 23.01.2013. Hence, it is observed that date mentioned i.e 23.02.2012 is inadvertently mentioned against the actual date of 23.01.2013.

In view of the above, MoEF&CC is requested to

1. Amend the condition no 2,3,4,5,6 of stage –I FC dated 23.01.2013 and condition no 5,6,7,8 of Stage I FC dated 07.11.2013 such that NMDC can be able to avail Special provisions for CA as per Section 2.5(i),f of Hand book of FC Act, 1980 (Guidelines and Clarifications) and raise CA over degraded forest land.
2. Amend the part of last condition of the transfer order dt. 18.11.2021 i.e “Stage-I approvals dated 23.02.2012”, as “Stage-I approvals dated 23.01.2013”.

Thanking You,

Yours Faithfully,


18/11/21
(Anurag Choubey)
Authorized Signatory

Copy To: Nominated Authority, MoC, Gol

Ref 03

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

Shri
2022
10/03

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

Sub: Request of user agency i.e. NMDC Limited for relaxation of conditions of the Stage-I FC transferred to user agency M/s Rohne Coal Company Ltd.

Sir,

I am directed to refer to State Govt. Order No. 100/2009-1406 V.P. dated 20.05.2022 on behalf of user agency i.e. M/s. NMDC Limited for relaxation of approval dated 23.01.2013 i.e. to raise and manage degraded forest land twice in extent of diversion specified in the Stage-I approval. In this regard, the matter was considered by the Forest Advisory Committee. A copy of the minutes of the meeting is attached. www.parivesh.nic.in

Based on the recommendation of the Forest Advisory Committee, the competent authority of the Ministry, the Government of India, the CA should be raised as per the conditions specified in the Stage-I approval. Compliance of all other conditions will be ensured.

In view of above, I am directed to request the user agency to ensure compliance of Stage-I approval of the Government and a report on the same to be submitted for necessary action in the matter.

Signature
Shri
Date
Reason: Approval

Principal Chief Conservation of Forests, Government of India
Principal Officer (Central), Integrated Regional Office
of Forest Officer/O of the PCCF, Govt. of Jharkhand, Ranchi
FC Division, MoEF&CC, New Delhi



D.O. No. S-28016/4/2022-NMDC

January 30, 2023

Mr. H. S. B.

NMDC Ltd (a CPSU under administrative control of the Ministry) has been allotted Roine Coal Block by Ministry of Coal on 15.06.21. It has been informed by NMDC that as per the efficiency parameter of allotment agreement and commencement plan, mining operation of the coal block is to start by 17.09.2025. Among the efficiency parameters, one of the most critical activity is to obtain Stage-II Forest Clearance before 15.06.2023.

2. As per the Stage-I FC, it is necessary to raise Compensatory Afforestation (CA) over the non-forest land measuring 78,188 hectares. NMDC Ltd. is supposed to purchase non-forest land to the extent of 78,188 hectare and tender it to Forest Department, for CA. The above process is a time consuming which may take more than two years to comply with and will affect achievement of the efficiency parameter.

3. It has been informed that there is no provision for Compensatory Afforestation in the Forest Conservation Act, 1980 (Guidelines for Clarification and Forest Conservation Rules, 2003 (Guidelines and Clarification) for certain categories of projects implemented by Central Government/PSUs. As per Clause 2.5, CB, Pt-2 (Part-B) of the said Act: "CA shall be raised and maintained at the cost of the user, over a not degraded forest land twice in extent of the forest area cleared"

4. In view of above, I request you for consideration for modification in the Stage-I FC conditions in line with provisions mentioned in Clause 2.5 of the FC Act, 1980 as NMDC Ltd being a CPSU falls in the definition of Government Agency as provided in above said clause and the provisions mentioned regarding Compensatory Afforestation can be made applicable to NMDC.

With regards,

Yours sincerely,

(Signature)
Ashish Narandru

Sri Neelesh Kumar Sahi
Joint Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan
Torbagh Road, New Delhi - 110003