

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

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110003

Dated: July, 2023

To,
The Additional Chief Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: Proposal for assignment of forest land on lease under section 2 (iii) of the Forest (Conservation) Act, 1980 involving forest area of 575.16 ha of forest land in favour of M/s Dalmia Cement (Bharat) Limited) (DCBL) for Kottameta Limestone mining in Katamateru village under Malkangiri Tehsil of Malakangiri District, Odisha –reg.

Madam/Sir,

I am directed to refer to the Government of Odisha's letter No. FE-DIV-FLD-0057-2022-12010 dated 08.01.2022 on the above-mentioned subject seeking prior approval of the Central Government under Section-2 (iii) of the Forest (Conservation) Act, 1980. After careful examination of the proposal by the Advisory Committee and after its recommendation, and approval of competent authority in the Ministry, *'in-principle'*/Stage-I approval was granted vide this Ministry's letter of even number dated 18.05.2023 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the *in-principle* approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide their letter No. 12741(A)/9F (MG)-386/2021 dated 23.06.2023, final approval of the Central Government is hereby granted for according permission under Section 2 (iii) of the Forest (Conservation) Act, 1980 for 575.16 ha of forest land in favour of M/s Dalmia Cement (Bharat) Limited) (DCBL) for Kottameta Limestone mining in Katamateru village under Malkangiri Tehsil of Malakangiri District, Odisha, subject to following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Honble Supreme Court of India;
- iii. This approval under section 2 (iii) will automatically lapse within a period of two years from the date of in principal approval by Central Government, unless the user agency applies for approval under section 2 (ii);
- iv. The approval under section 2(iii) does not in any manner exempt the user agency from obtaining prior approval under section 2(ii) of the FCA, 1980 in regard to such area of forest land which is to be used for non-forest purpose;
- v. Grant of approval under section 2 (iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under section 2 (ii) of the Forest (Conservation) Act, 1980 and decision on proposal under section 2 (ii) will be taken purely on the merit of the case;
- vi. The State govt. shall ensure that breaking up of land or mining operations within the lease area are not allowed without prior approval of the Central Govt. under Section 2 (ii) of Forest (Conservation) Act, 1980. The user agency shall be responsible for the protection of the forest land located in the mining lease. However, administrative and management control of such forest land will remain with the State Forest department or other forest land owning agencies;
- vii. The approval Section 2(iii) of the Forest (Conservation) Act, 1980 shall be valid for a period co-terminus with the period of mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended, and the Rules framed thereunder;
- viii. No physical diversion of forestland shall be allowed and no breaking up of forest land to be permitted;
- ix. The forest department will be free to manage the forest area as per normal management practices and working plan prescription;
- x. The State Govt. shall ensure the complete compliance on FRA, 2006 before signing of the lease;
- xi. Grant of this approval does not in any manner, exonerate the concerned authorities in the State Government or in any other Authority, from the proceedings under Section 3A and 3B of the FC Act, liable to be initiated for violation, if any, of the FC Act committed by them by assigning such forest land on mining lease without obtaining prior approval of Central government under Section- 2 of the FC Act;
- xii. This permission does not confer any right to User Agency for physical diversion/ Mining or any other activity on the Forest Land;
- xiii. No staff/ laborer shall be allowed to enter inside forest area without valid permission of competent local forest authority;
- xiv. Demarcation of mining lease area will be done on the ground at project cost using 4 feet high concrete pillars with serial numbers,

- bearing, distance from pillar to pillar and GPS coordinates;
- xv. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 - xvi. The User Agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly;
 - xvii. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
 - xviii. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and
 - xix. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

Yours faithfully

(Dr. Surabhi Rai)

Dy. Inspector General of Forests

Copy to:

1. PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. DDGF (Central), Integrated Regional Office at Bhubaneswar.
3. PCCF cum Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.