



STATE FOREST HEADQUARTERS, ODISHA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF
PLOT NO.GD-2/12, ARANYA BHAWAN,CHANDRASEKHARPUR
BHUBANESWAR-751023

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No.

/ 9F (Misc) – 62/2019

Dated, Bhubaneswar the

October'2022

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From

Principal Chief Conservator of Forests
(Forest Diversion and Nodal Officer, FC Act)
O/o the PCCF &HoFF, Odisha, Bhubaneswar

To

The Deputy Director General of Forests (Central)
Government of India, Ministry of Environment, Forest & Climate Change
Integrated Regional Office, A/3, Chandrasekharpur
Bhubaneswar-751023

Sub:- Diversion of 22.671 ha of Forest land for Establishment of proposed Iron Ore Grinding, De-sliming (Beneficiation) Plant and Slurry pumping station and Water Intake System of M/s JSW Utkal Steel Ltd. under Barbil Tahasil in Keonjhar District, Odisha.

Ref: Letter F.No.5-ORC400/2019-BHU dated 23.12.2019 of the Technical Officer (Forestry), Government of India, MoEF & CC, IRO, Bhubaneswar

Sir,

In reference to the above mentioned subject, this is to inform that Government of India, Ministry of Environment, Forest & Climate Change, Integrated Regional Office, Bhubaneswar has accorded Stage-I/In-principle approval vide their Letter 5-ORC400/2019-BHU dated 23.12.2019 for diversion of 22.671 ha of forest land for establishment of proposed Iron Ore Grinding, De-sliming (Beneficiation) Plant, Slurry pumping station and Water intake System of M/s JSW Utkal Steel Ltd. under Barbil Tahasil in Keonjhar District, Odisha subject to fulfillment of 25 nos. of conditions stipulated therein. The User Agency has complied all the conditions imposed by Govt. of India, MoEF & CC, IRO, BBSR. The point wise compliance based on the report of the DFO, Keonjhar Division and RCCF, Rourkela Circle are as follows:-

Condition No.(i):-Legal Status of Forest land proposed for diversion shall remain unchanged.

Compliance:-The User Agency has submitted an undertaking to this effect mentioning legal status of forest land proposed for diversion shall remain unchanged, duly countersigned by the DFO, Keonjhar division is enclosed as **Annexure-I.**

Condition No.(ii):- *Forest Land will be handed over only after required non-forest land for the project is handed over to the user agency.*

Compliance:-The RCCF, Rourkela Circle has reported that the total land involved in the instant proposal is 80.505 ha which includes 57.834 ha of non-forest land. Out of 57.834 ha of Non-forest land, IDCO has already handed over 54.097 ha of non-forest land to JSW Utkal Steel Ltd for the project. After handing over of the balance non-forest land over 3.737 ha, forest land will be handed over to the user agency.

Condition No.(iii):-*Compensatory afforestation shall be taken up by the Forest Department over 22.80 ha non-forest land identified in Plot No. 329(P) & 519, Khata No. 67 (AAA) of village Podadihi under Banspal Tahasil of Keonjhar District at the cost of the user agency. As far possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.*

Compliance:-The RCCF, Rourkela Circle has reported that the non-forest Govt. land over 22.80 ha has been identified in village- Podadihi under Banspal Tahasil and allotted by Collector, Keonjhar vide his letter No. 2105/Rev/dt.20.12.2018 for raising of Compensatory Afforestation against the aforesaid project. The CA scheme has been approved by the Conservator of Forest [Nodal] with a financial outlay of Rs. 2,03,66,700/- [Rupees Two Crores Three Lakhs Sixty-Six Thousand and Seven Hundred Only] at the wage rate of Rs. 315/- per man-day vide his memo No. 22394 dt. 27.12.2021(Copy enclosed as **Annexure-II**).

As reported by the DFO, Keonjhar Division, the above CA scheme over 22.80 ha non-forest land identified in village Podadihi under Banspal Tahasil was revised at the current wage rate of Rs.326/- per MD and duly approved by the CCF(FD&NO, FC Act) vide Memo No. 14133 dt.19.07.2022 with a total financial outlay of Rs.2,11,32,500/- (copy enclosed as **Annexure-IIA**).

Condition No.(iv):-*The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favor of the State Forest Department before issue of Stage-II approval.*

Compliance:-The RCCF, Rourkela Circle has reported that the non-forest land measuring 22.80 ha identified in Village Podadihi under Banspal Tahasil of BJP Range in Keonjhar Forest Division for raising CA has been alienated in favour of State Forest & Environment Department vide Order No.2156 dt.20.11.2021(Copy enclosed as **Annexure-III**). The Tahasildar, Banspal Tahasil vide letter No. 533 dated 08.02.2022 has communicated to the DFO, Keonjhar Division

the ROR bearing No. 1/1 in the name of the State Forest Deptt.. The Copy of letter along with ROR is enclosed as **Annexure-III A**. Subsequently, the aforesaid NF land has been declared as “Podadihi Protected Forest” vide Notification No.13365/FE&CC Dtd.28/07/2022 of the FE&CC Deptt. Govt. of Odisha. A copy of the Notification is enclosed as **Annexure-III(A-1)**.

Condition No.(v):-The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

Compliance:- The CA scheme has been approved by the Conservator of Forest [Nodal] with a financial outlay of **Rs. 2,03,66,700/- [Rupees Two Crores Three Lakhs Sixty-Six Thousand and Seven Hundred Only]** at the wage rate of Rs. 315/- per man-day vide his memo No. 22394 dt. 27.12.2021. Accordingly, the User Agency has deposited the same amount of Rs. 2,03,66,700/- [Rupees Two Crores Three Lakhs Sixty-Six Thousand and Seven Hundred Only] through RTGS on dtd. 09.02.2022 in favour of ORRISA CAMPA, A/C No.- 150826736705564, IFSC Code- UBIN0903710 & UTR No. ICICR420220900534061. The copy of demand letter of DFO, Keonjhar ,challan and payment detail are enclosed as **Annexure-IV,IVA,IVA1,IVA2 Series**.

Due to enhancement of wage rate, the Compensatory Afforestation Scheme over 22.80 ha of non-forest Govt. land identified in village- Podadihi under Banspal Tahasil has been recasted by CCF(FD&Nodal, FC Act) for Rs.2,11,32,500/- [Rupees Two Crores Eleven Lakhs Thirty-two Thousand and Five Hundred Only] at current wage rate of Rs. 326/- per man-day with maintenance of 10 years along with appropriate provision for anticipated cost increase for works scheduled for subsequent years vide this memo No. 14133 dt.19.07.2022(**Copy enclosed as Annexure-IV-B**). Accordingly, the user agency was requested vide his office letter No.5489 Dtd.20.07.2022 for deposit of differential amount Rs.7,65,800/-. The User Agency has also deposited the same through e-portal of <http://parivesh.nic.in> through RTGS vide UTR No.ICICR42022080900521008 dtd.09.08.2022. The copy of demand letter of DFO, Keonjhar, challan and payment details are already enclosed above as **Annexure-IV-B1,IVB2&IVB3 Series**.

The RCCF, Rourkela has reported that the User Agency at its cost has undertaken survey and demarcation and erection of 4' RCC pillars at each survey points on the boundary of CA land.

Condition No.(vi):-*The State Govt. shall charge the Net Present Value (NPV) for the 22.671 ha forest area to be diverted under this proposal from the user agency as per the Order of Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No. 566 in Writ Petition (Civil) No. 202/1995 and as per the guidelines issued by Ministry vide letter No. 5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03.10.2006 and No.5-3/2007-FC dated 05.02.2009 in this regard.*

Compliance:-The RCCF, Rourkela Circle has reported that the User Agency was issued a demand notice vide his office letter No. 58 dtd. 28.01.2020 for payment of NPV of Rs. 1,65,49,830/-. The copy of demand note is enclosed as **Annexure-V**. The User Agency has deposited a sum of Rs. 1,65,49,830/- towards the NPV over 22.671 ha forest land (Eco Value Class-I, Canopy Density- 0.3) through RTGS on 28.01.2022 in favour of ORISSA CAMPA, A/C No.- 150886736705743, IFSC Code- UBIN0903710 & UTR No. ICICR42022012800546381.

The copy of challan and payment details are enclosed as **Annexure-V-A Series**.

Condition No.(vii):-*Additional amount of the NPV of the forest land to be diverted, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Govt. from the user agency. The user agency shall furnish an undertaking to this effect.*

Compliance:-The User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(viii):-*All the funds received from the user agency under the project shall be transferred/deposited to State CAMPA fund only through (<https://parivesh.nic.in/>)*

Compliance:-The RCCF, Rourkela Circle has reported that all the demanded funds have been deposited by the User Agency through challan generated online in the web portal of <https://parivesh.nic.in/> and have been deposited in appropriate bank online only.

The revised 12 point CAMPA format duly signed by the DFO, Keonjhar Division and countersigned by PCCF (FD & NO, FC Act) is enclosed as **Annexure-VI**.

Condition No.(ix):-*As recommended by the State Govt. the Site Specific Wildlife Conservation Plan pertaining to the project duly approved by CWLW, Odisha shall be implemented at the project cost.*

Compliance:-The RCCF, Rourkela Circle has reported that the SSWLCP for the aforesaid project in compliance to this condition has been approved by the PCCF(WL) & CWW, Odisha with a financial forecast of **Rs. 292.12 Lakh (Rupees Two Crore Ninety-Two Lakh Twelve**

Thousand Only) at the wage rate of Rs.311/- per MD vide his letter No.8075 dtd.21.08.2021. The copy of approved plan along with letter is enclosed as **Annexure-VII**.

As reported by the DFO, Keonjhar Division, the demand notice in this regard was issued to the User Agency to deposit the cost of approved SWLCP of Rs. 292.12 vide his office letter No. 5054 dt.26.08.2021. The copy of demand note is enclosed as **Annexure-VII-A**.

The User Agency has deposited Rs. 2,92,12,000/- towards approved Site Specific Wildlife Conservation Plan through RTGS on date 09.02.2022 in favour of ORISSA CAMPA, A/C No.- 150826736705564, IFSC Code- UBIN0903710 & UTR No. ICICR420220900534061. The copy of challan and payment details are enclosed as **Annexure-VII-B Series**.

Condition No.(x):-*The state Govt. shall initiate action as per Para 1.21 of Chapter-1 of Handbook of Guideline issued under F.C. Act, 1980 vide Ministry's letter No. 5-2/2017-FC dated 28.03.2019 for violation of Forest (Conservation) Act, 1980.*

Compliance:-The RCCF, Rourkela Circle has reported that an area of 183.610 Ac. or 74.304 ha of land has been leased out by the IDCO in favour of M/s JSW Utkal Steel Ltd. vide registered lease deed No. 1031800324 dated 23.06.2018 as per Hal record. The leased out area of 183.610 Ac. or 74.304 ha comes under Non-forest category as per Hal record. But subsequently, it was ascertained by the User Agency from the Tahasildar, Barbil vide Letter No. 4737 dated 23.10.2018 of Tahasildar Barbil that out of 74.304 ha of leased out land, 20.269 ha is found to be recorded as forest as on 25.10.1980 (Sabik Forest).

As per the Hal record, published during the year 1982-83 all the lands stood recorded as non-forest land. As per letter No.4822 dated 12.02.2015 of the Chief Secretary, Government of Odisha inter alia states that "if any entry in the RoR is altered in subsequent RoR, the later has to be presumed to be correct until it is proved by evidence to be incorrect, but the previous entry can be admissible as evidence of facts existing at the time such entry was made. In case required for a project, the status of land classified as 'forest' on 25.10.1980 is to be diverted for non-forest use after obtaining prior approval of Central Government as per provision of the FC Act." All lease deeds between M/s Crackers India Alloys Ltd and IDCO were executed much prior to the notification dated 12.02.2015. The land while under possession of M/s Crackers India Alloys Ltd, M/s JSW Utkal steel ltd. proposed to set up a Grinding and Desliming(Beneficiation) plant at the same location and having reached a consensus among both the Parties, approached IDCO to allow the transfer of the land from M/s Crackers India Alloys Ltd, to M/s JSW Utkal Steel

ltd. The IDCO vide their letter No.12878 dated 21.06.2018 permitted the transfer these patches of land for the balance period of lease (Copy enclosed as **Annexure- VIII**). Thus, this is not a new/ fresh lease as referred under Section-2 of the FC Act. but transfer of already leased out land from one Project Proponent to another Project Proponent for the balance period. Further, no work on ground has been started by JSW USL as reported by the DFO, Keonjhar.

Hence, the alleged violation may be condoned as it is not attributable to the present User Agency as per the report of the DFO, Keonjhar Division.

Condition No.(xi):-The cost of felling of trees shall be deposited by the user agency with the State Forest Department.

Compliance:-The User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(xii):-The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector. The FRA certificate in Form-II along with Gram Sabha resolution shall be submitted before Stage-II approval.

Compliance:-The RCCF, Rourkela Circle has reported that the settlements of Rights in terms of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been completed and the required certificate from the Collector, Keonjhar has been obtained vide letter No. 323 dated 15.02.2020. The copy of the said certificate along with proceedings of SDLC(s) and DLC have been attached as **Annexure-IX**. The copy of Gram Sabha Resolution is also enclosed herewith as **Annexure-IX A Series**.

Condition No.(xiii):-The user agency shall obtain Environment Clearance as per the provision of the Environmental (Protection) Act, 1986, if applicable.

Compliance:- The RCCF, Rourkela Circle has reported that Terms of Reference (TOR) was granted vide letter No.IA-J-11011/271/2018-IA-II(I) dt.22.02.2019 of Government of India, MoEF& CC, New Delhi for the aforesaid project. Final EIA report including proceedings of Public Hearing has been submitted to the MoEF&CC for appraisal which is presently under consideration. The User Agency has not obtained E.C till date. An undertaking in this regard submitted by the User Agency is enclosed vide **Annexure-I**.

Condition No.(xiv):- *No additional or new path will be constructed inside the forest area for any activity related to the project work.*

Compliance:- The RCCF, Rourkela Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(xv):- *No labour camp shall be allowed in the forest area.*

Compliance:- The RCCF, Rourkela Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(xvi):- *The user agency shall provide LPG, to labourers working at the site to avoid damage/tree felling and ensure no fuel wood use.*

Compliance:- The RCCF, Rourkela Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(xvii):- *The user agency while executing works, shall not fell any tree or damage forest growth in surrounding forest area in any manner.*

Compliance:- The RCCF, Rourkela Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(xviii):- *The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost.*

Compliance:- The RCCF, Rourkela Circle has reported that the boundary of the forest land has been suitably demarcated on the ground at the project cost.

Condition No.(xix):- *The period of diversion under this approval shall be co-terminus with the period of lease granted in favour of user agency or the project life, whichever is less*

Compliance:- The RCCF, Rourkela Circle has reported that the period of diversion under this approval shall be co-terminus with the period of lease i.e. 79 years w.e.f. 23.6.2018.

Condition No.(xx):- *The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest and Climate Change.*

Compliance:-The RCCF, Rourkela Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(xxi):-*The forest land shall not be used for any purpose other than that specified in the proposal.*

Compliance:- The RCCF, Rourkela Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(xxii):-*The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest and Climate Change.*

Compliance:- The RCCF, Rourkela Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(xxiii):-*Any other conditions that the Ministry of the Environment, Forest and Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.*

Compliance:- The RCCF, Rourkela Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

Condition No.(xxiv):-*The State Govt. and user agency shall ensure compliance to provisions of the all the court orders, provisions rules regulations and guidelines for the time being in force as applicable to the project.*

Compliance:- The RCCF, Rourkela Circle has reported that the User Agency has submitted an undertaking to this effect duly countersigned by the DFO, Keonjhar division which is enclosed as **Annexure-I**.

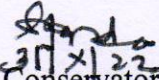
Condition No.(xxv):-*The compliance Report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in>).*

Compliance:-The RCCF, Rourkela Circle has reported that the compliance report of the Stage-I approval has been uploaded on e-portal (<https://parivesh.nic.in>) by the User Agency.

In view of the above, the compliance to the conditions imposed by Government of India, MoEF& CC, IRO, BBSR is sent herewith for according final approval for diversion of 22.671 ha of forest land for establishment of proposed Iron Ore Grinding, De-sliming (Beneficiation) Plant and Slurry pumping station and Water intake system of M/s JSW Utkal Steel Ltd. under Barbil Tahasil in Keonjhar District, Odisha under Section-2 of Forest (Conservation) Act, 1980.

Encl: Stage-I Compliance in one set


Yours faithfully


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. 22294 /Dt. 03.11.2022

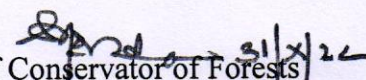
Copy alongwith one set of Stage-I compliance forwarded to the Additional Chief Secretary to Government, FE & CC Department, Odisha, Bhubaneswar for information and necessary action with reference to FE&CC Department Letter No. 10F(Cons) 103/19/792/F&E dated 10.01.2020.

Encl: Stage-I Compliance report in one set


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

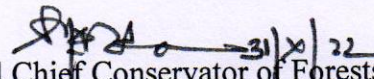
Memo No. /Dt.

Copy forwarded to the RCCF, Rourkela Circle for information and necessary action with reference to his Memo No. 2871 dated 05.09.2022.


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

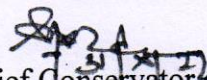
Memo No. /Dt.

Copy forwarded to the DFO, Keonjhar Forest division for information and necessary action with reference to Memo No. 2872 dated 05.09.2022 of RCCF, Rourkela Circle


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

Memo No. /Dt.

Copy forwarded to the Authorised Signatory, M/s JSW Steel Ltd., Plot No. 3, Forest Park, Sishubhawan Square, Bhubaneswar-751009, Odisha for information and necessary action.


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, FC Act

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