

**(PARIVESH 1.0)****Minutes of the Meeting of the Advisory Committee (AC) meeting held on  
26.09.2025****Agenda No. 1****File No. 4-APC147/2022-VIJ**

**Sub: Proposal for diversion of 12.98 Ha (i.e. 9.72 ha for Ashramam and 3.26 ha for road portion) of forest land in Compartment Nos 172,173,174,175,176,178 & 208 of Kotha Kota Dasarapalli RF, Jyothi Beat, Porumamilla Range, Proddatur WL Division for development of Samartha Sadguru Sri Kasinayana Ashramam at Jyothi Kshetram in Sri Kasireddynayana (M), Kadapa District in favour of Sri Kasireddy Nayana Gari Nandyal Ashramam, Nandyal Kurnool District.- regarding (Online Proposal No. FP/AP/Others/35298/2018).**

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 26.09.2025. The corresponding agenda note is available at [www.parivesh.nic.in](http://www.parivesh.nic.in). The PCCF, Nodal Officer (FCA), CF concerned and DFO concerned, Government of Andhra, and Regional Officer, IRO Vijayawada were also present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. The Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. The AC after thorough deliberation and discussion observed that:
  - i. The State Government vide letter No. 2326/Section. I/2021/ (1584407) dated 16.02.2022 forwarded the instant proposal and requested for according approval under FCA, 1980. The proposal has been processed and forwarded by the State Government through online vide proposal No. FP/AP/Others/35298/2018 on 17.02.2022.
  - ii. Purpose wise break-up of the forest area required for diversion: As reported by the User Agency, the component wise breakup are as follows:

Sl. no.	component wise breakup	Area (ha)
1.	Ashram Area	9.72
2.	Road area	3.26
3.	Total	12.98

- iii. Legal Status of Forest land proposed for diversion is reserved forest. The density of the vegetation is 0.5 and Eco Class 03.
- iv. The DFO, Proddatur (WL) Division has reported that proposed forest area is falling in Tiger Corridor Area Nagarjuna Sagar Srisaillam Tiger

Reserve and Sri Venkateswara National Park and reported that reported that fauna like Tiger, Panther, Wild Boar, Bear, Jungle Sheep, Hare, Spotted Deer, Jungle fowl etc are present in and around the forest land proposed for diversion.

- v. The Divisional Forest Officer, Proddatur WL Division has submitted that violations took place in the year 2014 for developing temple area and formation of road in the RF area to an extent Of 9.98 ha. without obtaining permission from the Competent authority. The following are the violations:
  - a. Construction of civil structures like Sathrams, Choultries, Core temple - 3.00 ha.
  - b. Under development works such as parking, internal road etc. - 3.72 ha.
  - c. Formation of BT road from outer boundary of RF boundary to the Temple localities -3.26 ha.
- vi. DFO, Proddatur (WL) Division has reported 443 trees to be felled (including red sanders) in the forest area proposed for diversion. Enumeration list of trees has been submitted and uploaded in the online application.
- vii. Non forest area over an extent of 13.10 ha. Sy.no.6/N3, Thimmamammabapuram Village, Penagalur Mandal, Rajampet WL Division, Kadapa District is identified for CA land. It is adjacent to Kokaletikanuma Extn.RF, Kothur Beat, Kondur Section, Chitvel Range, Rajampet WL Division. Further it is reported that the identified non-forest land has hilly rocky sheeted and slope area and good natural growth pole size Red sanders, Yelama, Neeudi tect. Hence soil working to the existing plants in natural regeneration areas, water harvesting structures and tending & cultural operations are proposed in the non-forest land. Since, the non-forest land identified for CA is not suitable to plant 1000 plants per hectare, it is proposed to take up balance CA plantations in the degraded forest in compartment.no.1046 of Chitvel Extn.BRF Chitvel Beat, Chitvel Section of Chitvel Range over an extent of 13.01 ha.
- viii. CA scheme with financial outlay of Rs.72.91 lakhs (both NFL & DFL area together) has been submitted. CA scheme, map, soil suitability certificate etc have been uploaded in the online application.
- ix. AC further observed that the proposal has already been deliberated in two Regional Empowered Committee (REC) held on 18.03.2022 and 03.05.2023.
- x. On 18.03.2022 the REC after detailed deliberation and considering and considering the fact that the User Agency has already carried out works in violation, the committee opined that the subject proposal is for regularization of encroachment and for such regularization, approval from the competent authority, MoEF&CC, New Delhi is required.

Hence, committee decided to forward this proposal to Ministry for appropriate decision, only after receipt of the following;

- a. Recommendation of the SC-NBWL.
  - b. Clarification on whether staff quarters included within the 12.98 ha or otherwise.
- xi. As reported, 9.98 ha of forest area under Violation. But as per the google earth images, most of the forest area proposed for diversion appears to be under non forestry usage. Hence correct extent of forest area under violation shall be reported along with the details of violation;
  - xii. The status of the UA has been reported as others. As per the letter dated 18.02.2020 of the Endowments Department, the Ashramam referred is not published and registered in Endowments Department. Hence, correct legal status of the User Agency and their activities in the said Ashramam etc shall also be reported;
  - xiii. Authenticated block notification mentioning of existence of temple and its extent of RoW allowed shall be informed; Copy of such notification shall be furnished.
  - xiv. Details of offence cases wherein the User Agency and its representatives involved i.e. poaching of Wild animals / red sanders smuggling etc, if any shall be reported;  
In addition to the above, the committee decided to inform to the State Government that, the forest area proposed for diversion shall not be considered as diverted under FCA, 1980 until diverted with the approval of the competent authority, in case considered by such authority. As the area is very rich in rare flora like Red sanders and is falling Tiger Corridor Area, the State Government shall take all appropriate action on violators and on ongoing construction works as deemed fit under Indian Forest Act, 1927 and other State Acts dealing with the Conservation of Forests by the State Government and shall take all precautionary measures to prevent further encroachment.
  - xv. In response to the recommendation of REC, the State Government vide their letter No.2326/Section.II/2021/1584407 dated 31.03.2023 submitted additional information. Accordingly, the matter was once again deliberated in the REC meeting held on 03.05.2023.
  - xvi. The REC on 03.05.2023 examined the proposal and additional information submitted by the State Government vide their letter No.2326/Section.II/2021/1584407 dated 31.03.2023. As the project is non site-specific, the committee enquired Shri Nagaraju Maddur, the representative of the User Agency for justification for consideration under FCA, 1980 and why can't the proposal be not recommended from the conservation of pristine forest area with important flora & fauna point of view. The representative of the User Agency informed to the committee on importance of the area and but could not submit any such tangible reasons to justify the area required for diversion. The

committee expressed its displeasure on the User Agency for violation by encroaching on the forest land and carried out non forestry activities by encroaching the forest area without prior approval of the competent authority and committee also expressed serious anguish on the State Forest Department officials for their failure to prevent such encroachment of forest land.

- xvii. Further, REC noted that the State Government reported, two (02) staff quarters (i.e. one (1) FBO quarter and one (i) ABO quarter) were constructed during the 2010-11, which are included within 12.98 ha area proposed for diversion and the area proposed for diversion and the area occupied for staff quarters is 838 Sq mt or 0.084 ha. Committee noted that the instant proposal is submitted by as private party and reason for including staff quarters within their proposal by the State Government is not clear;
- xviii. The REC also noted that the Nodal Officer (FCA), AP Forest Department informed to the committee that the SBWL approved the proposal under WLP Act and the same has been sent to the SC-NBWL and the recommendation of the SC-NBWL is awaited.
- xix. The REC examined the entire case and opined that as per the information / documents submitted along with the proposal, the present proposal is qualifying as one of regularization of encroachments and decided to tender its advice. The committee noted that the UA already constructed residential structures with a capacity of 500 members and road / electricity / government bus facilities also being given by the State Authorities for the encroached project proponents.
- xx. Accordingly, REC decided to advise not to consider the instant proposal under FCA, 1980 and decided that, the IRO may take necessary action to convey the decision of the REC to the Competent Authority in the Ministry as per the provision of Forest (Conservation) Second Amendment Rules, 2014 rule 6 (i)(2)(c)(d)(e) & (f).
- xxi. The file was submitted by IRO, Vijayawada with the recommendation of REC held on 03.05.2023 for approval of Competent Authority. DFG&SS, MoEF&CC desired that the proposal may be placed before Advisory Committee for deliberation and further appropriate decision.
- xxii. Deliberation of the Advisory Committee:
  - a. AC Observed that the instant proposal is a case of blatant violation wherein State Authorities are seemingly involved as there is a road connectivity, a transmission line and State has provided the transposition facility etc. without approval of Competent Authorities.
  - b. AC also observed that there is no record which is placed on record which can ascertain the presence of any old temple structure. In this regard the State Officials have submitted that there is one mention of small temple in the said area in an old

gazetteer. However, AC further observed that there are no Revenue/Forest record put in place.

- c. It was also deliberated that violation in the said area is been done continuously over a period of time and infrastructure is being expanded/ strengthened on time to time basis. For this a time series analysis and a comprehensive report need to be submitted.
- d. AC further observed that the offense cases has been filed against certain individuals only, it is not clear that who provided permission for creating infrastructures like road, transmission lines and other amenities.
- e. Further AC also observed that for the purpose of creating such infra structure a huge number of trees must have been felled considering the density of the forest in this area. It is not clear whether the felling was done illegally or with permission of the State Forest Dept. In addition, the details of timber seized for illegally felled timber or timber from any felling with permission of the forest dept. is not available.
- f. AC also observed that there is a mention of around 300 numbers of domesticated cattle in the premises, it is not clear what steps are being taken by the State Forest Dept. for stopping illegal grazing.
- g. AC finally observed that State Forest Dept. has not taken any steps and measures to stop the expansion of infra structure and there is continued violation by the State Authorities as well as the User Agency. In this regard it is noted that the user agency has only be formed in the year 2022.

xxiii. The above facts were considered in the last AC meeting held on 12.06.2023. After thorough deliberation and discussion the committee defer the proposal for want of the following information:

- a. The State Govt. shall provide a clarification for providing road / electricity / government bus facilities by the State Authorities for the project proponents and the temple. The State Govt. shall provide the names of authorities who have allowed these permissions without approval of FCA 1980.
- b. The State Govt. shall also provide clarification on the number of trees felled and the status of timber and also inform whether the trees being felled was illegal and if so details of any FOR/POR filed in this regard. In case, the State Forest Dept. has given permission to fell trees for widening / making of road and transmission lines, the same shall be submitted with details.
- c. State Government and IRO Vijayawada shall initiate action under section 3A & 3B under FCA 1980 against the State

Authorities for providing Road, Electricity and Transport facility in the forest land for violation of FCA 1980. The State Govt. shall forward the details of the officials responsible for violation of FCA 1980 to IRO Vijayawada.

- d. The State Govt. shall also forward the details of the officials who were in charge in the Forest division and were responsible for stopping the encroachments from the level of Range Forest Officer, ACF, DFO and CF since 2014 to IRO Vijayawada.
  - e. State Govt. shall clarify as to why the appeal is not filed against the acquittal of accused and also provide the details of the two cases for which C.C numbers were to be obtained.
  - f. State Govt. shall immediately stop all illegal activities in this area and submit an undertaking that no further extension & expansion of any infra structure/ activities will be done without prior approval under FCA 1980.
  - g. Since the area is in the vicinity of Tiger Reserve area and is in the Tiger corridor the specific comments of Chief Wildlife Warden shall be submitted.
  - h. IRO, Vijayawada shall analyse the extent and timeline of violation and submit a detailed report along with details of officials/authorities responsible for violation/encroachment. A time series analysis for construction of such extensive infrastructure shall be done and the same shall be submitted.
- xxiv. The above observations were communicated to the State Govt. vide Letter No.4-APC 147/2022-VIJ on dated 27.06.2023. In this reference, the State Government submitted the reply vide letter no. 326/Section.II/2021/1584407 dated 14.08.2025.
- xxv. The State Government has clarified that road, electricity, and government bus facilities were provided to **Sri Jyothi Lakshmi Narsimha Swamy Temple**, a site of historical and cultural significance dating back to the Pandava period, and mentioned in the *Saint George Gazette*, Madras Notification dated 25th June 1895. A pre-existing right of way (4 feet wide, approximately 5 miles long) from Nayunipalli village to the temple was already notified. Following increased pilgrim visits post-1950, the following actions were taken by State authorities:
- a. **BT Road** to the temple was laid in **2002** with funds from the **Panchayat Raj Department**.
  - b. **Electricity connection** was sanctioned under the **MPLADS** scheme in **2002**, through the **Superintending Engineer (Operations), APSPDCL**, Kadapa.
  - c. **APSRTC** initiated a **government bus service** to Jyothi Village in **1997** from Mydukur Bus Depot, YSR District.

- xxvi. It is acknowledged that these facilities were provided without obtaining prior approval under the Forest (Conservation) Act, 1980, and the APSPDCL authorities have since disconnected electrical connections to five buildings in the area.
- xxvii. The State Government has submitted that six OR (Offence Report) cases were booked during the year 2013–14 in connection with damage to forest trees along the route leading to Jyothi Lakshmi Narsimha Swamy Temple. While the exact number of trees felled was not recorded, the estimated value of the damage was assessed at Rs. 6.200 lakhs. It is also clarified that a Right of Way (RoW)—a four-foot-wide bandy track for men and cattle, extending for approximately five miles from Nayunipalli Village to the temple—exists and is documented in a Gazette Notification, suggesting historical access. However, no formal permission for tree felling for road widening or transmission lines under the Forest (Conservation) Act, 1980 was submitted, nor were any details provided regarding the status of felled timber or subsequent Forest Offence Reports (FORs) / Police Offence Reports (PORs) beyond the six OR cases.
- xxviii. The State Government has submitted that in response to the directive for initiating action under Sections 3A and 3B of the Forest (Conservation) Act, 1980 for the unauthorized provision of road, electricity, and transport facilities in forest land, relevant authorities were approached to identify the officials responsible. Specifically, the Executive Engineer, Panchayat Raj Department, Kadapa, the Regional Manager, APSRTC, Kadapa, and the Superintending Engineer (Operations), APSPDCL, Kadapa were requested to furnish details of the officers involved in the formation of the BT road, provision of transport, and electrical connections to the temple area. It was informed that electrical connections to five buildings have since been disconnected by APSPDCL. Additionally, the District Public Transport Officer, YSR District has confirmed that bus services to Jyothi Village were initiated in 1997 from the Mydukur Bus Depot, based on available records. The details of responsible officers are still awaited from the concerned departments.
- xxix. The State Government has submitted that in compliance with the directive to identify officials responsible for preventing encroachments from the level of Range Forest Officer to Conservator of Forests since 2014, it has provided detailed information on departmental actions taken. Serious efforts were made in 2013 and 2014 to address and contain habitual encroachments in the Jyothi Kshetram area. The then Conservator of Forests, Kurnool, Dr. Shanti Priya Pandey, IFS, issued field inspection notes (Rc.No.FIN-April, 2013/M2, dated 08.04.2013), observing unauthorized structures and encroachments, and instructed

the DFO, Proddatur and field staff to initiate necessary action under the Forest (Conservation) Act, 1980, including eviction of encroachments.

xxx. Following these instructions, six OR cases were registered on 22.02.2014 by then Deputy Range Officer Sri P.M.A. Khan (in charge of Porumamilla Range), Forest Section Officer Sri G. Pullanna (Retired), and Forest Beat Officer Sri S. Mahaboob Basha (Deceased). The charge sheets were filed in a timely manner, and follow-up was ensured by the department in cases where the accused were acquitted.

- a. The list of OR cases and accused is as follows:
- b. OR No. 130/2013-14 – Mediga Shiva Ranga Reddy
- c. OR No. 131/2013-14 – Kummari Subbarayudu
- d. OR No. 132/2013-14 – G. Guruvaiah
- e. OR No. 133/2013-14 – Basireddy Chenna Reddy
- f. OR No. 134/2013-14 – Cheppavarapu Chinna Peeraiah
- g. OR No. 135/2013-14 – E. Jaganmohan Achari

xxxi. The State Government has thus affirmed that appropriate enforcement measures were initiated, and the details of concerned forest officials and cases have been shared for further action by IRO Vijayawada.

xxxii. The State Government has provided a detailed clarification regarding the status of appeals and case numbers associated with encroachments in the Jyothi Kshetram area. It has submitted that **six OR (Offence Report) cases** were registered in 2013–14, and the current status of each case is summarized as follows:

OR No.	Accused Name	CC No.	Status / Remarks
130/2013-14	Mediga Shiva Ranga Reddy	CC No. 64/2020 (Acquitted on 25.01.2021)	While no appeal was initially filed, a <b>new OR No. 203/2023-24</b> has been registered, and the case is under trial as <b>CC No. 620/2024</b> .
131/2013-14	Kummari Subbarayudu	CC No. 602/2022	The accused passed away during trial; the case has been disposed of accordingly.
132/2013-14	G. Guruvaiah	CC No. 181/2015 (Acquitted on 15.05.2017)	The accused expired; hence, <b>no appeal</b> was filed.
133/2013-14	Basireddy Chenna Reddy	CC No. 180/2015 (Acquitted on 18.06.2017)	While no appeal was initially filed, a <b>new OR No. 202/2023-24</b> was filed, and the case is under trial as <b>CC No.</b>



				<b>618/2024.</b>
134/2013-14	Cheppavarapu Chinna Peeraiah	CC 589/2023	No.	The case is currently <b>under trial.</b>
135/2013-14	E. Jaganmohan Achari	CC 178/2015 (Acquitted on 20.12.2017)	No.	Although no appeal was filed earlier, a <b>new OR No. 201/2023-24</b> has been registered, and trial is underway under <b>CC No. 619/2024.</b>

- xxxiii. Regarding the two cases for which CC numbers were pending, the State Government has clarified that those numbers have now been obtained.
- xxxiv. Furthermore, appeal petitions for OR Nos. 130/2013-14, 133/2013-14, and 135/2013-14 have since been submitted to the District Collector, YSR District, under Rc.No.2029/2017/A14 (A8), dated 16.06.2025, and duly acknowledged for filing in the District Court.
- xxxv. Additionally, the PCCF & HoFF, A.P., Hyderabad, vide File No.21815/2013/P2, dated 31.07.2013, directed the DFO, Proddatur to send proposals under the FCA, 1980 for the diversion of forest land under illegal occupation by temple authorities. In response, the temple authorities approached the Forest Department in 2018 and proposed 12.98 ha of forest land for regularization of encroachments and future development of Jyothi Kshetram under Section 2 of the Forest (Conservation) Act, 1980.
- xxxvi. This consolidated response demonstrates the State Government's follow-up actions in relation to legal proceedings, appeals, and regularization efforts concerning the encroached forest land.
- xxxvii. The State Government has submitted a detailed report in response to the request for **specific comments of the Chief Wildlife Warden (CWLW)** regarding the project area, which lies within the **tiger corridor** connecting the **Nagarjuna Sagar-Srisailem Tiger Reserve (NSTR)** and **Sri Venkateswara National Park (SVNP)**. The area proposed for diversion has been recognized as ecologically sensitive due to its role in tiger movement and connectivity.
- xxxviii. As per directions from the **National Board for Wildlife (NBWL)** and the **Chief Wildlife Warden, Andhra Pradesh**, meetings were convened by the **District Collector, YSR District, Kadapa**, on **19.02.2024** and **26.07.2024** with officials from various departments. Instructions were issued for the **eviction of encroachments**, confiscation of unauthorized structures, and demolition of old, unused buildings within the forest area to enable better protection of **Red Sanders and wildlife habitat**.

- xxxix. In compliance, the **District Forest Officer (DFO), YSR (T) Division, Kadapa:**
- a. **Confiscated 20 buildings**, leaving **5 structures temporarily spared** (including the main temple, Annadana Satram, and Anjaneya Swamy temple), as they were being used to house orphans and elderly persons.
  - b. **Demolished 3 buildings** on **06.11.2024** and **another 3 buildings** on **18.12.2024**, despite facing public resistance, lack of cooperation from locals, and opposition from elected representatives.
  - c. Held a meeting on **16.01.2025** with user agencies, local villagers, and temple authorities to seek cooperation for further demolition, which was **not supported by the public**.
  - d. On **04.03.2025**, the District Collector again convened a meeting and instructed the RDO, Badvel, to assist in further demolition.
  - e. Accordingly, on **13.03.2025**, **2 more buildings were fully demolished** and **1 building was partially demolished**, bringing the **total to 9 buildings dismantled** out of the 20 identified structures.
- xl. However, that same night (**13.03.2025**), a **mob of villagers and devotees**, allegedly backed by public representatives, **reconstructed a semi-permanent ladies' toilet** using leftover materials from the dismantled buildings. Despite efforts by the Forest Department, Police, and Revenue authorities, further action was stalled due to **law and order concerns**.
- xli. An **Unlawful Demolition Offence Report (UDOR)** was registered under the **A.P. Forest Act, 1967**, and a **notice was issued to the User Agency** under the **Forest (Conservation) Act, 1980 (Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980)**.
- xl.ii. Importantly, the State Government confirmed that:
- a. **No further reconstruction** has occurred in the areas where the 9 buildings were dismantled.
  - b. **No new encroachments** have been allowed since the demolition actions.
- xl.iii. This comprehensive response reflects the **serious efforts of the Forest Department and district authorities** to comply with wildlife protection mandates in a sensitive tiger corridor, despite significant resistance from the public and sociopolitical challenges on the ground.
- xl.ii. The State Government, in response to the request for a detailed analysis of violations, timeline of encroachments, and identification of responsible authorities, has submitted that the encroachments and construction of extensive infrastructure at Jyothi Lakshmi Narasimha Swamy Temple (Jyothi Kshetram)—located within Kothakota

xlv. As per records, the temple has existed since pre-forest notification era, with its mention in the St. George Gazette, Madras, dated 25th June 1895, which accorded 0.5 acres to the temple within the reserved forest. However, with the spiritual prominence of Samartha Sadguru Kasinayana—who entered Jeeva Samadhi in 1995—the footfall of devotees increased significantly, with 600–700 daily visitors, and up to 2,000–3,000 on weekends and festivals. This led the temple authorities, citing infrastructure constraints, to gradually expand facilities without prior approval under the Forest (Conservation) Act, 1980 (FCA, 1980).

xlvi. As per the Wildlife Division the Wildlife Clearance proposal for use of 12.98 ha of forest land from Seshachalam tiger corridor landscape for development of Samartha Sadguru Sri Kasnayana Ashramam at Jyothi Kshetram in YSR Kadapa District, Andhra Pradesh was discussed during the 73rd, 74th, 75th, 77th, 79th and 80th meeting of the Standing Committee of National Board of Wildlife (SC- NBWL) held during the period from July, 2023 to October, 2024. After due deliberations, the Standing Committee directed the State Government to demolish all unauthorized structures from the area and submit the Action Taken Report for consideration by SC-NBWL The compliance report in this regard is awaited from the State Government.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the IGF (Central), RO, Hyderabad representing DDG (C) Chennai and Nodal Officer, Government of Andhra Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Andhra Pradesh, the Committee recommended to defer the proposal for seeking following information:
- i. As per the Wildlife Division, the proposal for granting Wildlife Clearance for use of 12.98 ha of forest land from Seshachalam tiger corridor landscape for development of Samartha Sadguru Sri Kasnayana Ashramam at Jyothi Kshetram in YSR Kadapa District, Andhra Pradesh was discussed during the 73rd, 74th, 75th, 77th, 79th and 80th meeting of the Standing Committee of National Board of Wildlife (SC- NBWL) held during the period from July, 2023 to October, 2024. After due deliberations, the Standing Committee had directed the State Government to demolish all unauthorized structures from the area and submit the Action Taken Report for consideration by SC-NBWL. However, the complete compliance of the directions has not been submitted. Therefore, the State Government shall submit complete compliance in this regard.

## Agenda No. 5

### Online Proposal No. FP/GA/ROAD/42943/2019

**Subject: Proposal for seeking *ex-post facto* approval of the Central Government under section of 2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Koteppa Udagatti for diversion of 0.06 Ha. of forest land in Sy. No. 135 of Torxem village, North Goa Division for construction of Four lanning of Existing NH-17 (new NH-66) from KM 475.00 to 502.00 in the state of Goa under NHDP-III (Patradevi to Karaswada Section on NH-17) in favour of Public Works Department, WD VII (NH), Panaji Goa-reg.**

1. The above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.09.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The DDGF (Central), Regional Office, MoEF&CC, Bengaluru attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
  - i. The Government of Goa vide their letter no. 6-901-2019-20-FD/4212 dated 29.11.2019 has submitted the proposal on the above-mentioned subject seeking prior approval of Central Government under section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. The proposals involving violation of the Adhiniyam needs to be processed at ministry level, as per the Rule 10 (2) (v), of van (Sanrakshan Evam Samvardhan) Rules, 2023.
  - iii. The proposal for four Laning of existing NH-17(new NH-66) from Km 475.000 to Km 502.500 in the state of Goa under NHDP-III (Patradevi to Karaswada Section on NH-17).
  - iv. The legal Status of the proposed forest land of 0.06 ha is RF and density is 0 with Eco Class- I.
  - v. For the proposal "Four Laning of existing NH-17(new NH66) from Km 475.000 to Km 502.500 from Patradevi to Karaswada Section on NH-66", Stage-I was accorded dated 09.12.2019. The compliance report of Stage I is submitted by the State Government with observation that UA has executed the road/VUP-Vehicular Under Pass in Four Laning work at the proposed site before Stage-II approval which amounts to violation of VSESA 1980. Upon directions of the ministries' letter dated 06.08.2025 Site Inspection has been carried out by RO on 25.08.2025. During the inspection it is noted that UA has carried out the work and laid service road/ VUP. Regarding violation period, DCF has mentioned in his letter that the work of four laning of existing NH-17(new NH-66) has started in 2018 and during COVID period in November 2020 work

has been completed. It is to note that Stage I condition number 8 i.e. UA shall raise strip plantation on both sides and central verge of the road as per IRC norms is not complied by the UA. Rest other conditions mentioned in the Stage I approval are complied. UA has assured that after the slope stabilization work, strip plantation as per the condition will be carried out.

- vi. It has been noted that the user agency has already executed work over 0.0278 ha of the proposed diversion area, citing the Ministry's guidelines dated 08.08.2014, which permitted deemed working permission post Stage-I clearance.
- vii. There was no violation committed by the user agency at the time of granting Stage-I approval to the proposal by the Regional Office.
- viii. In the meantime the Van (Sanrakshan Evam Samvardhan) Rules, 2023 have been notified on 29.11.2023 wherein all violation cases are to be dealt at the level of MoEF&CC, New Delhi.
- ix. In the instant case, the violations have been committed by the user agency after Stage-I approval and therefore the violations are to be dealt with in accordance with the provisions of the new rules. As per new rules, the Central Government at MoEF&CC is empowered to deal and dispose off the violation cases. Accordingly, in the instant case, the violations, being committed after Stage-I approval, can not be appraised at the Regional Office level and needs to be processed and disposed of at MoEF&CC level.
- x. The State Government, vide its communication dated 04.10.2024, submitted the compliance report. The details are given below:

<b>General Conditions</b>			
<b>S No.</b>	<b>Conditions imposed in the 'in-principle' approval on dated 09.12.2019</b>	<b>Compliance report submitted by the State Govt. on dated 04.10.2024</b>	<b>Remarks</b>
1.	The legal status of forest land shall remain unchanged.	The legal status of the forest land shall remain unchanged.	Compiled
2.	The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.	The boundary of the forest land to be diverted has been demarcated by the User Agency by erecting boundary pillars. CD containing KML file of demarcated area is enclosed.	Compiled
3.	The State Government shall charge the Net Present Value for 0.06 ha. of forest area to be diverted under	An amount of ₹1,43,800/- towards Net Present Value & CA has been realized from the user agency in online mode.	Compiled

	this proposal from the user agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995.		
4.	Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future. shall be charged by the State Government from the user agency. The user agency shall furnish an undertaking to this effect.	The Undertaking regarding additional payment of NPV has been submitted by the User Agency enclosed.	Compiled
5.	All the funds received from the user agency under the project shall be transferred /deposited to CAMPA fund only through ( <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> ).	The User agency has transferred the fund to the CAMPA account through online mode.	Compiled
6.	The layout plan of the proposal shall not be changed without prior approval of the Central Government.	The User Agency has noted & agreed.	Compiled
7.	State Government shall complete settlement of rights, in term of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC dated 3rd August 2009 read with 05.07.2003, in	The Certificate of Forest Right Act, 2006 submitted by the User Agency has been enclosed.	Compiled

	support thereof.		
<b>8.</b>	The User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.	The User Agency has noted & agreed.	Compiled
<b>9.</b>	User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, If applicable.	The User Agency has noted & agreed.	Compiled
<b>10.</b>	No labour camp shall be established on the forest land.	The User Agency has noted & agreed.	Compiled
<b>11.</b>	Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.	The User Agency has noted & agreed.	Compiled
<b>12.</b>	The forest area shall be used for the purpose for which it is granted. The total forest area utilized for the project shall not exceed 0.06 ha.	The Forest area utilized for this project is restricted to 0.06 ha.	Compiled
<b>13.</b>	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of the Government of India.	The User Agency has noted & agreed.	Compiled

<b>14.</b>	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.	The User Agency has noted & agreed.	Compiled
<b>15.</b>	The compliance report shall be uploaded on e-portal ( <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> ).	The User Agency has uploaded the compliance report online.	Compiled
<b>16.</b>	Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.	The User Agency has noted & agreed.	Compiled
<b>17.</b>	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F.No.11-42/2017-FC dated 29/01/2018.	The User Agency has already carried out the work in the diverted area by utilizing 0.0278 Ha area. The NH division of PWD has taken up the work on behalf of the Ministry of Road Transport and Highways (MoRTH). The User Agency has submitted that, the work was taken up on an emergency basis considering the Stage-I Clearance as deemed to be the working permission for commencement of the work after the payment of the NPV as per the guideline of the MoEF&CC dated 08.08.2014. The detail justification submitted by the User agency along with KML file of the demarcated area.	Compiled
<b>18.</b>	The State Government and user agency shall comply with the provisions of all Acts, Rules, Regulations, Guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project. if any, for the time being in force, as	The User Agency has noted & agreed.	Compiled



	applicable to the project.	
--	----------------------------	--

- xi. After the examination of the compliance report in the RO Bengaluru of this Ministry sought some clarification/information vide letter F. No.4-GOB1216/2019-BAN on dated 11.11.2024.
- xii. The State Government forwarded the letter received from Office of the Principal Chief Conservator of Forests, Altinho , Panaji-Goa vide their letter No. 6-901-2025-26-FD/389, Dated: 28.04.2025 and the State Government has clarified that the work of four-laning of NH between Patradevi to Karaswada commenced in May 2018. During the COVID-19 pandemic in 2020, the User Agency undertook and completed construction of a Vehicular Underpass (VUP) within the proposed forest diversion area, under the presumption that the Stage-I approval dated 09.12.2019 constituted working permission. This action was taken without obtaining Stage-II approval and prior to fulfillment of conditions outlined in MoEF&CC's revised guidelines dated 07.05.2015. The User Agency has attributed the lapse to a bona fide misunderstanding and the exigencies of the pandemic, and has requested condonation of the procedural deviation. Additionally, the State Government has submitted the boundary demarcation details in compliance with Condition No. 2 of the In-Principle approval;
- xiii. It has been noted therein that the user agency has already executed work over 0.0278 ha of the proposed diversion area, citing the Ministry's guidelines dated 08.08.2014, which permitted deemed working permission post Stage-I clearance.
- xiv. However, the said guideline was superseded by revised instructions issued by MoEF&CC on 07.05.2015, mandating that any commencement of work or tree felling must be authorized explicitly by the State Government or an officer not below the rank of Divisional Forest Officer. In this instance, no such permission was obtained, and the user agency proceeded with construction of a vehicular underpass during the COVID-19 pandemic, thereby violating the provisions of the Forest (Conservation) Act, 1980 and the applicable guidelines.
- xv. The user agency has subsequently requested condonation of this procedural lapse, attributing it to an inadvertent interpretation of Stage-I approval as working permission under the repealed 2014 guideline.
- xvi. Given the above, the matter constitutes a violation and is required to be processed in accordance with Para 1.16 of the Comprehensive Guidelines under the VSESA, 1980 and Sub-rule 2(v) of Rule 10 of the VSESA Rules, 2023. Accordingly, the proposal has been referred to this Ministry for further examination and necessary action.
- xvii. Further, it is pertinent to mention here regarding the grant of final approval to the proposals where 'in-principle' approval has been granted by the Regional Office under the provisions of erstwhile Rules was considered in the Advisory Committee meeting held on 12.06.2025.
- xviii. The Committee after detailed discussion and deliberation, observed that the process of final approval involves mainly, scrutiny of compliance of conditions stipulated in the in-principle approval wherein

no additional facts of the proposals needs to be appraised. Therefore, the Ministry may consider allowing its Regional Offices to grant final/stage-II approval in such proposals where in-principle/stage-I approval has been granted by the Regional Office or Regional Empowered Committee in accordance with the provisions of erstwhile rule.

- xix. However, the Guidelines/clarifications proposed to be issued by the Ministry, based on the recommendations made by the Advisory Committee in its meeting held on 12.06.2025, pertains to those cases where in-principle approval has been granted as per erstwhile rules and all important aspects and including those related to violations, if any, have also been taken care of while granting in-principle approval as per erstwhile rules.
  - xx. In the instant case, the in-principle approval has been granted by the Regional Office in 2019 in accordance with the provisions of the Forest (Conservation) Rules, 2003 i.e. erstwhile rules. There was no violation committed by the user agency at the time of granting Stage-I approval to the proposal by the Regional Office.
  - xxi. In the meantime the Van (Sanrakshan Evam Samvardhan) Rules, 2023 have been notified on 29.11.2023 wherein all violation cases are to be dealt at the level of MoEF&CC, New Delhi.
  - xxii. In the instant case, the violations have been committed by the user agency after Stage-I approval and therefore the violations are to be dealt with in accordance with the provisions of the new rules. As per new rules, the Central Government at MoEF&CC is empowered to deal and dispose off the violation cases. Accordingly, in the instant case, the violations, being committed after Stage-I approval, can not be appraised at the Regional Office level and needs to be processed and disposed of at MoEF&CC level.
  - xxiii. In the meantime the Ministry has requested the Regional Office to carry out the inspection report vide letter dated 06.08.2025.
  - xxiv. The RO vide E-mail dated 09.09.2025 has submitted the SIR. The Site Inspection has been carried out by the Deputy Inspector General of Forests(C) dated 25.08.2025.
  - xxv. **Recommendation of DDGF (Central) Regional office, MoEF&CC, Bengaluru:** The DDGF (Central) is in agreement with detailed comments made by the inspecting officer in the Site inspection report. After Stage I, without Stage II/working permission UA has completed the work of laying VUP/service road in the proposed site. The User agency may be levied with appropriate penalty for the violation along with directions to comply with the Stage I condition viz. strip plantation along the sides of the road to be compiled by the User Agency. It is recommended to consider the proposal and approval may be granted.
4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO, Bengaluru and after going through the facts of the proposal, the Committee recommended the following additional conditions be imposed in the 'In-principle' approval granted by Regional Office Bengaluru dated 09.12.2019:
- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as

reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.

- ii. The Action under 3A/3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam shall be initiated by the Regional Office Bengaluru, if applicable.
- iii. The State Government will initiate disciplinary action against the officials concerned for not being able to prevent use of forest land for non-forestry purposes without prior approval of the Government of India.
- iv. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.

### **Agenda No. 6**

**File No. 9-HRB065/2022-CHA**

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (1)(ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 0.5458 ha (0.5322 ha. in Hisar Division and 0.0135 ha. in Bhiwani Division) of Protected Forest in favour of Executive Engineer, Transmission System Division, HVPNL Hisar for creation of 132 KV S/C Line with 0.4 Sq Zebra conductor from 132 KV S/Stn. Bhojraj to 132 KV/Stn. Arya Nagar & Lilo of one Line Circuit of 132 KV D/C Sangwan to Khanak Line at 132KV S/Stn., Bhojraj Line on 132 KV D/C KKR Design Towers, under Forest Division and District Hisar & Bhiwani in the State of Haryana (Online Proposal No. Online Proposal No. FP/HR/Trans/50181/2020)- regarding.**

1. The agenda item was considered by the AC in its meeting held on 26.09.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh and officials from Government of Haryana attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The proposal is for diversion of 0.5458 ha (0.5322 ha. in Hisar Division and 0.0135 ha. in Bhiwani Division) of Protected Forest in favour of Executive Engineer, Transmission System Division, HVPNL Hisar for creation of 132 KV S/C Line with 0.4 Sq Zebra conductor from 132 KV S/Stn. Bhojraj to 132 KV/Stn. Arya Nagar & Lilo of one Line Circuit of 132 KV D/C Sangwan to Khanak Line at 132KV S/Stn., Bhojraj Line on 132 KV D/C KKR Design Towers, under Forest Division and District Hisar & Bhiwani in the State of Haryana.

- ii. As per component wise details submitted by the State Government and Regional Office in their inspection report, the entire area is proposed for construction of transmission line.
- iii. Canopy density in the proposed area is reported to be 0.3 & 0.6 of Eco class III with 149 number of trees proposed to be felled during implementation of the project.
- iv. Proposal does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect have been submitted by DFO concerned.
- v. As per decision Rule- 1 and 2, the area does not falls into in High Conservation value Zone.
- vi. Compensatory Afforestation has been proposed over 2.08 ha degraded forest land in Siwani Feeder Road 184-211 L/Side. CA scheme with 10 years of maintenance is provided. Site suitability certificate has been furnished by the concerned DFO.
- vii. The Committee was informed that the proposal involves violation, DFO, Hisar has mentioned in Part- II that there is violation of IFA, 1927 over an area of 0.100 ha over a period of 1 year (i.e. 01.01.2021 to 31.12.2021). It is further mentioned in violation report that during patrolling, violation was identified and accordingly DR No. 034 dated 19.10.2021 was drawn against user agency.

Whereas, Regional Office, Chandigarh has mentioned in their inspection report that the violation under the instant case has been carried out while the FC proposal is under consideration; therefore, the activities carried out are violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and not the violation of the Indian Forest Act, 1927. Accordingly, the violation need to be dealt as per the provisions under the Para 1.16 (ii) of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- viii. The Committee was further informed that Ministry, after scrutiny of the proposal, observed shortcomings viz. component wise breakup of the area, detailed violation report, correct CA details along with correct CA scheme, suitability certificate, KML file & DGPS map and clarification w.r.t number of trees to be felled in the proposal needs to be submitted etc. Additional information was requested online from the State on 22.05.2025.
- ix. The State Government submitted its reply online on 22.08.2025 and informed following:
  - a) It is mentioned that component wise breakup details have been mentioned in Part- I.
  - b) It is mentioned that CA may be considered in Siwani Feeder Road 184-211 L/Side instead of Siwani Feeder Road 170-226 L/Side.

- c) It is mentioned that 149 trees are affected in Hisar Forest Division.
- x. Further, the Committee was also informed that the site inspection of the instant proposal was conducted by Regional Office, Chandigarh on 17.03.2025. The SIR has also been recommended by DDGF (C) of RO, Chandigarh. Summary of the same are as under:

**I. Legal status of the forest land proposed for diversion:**

Name: Protected Forest.

**II. Item-wise break-up details of the forest land proposed for diversion:** Item-wise break-up:

The entire area is proposed for laying of transmission line.

**III. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:** No

**IV. Wildlife:**

**Whether forest area proposed for diversion is important from wildlife point of view or not**

As per the forest officials present during the inspection; the proposed area is not important from wildlife point of view.

**V. Vegetation:**

- i. **Details of total number of trees to be felled:** Total 05 numbers of the trees are proposed for felling in the instant proposal.

**VI. Background on the proposal:**

The User Agency has proposed diversion of 0.5457618 ha. forest land for creation of 132 KV S/C line with 0.4 SQ." ACSR Zebra Conductor from 132 KV s/stn. Bhojraj to 132 KV s/s Arya Nagar & LILO of one circuit of 132 KV d/c Sangwan to Khanak line at 132 KV s/stn. Bhojraj line on 132 KV d/c KRR design towers in Hisar And Bhiwani Forest Divisions in the State of Haryana.

**VII. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials.**

During the inspection the DFO, Riwari informed that the User Agency has worked over 25 sqmtrs forest area without obtaining any approval. Accordingly, the violation was registered vide FOR no 034 dated 19.10.2021. The work of erecting of transmission line has been completed by the User Agency.

Further on examination of the proposal in PARIVESH Portal, it has been found that the User Agency has submitted the proposal on 29.09.2020. In view of the violation report and facts therein, the violation has been carried out while the FC proposal is under consideration (19.10.2021), therefore, the activities carried out are violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and not the violation of the Indian Forest Act, 1927. Accordingly, the violation need to be dealt as per the provisions under the Para

1.16 (ii) of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The Para 1.16 (ii) as above read as follow:

**(ii) In cases where the proposal under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is under consideration and forest land is diverted before grant of FC**

- a) *The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.*
- b) *State Government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.*
- c) *Central Government will initiate suitable action against the concerned offender.*
- d) *User Agency responsible for violation shall be prosecuted under relevant local Act of the State and/or Central Act* It was further observed during the site inspection that the use of forest land has been stopped by the State Forest Department and work has been stopped.

**VIII. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not. Details be furnished specifically if rehabilitation plan would affect any other forest area by translocating outstees in and around the said forest:**

No.

**IX. Reclamation Plan:** Not Applicable

1. Details and financial allocation: Not Applicable.

**X. Details on catchment and command area under the project:** Not Applicable.

**XI. Cost benefit ratio:** Not Applicable.

**XII. Recommendations of the Principal Chief Conservator of Forests/ State Government:** Submitted along with the proposal.

**XIII. Whether land being diverted has any socio-cultural/religious value. Whether any sacred grove or very old grown trees/forests exists in areas proposed for diversion:**

The officials of the State Forest Department informed that the land being diverted has no socio-cultural/religious value.

**XIV. Situation w.r.t. any Protected Area:**

There are No Protected Areas.

**XV. Recommendations:**

- i. The violation under the instant case has been carried out while the FC proposal is under consideration; therefore, the activities carried out are violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and not the violation of the Indian Forest Act, 1927. Accordingly, the violation need to be dealt as per the provisions under the Para 1.16 (ii) of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

**XVI. Recommendations of the Deputy Director General of Forests (Central):**

The proposal is for laying of Transmission Line and is of public utility and has been recommended by the State Government, accordingly same is recommended for consideration in the Advisory Committee as per the extant Rules and Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and officials from Government of Haryana, recommended the proposal for grant of '**in-principle**' approval for diversion of 0.5458 ha (0.5322 ha. in Hisar Division and 0.0135 ha. in Bhiwani Division) of Protected Forest in favour of Executive Engineer, Transmission System Division, HVPNL Hisar for creation of 132 KV S/C Line with 0.4 Sq Zebra conductor from 132 KV S/Stn. Bhojraj to 132 KV/Stn. Arya Nagar & Lilo of one Line Circuit of 132 KV D/C Sangwan to Khanak Line at 132KV S/Stn., Bhojraj Line on 132 KV D/C KKR Design Towers, under Forest Division and District Hisar & Bhiwani in the State of Haryana subject to the general, standard and following specific conditions:

- i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
- ii. State Government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- iii. Action under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 be initiated by Regional Office, Chandigarh, as applicable.
- iv. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.

**Agenda No. 10**

**File No. F(C)A/16.1/105/KAR/MIN(E-File)**

**Subject: Transfer of FC clearance from FC lease holder M/s Kanhaiyalal Dudheria in respect of Forest land of an extent of 30.09 ha for mining lease No.024 (2563), Ramanadurga Villag, Sandur Taluk, Ballari District to M/s MSPL Limited Hospete- reg.**

1. The above agenda item was considered by the AC in its meeting held on 26.09.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Bengaluru and Nodal Officer from the Government of Karnataka attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. Initially, the Government of Karnataka vide letter dated 27.04.2007 had submitted a proposal for diversion of 33.76 ha. of forest land in R.M. Block, Sandur Taluk, Bellary District for extraction of iron ore in favour of M/s. Kanhaiyalal Dudheria, Sandur Taluk, Bellary District. As per the details given in the said proposal, this mining lease had been initially sanctioned by the Department of Mines and Geology, Karnataka for a period of 20 years w.e.f. 16.06.1980. Subsequently, State Government vide Notification dated 05.04.2007 has renewed the same for a further period of 20 years w.e.f. 16.06.2000. Out of 33.76 ha proposed for diversion 30.79 ha. is for mining and allied activities and 2.975 ha is for approach road. It was also reported that out of 33.76 ha of forest land sought for renewal, an area of 16.54 ha was already broken up and remaining 17.195 ha to be broken up afresh. The said proposal was processed by Regional Office and after approval of the Ministry Stage-I approval was accorded on 08.08.2007. Subsequently, after receipt of compliance report, Stage-II approval was accorded on 12.10.2007.
  - ii. The State Govt. has submitted a proposal for transfer of prior approval of Central Government granted for non-forestry use of 30.09 ha of forest land for iron ore mining in ML No. 2563, Ramanadurga village, Sandur Taluk, Bellary District (Karnataka) from erstwhile lessee M/s. Kanhaiyalal Dudheria to preferred bidder M/s. MSPL Ltd. The mining lease is a Category 'C' mine whose allocation had been cancelled by Hon'ble Supreme Court vide order dated 18.04.2013. Allocation of 51 mines was cancelled by Hon'ble Supreme Court vide its ibid order.

*The Hon'ble Supreme Court, subsequently, vide its order dated 30th July, 2015, while reviewing the matter related to auction of cancelled mines observed that 15 mines are ready for auction and provided for breathing time of 18 months to obtain statutory approvals by the successful bidders. Hon'ble Supreme Court in its order dated 30th Jul, 2015 inter-alia directed as under:*

*The existing statutory approvals/clearances in favour of the lessee of the erstwhile Category 'C' mining leases will be transferred in favour of the new lessees. The concerned authority will take expeditious action for the grant of the statutory approvals such as the environmental*



*clearance and approval/TWP under the Forest (Conservation) Act, 1980;*

- iii. In terms of Hon'ble Supreme Court order dated 30.07.2015, the validity of then existing approvals granted under the FC Act, 1980 already stands expired on 15.06.2020. The PCCF of the State Forest Department has also recommended transfer of approval granted under the Forest (Conservation) Act, 1980 to erstwhile User Agency for a period co-terminus with the validity of existing approval i.e. 15.06.2020. Moreover, as per information submitted in the letter dated 15.10.2019 of the PCCF, Karnataka addressed to Govt of Karnataka, fresh Lol has been granted to the new allottee by the State on 6.10.2018 over an area of 30.09 ha.
- iv. In the instant transfer proposal, the PCCF has reported that FC lease area needs to be restricted to 30.09 ha as indicated in the CEC sketch and as per the auction notification. PCCF has also mentioned that the proposed transferee, i.e. M/s. MSPL Ltd has the following financial liabilities arising from noncompliance of certain conditions stipulated by Government of India/State Government in the FC Clearance by the earlier FC holder: -
  - a. Demarcation of lease area, i.e. 30.09 ha as indicated in CEC sketch and as per e-auction notification.
  - b. Regarding CA stipulation, it is reported that the Compensatory Afforestation land identified earlier to an extent of 17.195 ha (i.e. 10.12 ha. in Sy. No. 156 of Rayapura village and 7.10 ha in Sy. No. 3 of Garaga village, Hospet taluk) is not transferred to the Forest Department. PCCF has recommended that the new agency needs either to ensure mutation and transfer of the non-forest land identified earlier to Forest Department as per the conditions of FC approval or else provide alternate CA land in accordance with the State Governments order dated 31.08.2006.
  - c. Execution of R&R Plan and Mining Plan.
  - d. The proposed transferee needs to pay the lease rent arrears of the previous lessee.
  - e. The proposed transferee needs to open a firewood depot to supply firewood to the employees/labourers.
- v. The PCCF has recommended transfer of lease to the new agency for the period of currency of the present FC clearance i.e. upto 15.06.2020 subject to any other dues that may be identified at later stage and also to obtain separate clearance for approach road, if required under FC Act, 1980.
- vi. It may be noted that while furnishing the compliance report of Stage-I clearance earlier, PCCF, Karnataka vide letter dated 27.09.2007 had reported that the area identified for CA (10.12 ha. in Sy. No. 156 of Rayapura village and 7.10 ha in Sy. No. 3 of Garaga village, Hospet

taluk) has been transferred and mutated in favour of the Forest Department. However, the present report contradicts the same.

- vii. As per Section '8 A (6)' of the MMDR Amendment Act, 2005, the period of lease granted before the date of commencement of MMDR Act, 2015 where mineral is used for other than captive purpose, shall be extended and be deemed to have been extended up to a period ending on the 31.03.2020 with effect from the date of expiry of the period of renewal lease made or till the completion or renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with. In view of the said provisions the mining lease will be valid up to 15.06.2030.
- viii. The Hon'ble Supreme Court vide order dated 30.07.2015 in W.P. (C). No. 562 of 2009 has ordered that the existing statutory approval /clearances in favour of the lessee of the erstwhile Category 'C' mining leases will be transferred in favour of new lessees. The concerned authority will take expeditious action for grant of the statutory approvals such as environmental clearance and approval-WP under Forest (Conservation) Act, 1980.
- ix. The Ministry vide letter dated 03.05.2017 had issued guidelines for transfer of lease of Category 'C' mines to the new Letter of Intent (LOI) holders. The LOI holder i.e. M/s. MSPL Ltd has furnished an undertaking that they shall be liable to the liabilities of the transferred lease area as required in the para 4 (b) of the MoEF&CC Guidelines.
- x. Ministry vide guidelines dated 03.05.2010 had stipulated 10% of Net Present Value or ₹1,00,000/- whichever is less as transfer fee from the user agency to discourage middlemen from processing proposals and then selling it to others under the provisions of Forest (Conservation) Act, 1980.
- xi. It is reported that M/s. MSPL Ltd has been declared as the preferred bidder in e-auction process conducted by the Director, Department of Mines and Geology in respect of Mining Lease No. 2563 ('C' category mine) of M/s. Kanhaiyala Dudheria.
- xii. The RO has forwarded the proposal submitted by the State Government as per the directions of Hon'ble Supreme Court dated 30.07.2015 in W.P. (C). 562 of 2009 and as per the guidelines issued by the Ministry dated 03.05.2017, the case for transfer of the Stage-I and Stage-II Forest clearance issued in favour of M/s. Kanhaiyalal Dudheria to M/s. MSPL Ltd, for an area of 30.09 ha (as indicated in the CEC sketch) to the Ministry. However, when the proposal reached the Ministry the FC Validity was expired
- xiii. After that the RO examined the proposal and accordingly, the proposal was forwarded to the Ministry for a decision in the matter. As the time of validity of FC approval has expired on 15/06/2020, Accordingly, the State Government was directed to submit a fresh proposal. As per the information available in the Parivesh portal, the user agency has already submitted a proposal for renewal of lease (Form-B) vide

proposal no. FP/KA/MIN/40682/2019, which was pending at DFO level. Since this is to be treated as a fresh case, it may be insisted for submission of proposal in Form-A.

- xiv. After that the UA has submitted a representation wherein it has been informed that user agency (i.e. MSPL) have been declared as preferred bidder for mining lease No. 2563 during the e-auctions conducted by the director Mines and Geology. They have also elaborated the various approvals received, Hon'ble Supreme Court order dated 30.07.2015 and chronology of the file submitted to the State Government and to the Ministry. Thus, the user agency has referred to the Ministry guideline no. FC-11/11/2020-FC (Pt) dated 7th July, 2021, wherein Ministry has issued guidelines for transfer of approvals granted under FC Act, 1980 to mining lease allotted to the new lessee as per the provisions of MMDR Act 2021. The contention of the user agency was that their FC transfer proposal is within the ambit of the said guidelines and hence they have requested for advice to the State Government to take action for transfer of FC. The detailed representation was forwarded to the RO.
- xv. There has been protracted correspondence in the matter between the IRO, Ministry and State. In the meantime the Ministry issued guidelines on 7.07.2021 to align the validity of approvals granted under the FC Act 1980 with the MMDR Amendment act, 2021 wherein inter-alia it was conveyed that mining leases which were having valid approval under the FC Act on the date of expiry of validity of lease under the MMDR Act, will entail transfer of FC approval to new lessee.
- xvi. Pursuant to said guidelines, the user agency requested the State Government to consider their transfer case in light of provisions of the said guidelines. However, for want of clarity on the applicability of said guidelines in respect of Category 'C' mines, the decision on the same could not be taken by the State.
- xvii. The Ministry has issued guidelines on 27.04.2022 with regards to Category 'C' mines wherein guidelines dated 7.07.2021 were modified to provide the following for disposal of Category 'C' mines:

*"FC proposals of the new lessee, in respect of cancelled leases which are currently under consideration in the State and Central Government, may be dealt as a transfer of lease case, at Ministry level at New Delhi, with condition as applicable or reported by the State Government."*

- xviii. Advertising to the guidelines dated 27.04.2022, the IRO has forwarded the extant file to the Ministry to deal with it further in accordance with the provisions provided in the said guidelines. IRO while forwarding the file has also indicated the shortcomings observed in the proposal which needs to be complied before considering the transfer of approval granted under the Forest (Conservation) Act, 1980.
- xix. Guidelines dated 27.04.2022 slightly modified the provisions of guidelines dated 7.07.2021 as indicated above. As per guidelines dated 7.07.2021, the State Government has been empowered to transfer the approvals granted under the FC Act, 1980 from the erstwhile agency to new agency. In the guidelines dated 22.04.2018

said dispensation available with the State was withdrawn in case of category 'C' mines i.e. transfer of approvals in respect of Category 'C' mines will be dealt or (approved) by the Ministry. Guidelines do not prescribe that proposal entirely to be dealt by the MoEF&CC, New Delhi i.e. role of MoEF&CC, New Delhi is limited to consider the proposal of transfer for approval only and not to appraise the completeness of all information including compliance of past approvals, supreme court orders, etc. which essentially needs to be undertaken by the IRO before submitting the file to MoEF&CC for approval as per the provisions provided in the Forest (Conservation) Rules, 2003.

- xx. In view of the above, it was requested to RO to ensure completeness and legitimacy of the information, already observed to be short by the IRO and after having satisfied with the completeness of the information, the proposal for transfer of approval may be forwarded to the Ministry for the approval of competent authority.
- xxi. Again the RO submitted the proposals to the Ministry on 13.05.2022.
- xxii. The matter was examined in the Ministry on 22.07.2022. Applicability of provisions of the Guidelines dated 27.04.2022 were deliberated and it was concluded that since the Ministry vide guidelines dated 27.04.2022 applied the provisions of guidelines 7.07.2021 to the Category 'C' Mines also subject to conditions that cases pertaining to Category 'C' mines will be dealt at MoEF&CC level, the provisions of the guidelines dated 27.04.2022 will be applicable in the instant case also.
- xxiii. Observation of the RO, wherein it was mentioned that before considering the case for transfer certain information needs to be obtained from the State, were also deliberated and after detailed deliberation on the observations of the RO in light of provisions of the guidelines dated 27.04.2022, it was desired that such proposals will initially will be examined by the RO and RO, after having satisfied with the completeness of the proposal, will be forward the same to the Ministry for approval of the competent authority. Accordingly, the file was returned on 08.08.2022 to the RO.
- xxiv. After that a Writ Petition No. 14760 of 2022 has been filed by M/s. MSPL Limited in the Hon'ble High Court of Karnataka. In this Writ Petition, the petitioner *inter-alia* sought quashing of the Notice dated 13.06.2022 issued by the respondent No. 1, i.e. Commerce and Industries Department, Government of Karnataka, wherein the respondent no.1 has issued a showcase notice to the Petitioner proposing to invalidate the LOI dated 06.10. 2018 issued in their favour. The petitioner has also sought direction from Hon'ble Court to transfer the forest clearance in respect of mining lease No. 2563 where petitioner has been declared as successful bidder vide letter No. DMG-171012/8/2019-20/5835 dated 23.12.2019. In the said writ petition MoEF&CC, New Delhi and its Regional Office, Bangalore has been arrayed as respondent No.2. Based on the directions of the Ministry, this office had filed a Counter Affidavit in this W.P. reiterating the guidelines issued by Ministry vide No.FC-11/136/2021-FC dated 13/09/2022. As per the information available in the website of the Hon'ble High Court of Karnataka, the matter was heard on 19/07/2023 and reserved for orders.

- xxv. The Ministry had issued a guideline dated 21/09/2023 regarding transfer of category C mines which is as under :
- a. Approval granted under the Forest (Conservation) Act, 1980 to erstwhile user agency may be transferred by the Ministry in favour of the successful bidder in MoEF&CC, New Delhi on case to case basis in accordance with the provisions of the MoEF&CC's guidelines dated 7.07.2021. The State Government while submitting such proposals for transfer of approval to the Ministry shall submit the updated status and detail of compensatory afforestation, status of payment of NPV, implementation of Reclamation and Rehabilitation Plan, funds utilization by the Special Purpose Vehicle for the conservation and protection of forests, action taken report on the violations of the Forest (Conservation) Act, 1980 committed by the erstwhile agency and status of approval of the forest land located in the safety zone.
  - b. In respect of mining leases where application of transfer of approval was FC-11/76/2023-FC I/53607/2023 made in time and the Ministry considered the transfer request but the validity of FC approval was assessed from the date of original period of grant of lease while the successful bidder has been issued fresh Lol for a period of 50 years. In such cases, the ex-post facto approval will be granted by the MoEF&CC for extending the validity of approval granted under the Forest (Conservation) Act, 1980 to make it co-terminus with the validity of lease granted under the MMDR Act, 1957 provided compliance of all conditions stipulated in the FC approval granted to erstwhile agency including raising of CA and payment of NPV are complied with by the State and the user agency. In case of non-compliances, if any, the working permission with conditions for a period not exceeding one year will be granted by the Central Government to enable the State/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980 as per the extant guidelines issued by the Ministry.
  - c. In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest (Conservation) Act, 1980 shall be deemed to be cancelled.
1. The brief facts as reported by Regional Office, Bangalore are given as below:
- i. The initial approval was accorded under Forest (Conservation) Act, 1980 for diversion of 33.76 ha of forest land (30.7 ha for mining and 2.975 ha. for approach road) vide letter dated 12/10/2007 in favour of M/s Kanhaiyalal Dudheria. While according approval the validity of FC was mentioned as 20 years co-terminus with the lease granted under MMDR Act, 1957. Since the mining lease was renewed upto 15/06/2020 the validity of FC was also upto 15/06/2020.

- ii. This mining lease was subsequently categorized as Category 'C' mine and cancelled by the Hon'ble Supreme Court by its order dated 18/04/2013. The Department of Mines and Geology has e-auctioned this mine and declared M/s. MSPL Ltd as preferred bidder.
- iii. Thereafter, Government of Karnataka vide letter dated 28/05/2020 had submitted a proposal for transfer of FC clearance from FC lease holder M/s. Kanhaiyalal Dudheria in respect of mining lease No. 2563, Ramanadurga village, Sandur Taluk, Bellary District to M/s. MSPL Ltd.
- iv. While forwarding the FC transfer proposal, PCCF has reported that FC lease area needs to be restricted to 30.09 ha as indicated in the CEC sketch and as per the auction notification. PCCF has also mentioned that the proposed transferee, i.e. M/s. MSPL Ltd has the following financial liabilities arising from non-compliance of certain conditions stipulated by Government of India /State Government in the FC Clearance by the earlier FC holder:-
  - a. Demarcation of lease area, i.e. 30.09 ha as indicated in CEC sketch and as per e-auction notification.
  - b. Regarding CA stipulation, it is reported that the Compensatory Afforestation land identified earlier to an extent of 17.195 ha (i.e. 10.12 ha in Sy. No. 156 of Rayapura village and 7.10 ha in Sy. No. 3 of Garaga village, Hospet taluk) is not transferred to the Forest Department. PCCF has recommended that the new agency needs either to ensure mutation and transfer of the non-forest land identified earlier to Forest Department as per the conditions of FC approval or else provide alternate CA land in accordance with the State Governments order dated 31/08/2006.
  - c. Execution of R&R Plan and Mining Plan.
  - d. The proposed transferee needs to pay the lease rent arrears of the previous lessee.
  - e. The proposed transferee needs to open a firewood depot to supply firewood to the employees / labourers.
- v. The lease transfer proposal was processed by IRO, Bengaluru and forwarded to the Ministry. However, during the processing of the same the validity of FC expired. Therefore, as per the directions of Ministry, State Government was requested vide letter dated 30/09/2020 to submit a fresh proposal under F(C) Act, 1980 for consideration.
- vi. Ministry vide guideline No. FC-11/136/2021-FC dated 13/09/2022 has also clarified that C-Category mine shall have to apply afresh and transfer in such case shall not be tenable.
- vii. Further, Government of Karnataka vide Proposal No. FP/KA/MIN/50114/2020 dated 15/10/2022 had submitted a fresh proposal for diversion of 32.49 hectare of forest land (30.9 hectare for mining lease and 2.40 hectare for approach road) in Ramanamalai Block Forest, Sandur Taluk, Ballari District (Ramdev Iron Ore Mine ML No. 2563 erstwhile C- category mine e-auctioned) in favour of M/s MSPL Limited, Hosapete Ballari the preferred Bidder in e-auction. After scrutiny of the said proposal, RO vide letters dated 07/11/2022 and 06/12/2022 had sought certain additional information. The State Government's reply in this regard is awaited. As per the timeline of

Parivesh Portal, the proposal is presently pending with User Agency since 16/12/2022.

- viii. A Writ Petition No. 14760 of 2022 has been filed by M/s. MSPL Limited in the Hon'ble High Court of Karnataka. In this Writ Petition, the petitioner inter-alia sought quashing of the Notice dated 13.06.2022 issued by the Respondent No. 1, i.e. Commerce and Industries Department, Government of Karnataka, wherein the Respondent no. 1 has issued a showcase notice to the Petitioner proposing to invalidate the LOI dated 06.10.2018 issued in their favour. The petitioner has also sought direction from Hon'ble Court to transfer the forest clearance in respect of mining lease No. 2563 where petitioner has been declared as successful bidder vide letter No. DMG-171012/8/2019-20/5835 dated 23.12.2019. In the said writ petition MoEF&CC, New Delhi and its Regional Office, Bangalore has been arrayed as Respondent No.2. Based on the directions of the Ministry, RO Bangalore had filed a Counter Affidavit in this W.P. reiterating the guidelines issued by Ministry vide No. FC-11/136/2021-FC dated 13/09/2022. As per the information available in the website of the Hon'ble High Court of Karnataka, the matter was heard on 19/07/2023 and reserved for orders.
- ix. Based on the recommendation of the Advisory Committee held on 11.09.2023 and approval of the same by the competent authority in the MoEF&CC, New Delhi, the Central Government reviewed the matter in light of directions contained in the Hon'ble Supreme Court order dated 30.07.2015 passed in W.P. (C) No. 562 of 2009 and order dated 04.08.2006 passed in W.P. (C) No. 202 of 1995. The mining operations in Category C mines were stopped by the Hon'ble Supreme Court and subsequently after their auction to successful bidders, the Hon'ble Supreme Court issued directions containing procedures to resume mining operations in these leases. After an holistic review of the situation and based on the recommendation of the Advisory Committee, the Central Government hereby issues the following guidelines on 21/09/2023 regarding transfer of category C mines which is as under:
- a. Approval granted under the Forest (Conservation) Act, 1980 to erstwhile user agency may be transferred by the Ministry in favour of the successful bidder in MoEF&CC, New Delhi on case to case basis in accordance with the provisions of the MoEF&CC's guidelines dated 07.07.2021. The State Government while submitting such proposals for transfer of approval to the Ministry shall submit the updated status and detail of compensatory afforestation, status of payment of NPV, implementation of Reclamation and Rehabilitation Plan, funds utilization by the Special Purpose Vehicle for the conservation and protection of forests, action taken report on the violations of the Forest (Conservation) Act, 1980 committed by the erstwhile agency and status of approval of the forest land located in the safety zone.
  - b. In respect of mining leases where application of transfer of approval was made in time and the Ministry considered the

transfer request but the validity of FC approval was assessed from the date of original period of grant of lease while the successful bidder has been issued fresh Lol for a period of 50 years. In such cases, the ex-post facto approval will be granted by the MoEF&CC for extending the validity of approval granted under the Forest (Conservation) Act, 1980 to make it co-terminus with the validity of lease granted under the MMDR Act, 1957 provided compliance of all conditions stipulated in the FC approval granted to erstwhile agency including raising of CA and payment of NPV are complied with by the State and the user agency. In case of non-compliances, if any, the working permission with conditions for a period not exceeding one year will be granted by the Central Government to enable the State/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980 as per the extant guidelines issued by the Ministry.

- c. In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest (Conservation) Act, 1980 shall be deemed to be cancelled.
- x. Accordingly, the RO vide letter dated 09.10.2023 has granted working permission subject to the conditions prescribed therein.
- xi. The Government of Karnataka vide their letter no. FEE 43 FFM 2019 (e) dated 02.09.2025 has submitted the proposal for transfer of FC clearance from FC lease holder M/s Kanhaiyalal Dudheria in respect of Forest land of an extent of 30.09 ha for mining lease No.024 (2563), Ramanadurga Village, Sandur Taluk, Ballari District to M/s MSPL Limited Hospete.
- xii. A letter from Principal Chief Conservator of Forests, Govt. of Karnataka vide letter/file no. KFD/HOFF/A5-1(MNG)/32/2020FC dated 29.05.2025 is also forwarded from the Govt. of Karnataka.
- xiii. A letter from Principal Chief Conservator of Forests, Govt. of Karnataka vide letter/file no. KFD/HOFF/A5-1(MNG)/32/2020FC dated 29.05.2025 is also forwarded from the Govt. of Karnataka.
- xiv. The letter outlines the following key concerns:
  - a. The Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bengaluru has approved the Proposal for transfer of FC Clearance from FC lease holder M/s. Kanhaiyalal Dudheria in respect of mining lease No. 024(2563), Ramanadurga Village, Sandur taluk, Ballari District to M/s. MSPL Limited, Hospete, subject to fulfilment of certain Conditions. Accordingly, the Government of Karnataka has also accorded approval for the said FC transfer with certain conditions therein among which one of the conditions is to fulfilling the provision of CA as per the instance guidelines. Some of the condition no. ii, iii, and iv are reproduced below:  
*Condition no.2 : Since, the compliance wrt the CA land and afforestation is not complete in the instant proposal, the working*



*permission for a period not exceeding one year is hereby granted by the Central Government to enable the State Govt./user agency to comply with the conditions of approval granted under Forest (Conservation) Act, 1980;*

*Condition no.3: The required levies as per prevalent rates and guidelines (NPV for land to be diverted and safety zone along with CA levies) shall be deposited by the user agency before handing over the forest area to the user agency for any further mining activity;*

*Condition no.4: In case the State Government / user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within period of one year, the approval of the Central Government granted under the Forest (Conservation) Act, 1980 shall be deemed to be cancelled."*

- xv. In the light of approval accorded by the MoEF&CC, Government of India and Government of Karnataka, this office has directed the Deputy Conservator of Forests, Ballari Division and M/s MSPL Limited to enter into Forest Lease Agreement with M/s. MSPL Limited, Hospete by duly incorporating all the conditions imposed by the Government of India and the Government of Karnataka.
- xvi. Accordingly, the Deputy Conservator of Forests, Ballari Division has entered into "Forest Lease Agreement" with M/s. MSPL Limited, Hospete (ML No. 024/2563) (Agreement No. 03/2024-25 dated.26-07.2024). The said Agreement has been registered at the Sub-Registrar, Sandur with Registration No. SNR-4-00014-2024-25 Dt.22.05.2024 and on the strength of the Agreement signed, the Deputy Conservator of Forests, Ballari Division has issued the Working Permission on 26.07.2024 for a period of one year with effect from 26.07.2024 [i.e., upto 08.10.2024].
- xvii. As explained above, due to non-submission of complete compliance of conditions as stipulated in the FC transfer order of MOEF&CC Government of India vide dated: 09.10.2023 within a period of one year (i.e., till 08.10.2024), the Deputy Conservator of Forests, Ballari Division has stopped the mining activities in leased Forest area of 30.09 ha of Mining lease (FC Area).
- xviii. Further, as per the compliance report submitted by the User Agency (i.e., M/s. MSPL Limited), the Range Forest officer, Sandur South Range, Sandur and the Assistant Conservator of Forests, Ballari Sub-Division, Ballari has submitted the Compliance Report to conditions imposed in the FC transfer order of MOEF&CC Government of India dated: 09.10.2023 to the Deputy Conservator of Forests, Ballari Division.
- xix. Accordingly, the Deputy Conservator of Forests, Ballari Division submitted the Compliance Report to conditions imposed in the FC transfer order of MOEF&CC Government of India vide dated: 09.10.2023 to the Conservator of Forests, Ballari Circle who in turn has submitted the same to his office.

xx. Based on the above reports, the status of Compliance Report to conditions imposed in the FC transfer order of MOEF&CC Government of India dated: 09.10.2023 is given as below:

xxi.

Sl. No	Conditions imposed by the Gol, MoEF&C.C	Compliance report submitted by the PCCF (HoFF)									
1.	Lease transfer charges @ 10% of the NPV or ₹ 1,00,000/- (1Lakh) whichever is less will be realized from the new user agency and will be deposited in the account of National Authority, CAMPA, through e-portal before execution of lease in favour of the new user agency:	<p>The User Agency (MSPL Limited) has remitted of ₹10,00,000/- towards payment 'Transfer fee' vide UTR No. SBINR12024041015162041 Dt.10.04.2024.</p> <p>The Details of payment made enclosed as Annexure-I.</p>									
2.	Since, the compliance wrt the CA land and afforestation is not complete in the instant proposal, the working permission for a period not exceeding one year is hereby granted by the Central Government to enable the State Govt/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980;	<p>M/s. MSPL Limited ML No.024(2563), Hospet has identified CA lands in following locations;</p> <table border="1"> <thead> <tr> <th>Locations</th><th>Extent (in ha)</th><th>Remarks</th></tr> </thead> <tbody> <tr> <td>Sy.No. 6/4,6/5 &amp; 6/6 of Amagon Village, Jamboti Hubli, Khanapur Taluk, Belagavi District</td><td>15.30</td><td>This parcel of land was transferred and mutated in favour of for this instant proposal of ML No.024(2563).</td></tr> <tr> <td>Sy.No.6/3 of Amagon Village, Jamboti Hubli, Khanapur Taluk, Belagavi</td><td>14.79</td><td>Initially, this parcel of land was identified and mutated in favour of Forest Department with respect to Proposal No. FP/KA/MIN/31348/2018. Now, the User Agency has requested to adjust for this instant proposal of ML No.024(2563).</td></tr> </tbody> </table>	Locations	Extent (in ha)	Remarks	Sy.No. 6/4,6/5 & 6/6 of Amagon Village, Jamboti Hubli, Khanapur Taluk, Belagavi District	15.30	This parcel of land was transferred and mutated in favour of for this instant proposal of ML No.024(2563).	Sy.No.6/3 of Amagon Village, Jamboti Hubli, Khanapur Taluk, Belagavi	14.79	Initially, this parcel of land was identified and mutated in favour of Forest Department with respect to Proposal No. FP/KA/MIN/31348/2018. Now, the User Agency has requested to adjust for this instant proposal of ML No.024(2563).
Locations	Extent (in ha)	Remarks									
Sy.No. 6/4,6/5 & 6/6 of Amagon Village, Jamboti Hubli, Khanapur Taluk, Belagavi District	15.30	This parcel of land was transferred and mutated in favour of for this instant proposal of ML No.024(2563).									
Sy.No.6/3 of Amagon Village, Jamboti Hubli, Khanapur Taluk, Belagavi	14.79	Initially, this parcel of land was identified and mutated in favour of Forest Department with respect to Proposal No. FP/KA/MIN/31348/2018. Now, the User Agency has requested to adjust for this instant proposal of ML No.024(2563).									

		District		
		Total	30.09	
		<ul style="list-style-type: none"> <li>● The Deputy Conservator of Forests, Belagavi Division, Belagavi has issued CA suitability certificate against FC Proposal No. FP/KA/MIN/31348/2018 (14.79 Ha) and FP/KA/MIN/50114/2020 (15.30).</li> <li>● Accordingly, the above parcel of lands are transferred and mutated in favour of Forest Department vide Mutation MR No.H1/2022-23 Dated: 18.01.2023.</li> <li>● <i>Further, it is pertinent mention here that, the above parcel of lands are notified as 'Deemed Forest' vide Government of Karnataka Notification No. APAJI185 FAF 2011, Bangalore Dated: 05.05.2022.</i></li> <li>● Later on, it is observed that, the Deputy Conservator of Forests, Belagavi Division, Belagavi has requested the Deputy Commissioner, Ballari to remove these survey numbers from Deemed Forest list vide letter No. D1/Bhoomi/Amgaon/Sec-33/Proposal/2024-25/2869 Dt: 11.11.2024.</li> <li>● In this regard, the Deputy Commissioner, Belagavi has recommended to Additional Chief Secretary, Forest, Ecology &amp; Environment, Bangalore to remove these survey numbers from deemed forest list vide letter No. Rev/Forest/VV-53/2024-25 E-228124 Dated: 03.02.2025 which states that;  <b><i>[English Translated Version: "Therefore, in view of the above as per request of M/s MSPL Limited, Hospete and as per the report submitted by the DCF Belagavi Division, Belagavi and the Assistant Commissioner, Belagavi District, Khanapur Taluk, Jamboti Hubli, Amagon Village in Sy No. 6/3 - 43 Acer 17 Gunta, Sy No. 6/4 - 43 Acer 17 Gunta, Sy No. 6/5 - 43 Acer 17 Gunta Total 173 Acer 28 Gunta land as per Registered Deed is a Purchased land and originally is a private land. The said land is mutated in the name of the Forest Department. Further, the</i></b> </li> </ul>		

		<p><b><i>above survey number has been mistakenly added in the Deemed Forest List which is in the Name of Deputy Conservator of Forests. Hence, as per the DCF Belagavi Division request it is requested remove the said survey numbers from the said Deemed Forest list."]</i></b></p> <ul style="list-style-type: none"> <li>● Further, M/s. MSPL has submitted the undertaking to this office vide letter dated: 05.05.2025 and states that; <b><i>"MSPL Limited hereby undertake and affirming to compensate forest department GOK as per applicable guidelines and conditions, if these present proposed lands are not accepted as CA."</i></b></li> </ul> <p>Details of documents related to CA land with KML file (in CD) are enclosed as Annexure-II.</p>
3.	<p>The required levies as per prevalent rates and guidelines (NPV for land to be diverted and safety zone along with CA levies) shall be deposited by the user agency before handing over the forest area to the user agency for any further mining activities;</p>	<ul style="list-style-type: none"> <li>● <b>Payment of NPV Charges:</b> The earlier user agency i.e. M/s. Kanhaiyalal Dudheria has remitted of ₹.2,16,64,000/- (vide DD No.621402 Dt.10.09.2007) towards payment of Net Present Value (NPV) for an extent of 33.76 hectares against the Mining lease No.2563 which is enclosed as Annexure-III.</li> <li>● <b>Safety Zone Charges:</b> The earlier User-Agency i.e. M/s. Kanhaiyalal Dudheria has remitted of ₹2,69,672/- [vide DD No. 621410 dt. 10.09.2007] towards payment for Fencing, Protection and Regeneration of the safety zone area (7.5 meters strip all along the outer boundary of the mining lease area). The Details are as under. <ul style="list-style-type: none"> <li>i. Fencing cost 1.604 KM @ ₹. 66,500/- ₹1,06,666/-</li> <li>ii. Safety Zone 1.203 Ha. @ ₹ 54,200/- ₹65,202/-</li> <li>iii. Re- generation of Safety Zone- ₹97,804/- [1.203 ha X 1.5 times =1.804 Ha. @54,200/-] - Total Amount- ₹ 2,69,672/-</li> </ul> </li> <li>● Further, Afforestation in degraded fore land (1½ of times of Safety zone area) has been raised in Sunkdakalu South RI Harkabhavi SyNo.107 to 120, 448 to 452 Kudligi Range</li> </ul>

		<p>Vijayanagara District durin 2021-12 over an extent of 1.843 ha. Copy of the APOs are enclosed as Annexure-IV</p> <ul style="list-style-type: none"> <li>● <b>Transfer Fee:</b> The New User Agency -(MSPL Limited) has remitted of ₹ 10,00,000/- towards payment 'Transfer fee vide UTR No. SBINR1202404101516204 Dt.10.04.2024. The Details of payment mad enclosed as Annexure-I.</li> <li>● <b>Compensatory Afforestation levies:</b> The New User Agency (MSPL Limited) has remitted ₹5,52,45,240/- for CA Charges for 30.09 ha @ 18.36 lacks/ha vide UTR No SBINR1202404105162141 Dt.10.04.2024 The Details of payment made enclosed as Annexure-I.</li> <li>● <b>Wildlife Mitigation and Soil and Moisture Conservation Charges:</b> As per Para No. 1.22 (i) of Chapter-1 of the Consolidated Guidelines and Clarification issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the DCF Ballari Division has issued demand notice of ₹84,42,500.00 for implementation of Wildlife Conservation Plan and SMC Plan vide demand notice dated: 21.05.2025. Accordingly, the M/s. MSPL Limited has remitted the same vide UTR No. SBINR52025052386493416 Dated: 23.05.2025.</li> </ul>
4.	In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest Conservation) Act, 1980 shall be deemed to be	The User Agency (M/s. MSPL Limited) has not submitted complete compliance of conditions as stipulated in the FC transfer order of MOEF&CC Government of India vide dated: 09.10.2023 within a period of one-year (i.e., till 08.10.2024), In this regard, the Deputy Conservator of Forests, Ballari Division has stopped all the mining activities in leased Forest area of 30.09 ha of Mining lease (FC Area) with effect from dated 08.10.2024.

	cancelled.	
5.	<p>The State Government shall submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency and the conditions stipulated as per approval letter dated 08.08.2007 and 12.10.2007 within one year along with the required copy of the original notification declaring the non-forest land identified for CA under Section 4 or Section 29 of the Indian Forest Act, 1927 or under the relevant section of the State Forest Act as the case may be;</p>	<ul style="list-style-type: none"> <li>● The erstwhile lessee M/s. Kanhaiyalal Dudheria had obtained Forest Clearance over an extent of 33.75 ha (vide GOI Dt.12.10.2007) for Mining Lease No. 2563 under Forest (Conservation) Act, 1980.</li> <li>● Therefore, the Compliance Report to conditions stipulated in the approval letter dated 12.10.2007 of Government of India are enclosed as Annexure-IV.</li> <li>● Further, the User Agency (M/s. MSPL Limited) has identified Compensatory Afforestation (CA) land in Sy. No. 6/3, 6/4, 6/5 &amp; 6/6 of Amagon Village, Jamboti Hubli, Khanapur Taluk, Belagavi District over an extent of 30.09 hectare of forest land. The said land is transferred and mutated in favour of Forest Department vide Mutation No.MR H1/2022-23 Dt. 18.01.2023. Further, the mutated non-forest land for CA Purpose is yet to be notified as RF/PF.</li> </ul> <p>In this regard, the Deputy Conservator of Forest, Ballari Division has requested the Deputy Conservator of Forests, Belagavi Division, Belagavi to provide the status of RF/PF for above identified CA lands vide letter No. M1/MNG/MSPL/M.L.2563/2019-20 dated: 15.05.2025.</p>
6.	<p>The Geo-referenced map of the forest area as per CEC sketch for the Mining Lease No.2563 shall be furnished</p>	<p>The Geo-referenced map of the forest area as per CEC sketch for the Mining Lease No.2563.</p>
7.	<p>The State Government shall ensure the compliance of the relevant guidelines / clarifications issued by this Ministry of Environment, Forest and Climate Change</p>	<p>In this regard, the Deputy Conservator of Forests, Ballari Division has stated that the User Agency (M/s. MSPL Limited) has submitted the undertaking to this effect.</p>

	and directions of the Hon'ble Supreme Court with regards to cases involving transfer of C-category mines;	
8.	The State Govt. shall ensure that there is no violation of Forest (Conservation) Act, 1980 and directions given by the Hon'ble Supreme Court of India in the matter	In this regard, the Deputy Conservator of Forests, Ballari Division has stated that the User Agency (M/s. MSPL Limited) has submitted the undertaking to this effect
9.	The user agency shall also furnish an undertaking to pay the additional NPV, if so determined by the Hon'ble Supreme Court of India.	In this regard, the Deputy Conservator of Forests, Ballari Division has stated that the User Agency (M/s. MSPL Limited) has submitted the undertaking for payment of Additional NPV.
10.	The user agency shall abide by all the conditions on which the forest land was leased to the original user agency;	In this regard, the Deputy Conservator of Forests, Ballari Division has stated that the User Agency (M/s. MSPL Limited) has submitted the undertaking to this effect.
11.	The State Government shall ensure the complete compliance in terms of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the diverted forest land:	The User Agency (M/s. MSPL Limited) has obtained FRA Certificate in Form-II from Deputy Commissioner, Ballari vide letter No.BLR-DC-33011/16/2020-BLRDC_FOREST-BALLARI DC dated 04.11.2021 for an extent of 30.09 hectare of forest land. Copies of the FRA Certificate with complete annexures and translated copies.
12.	The user agency shall abide by any other condition that	In this regard, the Deputy Conservator of Forests, Ballari Division vide Ref (8) has stated that the User Agency (M/s. MSPL Limited) has submitted the

	may be stipulated by the Central Government/Regional Offices/State Government in future in the interest of conservation, protection and development of forests & wildlife:	undertaking to this effect.
13.	The State Government and the user agency shall comply with all the provisions of the all Act, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	In this regard, the Deputy Conservator of Forests, Ballari Division vide letter stated that the User Agency (M/s. MSPL Limited) has submitted the undertaking to this effect.

xxii. With respect to Point No. 2, the State has informed that:

- a. The new User Agency (M/s MSPL Limited) has acquired and transferred 30.09 Ha of Private Lands in favour of the Forest Department. Later on, it was discovered that the transferred/mutated land is already in the list of 'Deemed Forest'.
- b. Deputy Commissioner, Belagavi District and Deputy Conservator of Forests, Belagavi Division are on record that the above-mentioned Private Lands were wrongly included in the list of 'Deemed Forest'. Further, they have demanded that these Private Lands should be excluded from the list of 'Deemed Forest'.
- c. The State Government has already initiated an exercise to re-visit the issue of 'Deemed Forest' and weed-out un-desirable land parcels that have been kept into the list of 'Deemed Forest'.
- d. Under these circumstances, M/s MSPL Limited has come forward with the following proposition.
- e. That the CA lands (which were privately owned yet in the 'Deemed Forest' list) already transferred/mutated by them may be accepted in expectation that these lands shall be excluded from the list of 'Deemed Forest'.



- f. In case the expected exclusion of the said CA lands from the list of 'Deemed Forest' does not succeed, M/s MSPL Limited is bound to furnish alternate non-forest lands for CA purpose.

- xxiii. **DSS analysis:** In reply to this Ministry EDS, State Govt. has submitted the KML file of CA land identified in Amagaon village, over an extent of 15.30 ha on non- forest land. The KML file has been analysed and observations are as under:
- xxiv. Compensatory afforestation land has been proposed over non- forest land in a single patch and its software calculated area is found 15.314 ha.
- xxv. Observation based on Google Earth: no encroachment is visible
- xxvi. Forest cover of proposed compensatory afforestation land in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019-2020 is given below:

CA Site Name	Proposed area (ha)	Software Calculated Area (ha.)	VDF	MD F	OF	Scrub	Non forest
Patch-1	15.30	15.314	0	1	14	0	0

- xxvii. In reply to this Ministry EDS, State Govt. has submitted the KML file of CA land identified in Amagaon village, over an extent of 14.79 ha on non- forest land.
- xxviii. The Deputy Conservator of Forests, Ballari Division has issued the Working Permission on 26.07.2024 for a period of one year with effect from 26.07.2024 [i.e., upto 08.10.2024].
- xxix. Due to non-submission of complete compliance of conditions as stipulated in the FC transfer order of MOEF&CC Government of India vide dated: 09.10.2023 within a period of one year (i.e., till 08.10.2024), the Deputy Conservator of Forests, Ballari Division has stopped the mining activities in leased Forest area of 30.09 ha of Mining lease (FC Area).
- xxx. Now, the User Agency (i.e., M/s. MSPL Limited), has submitted compliance report to the Range Forest officer, Sandur South Range, Sandur and the Assistant Conservator of Forests, Ballari Sub-Division, Ballari has submitted the Compliance Report to conditions imposed in the FC transfer order of MoEF&CC Government of India dated 09.10.2023.
- xxxi. The User Agency has paid all levies and the same is showing paid on the portal.
- xxxii. Following CA land has been offered by the State Govt.

Locations	Extent (in ha)	Remarks
Sy.No. 6/4,6/5 & 6/6 of Amagon Village, Jamboti Hubli, Khanapur Taluk, Belagavi District	15.30	This parcel of land was transferred and mutated in favour of this instant proposal of ML No.024 (2563).
Sy.No.6/3 of Amagon Village, Jamboti Hubli, Khanapur Taluk, Belagavi District	14.79	Initially, this parcel of land was identified and mutated in favour of the Forest Department with respect to Proposal No.

		<p>FP/KA/MIN/31348/2018. Now, the User Agency has requested to adjust for this instant proposal of ML No.024(2563).</p> <p>Remarks: Proposal No. FP/KA/MIN/31348/2018 was rejected by the Ministry vide letter dated 25.06.2024. The proposal No. FP/KA/MIN/50114/2020 wherein in 14.79 ha of CA land has been provided, is pending with UA and the same is required to be withdrawn. The RO has raised EDS in this proposal vide letter date 25.01.2025.</p>
--	--	---

- Further, it is noted the above parcel of lands are transferred and mutated in favour of Forest Department vide Mutation MR No.H1/2022-23 Dated: 18.01.2023.
  - *Further, it is pertinent to mention here that, the above parcel of lands are notified as 'Deemed Forest' vide Government of Karnataka Notification No. APAJI185 FAF 2011, Bangalore Dated: 05.05.2022.*
  - Later on, it is observed that, the Deputy Conservator of Forests, Belagavi Division, Belagavi has requested the Deputy Commissioner, Ballari to remove these survey numbers from Deemed Forest list vide letter No. D1/Bhoomi/Amgaon/Sec-33/Proposal/2024-25/2869 Dt: 11.11.2024.
  - In this regard, the Deputy Commissioner, Belagavi has recommended to the Additional Chief Secretary, Forest, Ecology & Environment, Bangalore to remove these survey numbers from deemed forest list vide letter No. Rev/Forest/VV-53/2024-25 E-228124 Dated: 03.02.2025 which states that;  
**[English Translated Version: "Therefore, in view of the above as per request of M/s MSPL Limited, Hospete and as per the report submitted by the DCF Belagavi Division, Belagavi and the Assistant Commissioner, Belagavi District, Khanapur Taluk, Jamboti Hubli, Amagon Village in Sy No. 6/3 - 43 Acer 17 Gunta, Sy No. 6/4 - 43 Acer 17 Gunta, Sy No. 6/5 - 43 Acer 17 Gunta Total 173 Acer 28 Gunta land as per Registered Deed is a Purchased land and originally is a private land. The said land is mutated in the name of the Forest Department. Further, the above survey number has been mistakenly added in the Deemed Forest List which is in the Name of Deputy Conservator of Forests. Hence, as per the DCF Belagavi Division request it is requested remove the said survey numbers from the said Deemed Forest list."]**
- xxxiii. Further, M/s. MSPL has submitted the undertaking to this office vide letter dated: 05.05.2025 and states that;  
**"MSPL Limited hereby undertakes and affirms to compensate forest department GOK as per applicable guidelines and conditions, if these present proposed lands are not accepted as CA.**
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bengaluru and Nodal Officer, Government of Karnataka. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of

Karnataka, the Committee '**deferred**' the proposal for want of the following information:

- i. The State Govt. shall ensure that equal non-forest land is submitted as CA in the instant proposal.

### Agenda No. 15

#### Online Proposal No. FP/MP/MIN/35835/2018

**Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 19.00 ha Reserve forest land for open cast Mining of Pyrophilite/diaspore in Compartment No. RF-262, Range Jatara, Tikamgarh District of Madhya Pradesh State in favour of M/s Khajuraho Minerals Pvt. Ltd. (Online No. FP/MP/MIN/35835/2018) – regarding.**

1. The agenda item was considered by the AC in its meeting held on 26.09.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Govt. of Madhya Pradesh vide their letter No F-1/FP/MP/MIN/35835/2018/1805 dated 30.05.2019 forwarded a proposal to Regional Office Bhopal to obtain prior approval of the Central Government, in terms of the Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 19 ha Reserve forest land of Compartment No RF-262, Range Jatara under Tikamgarh Forest Division for Mining of Pyrophilite/diaspore by M/s Khajuraho Minerals Pvt. Ltd. in Tikamgarh District of Madhya Pradesh State
  - ii. The legal status of the forest land involved in the proposal is Reserved Forest with vegetation density 0.4 of eco class I. The no. of trees to be felled is 2370.
  - iii. The component wise utilization of the forest land is as under:

Sl. No.	Name of Component	Area	Total
1	Mineable Area	12.38 Ha	13.5 Ha
2	Temporary Dumping/Stacking	1.12 Ha	
3	Green Belt, Garland Drain, settling tanks	3.799 Ha	5.50 Ha

4	Safety Zone 7.5 m wide	1.551 Ha	
5	Temporary Site Service	0.114 Ha	
6	Mineral Evacuation Road	0.036 Ha	
	<b>Total Applied Area</b>	<b>19.00 Ha</b>	<b>19.0 Ha</b>

- iv. The State Government informed that the required area for the proposal is bare minimum and forwarded the justification submitted by the User Agency that the Pyrophyllite & Diaspore mined from this project will be utilised in the modern refractory, pesticides, rubber, paint, cosmetics, soap, detergents and handicraft Industries. Diaspore will be used for manufacture of high alumina bricks to curtail the imports. Ceramic being the basic ancillary to the steel industry. India needs increasing amounts of these minerals. The industries are facing acute shortage of Pyrophyllite & Diaspore and hence are in immense need of this project. The project is site specific in nature.
- v. The application No. SIA/MP/MIN/437202/2023 for obtaining the Environmental clearance is submitted by the User Agency and the same is under consideration.
- vi. The User Agency at the initial stage proposed 19 Ha of Non Forest and as well as 11 Ha DFL for Compensatory Afforestation (CA). However, after the recommendations and site suitability certificates provided by the DFO and Regional Office, Bhopal, the CA land has now been proposed over the 19 Ha Non Forest Land only.
- vii. User Agency proposed a Compensatory Afforestation (CA) land in Survey No. 33/1, Village Kasera, Chhatarpur District of Madhya Pradesh over a 19 ha of Non Forest Land in a single patch. As per site suitability report submitted by DFO and Site Inspection Report submitted by the Regional Office Bhopal, the CA site is found suitable for the management and plantation point of view. The DFO Chhattarpur also certified that the CA land identified is free from all sorts of encumbrances and encroachments.
- viii. As per DSS Analysis done in the Ministry, the CA area proposed in Survey No. 33/1, Village Kasera, Chhatarpur District of Madhya Pradesh is 18.995 Ha (MDF:7 Ha, Open Forest: 12 Ha).
- ix. The State Government further informed that out of the proposed 19 hectares CA area, 12 hectares area is open and the remaining 7 hectares area is medium density forest whose density is more than 0.5. Hence, CA scheme on 12 hectares area and Crop Improvement plan on the remaining 7 hectares area has been prepared by Chhatarpur Forest Division.
- x. It has been informed by the DDGF (C) of Regional Office Bhopal that the Site Inspection of the proposed CA area was done on 04.05.2025. The CA area provided is mostly plain land with gentle gradient. The area is adjacent to PF-277. Out of 19 Ha CA land, the 7 area is MDF/VDF. Accordingly, the crop improvement plans for 7 Ha need to be submitted. Further, the CA scheme has been prepared for the 12 Ha. area and as per CA scheme prepared and submitted, it is observed that 28300 plants are proposed to be planted in the area of 12 Ha.

- xi. The Regional Office further suggested to provide chain link fences all around the 19 Ha area before taking up plantations with native species. A solar pump with borewell and watcher's hut cum watch tower are also suggested for better growth of plantation and its protection suitable soil and moisture conservation works are also suggested for better works.
- xii. The State Govt. has informed that no electricity supply is required for mining operations. The mine shall be operated in day time and all the requirement of the electricity shall be done by the Solar power. Also, the requirement of water shall be fulfilled by the User Agency by purchasing the water from the private sources from nearby villages.
- xiii. The State Government further informed that the project does not warrant displacement of any human habitation and therefore, resettlement and re-habitation plan is not required for the project.
- xiv. The mineral evacuation shall be done by the User Agency by using the proposed approach road of 0.036 Ha, which is included in the instant proposal. This road connects to the already existing black top road.
- xv. The State Government informed that the soil erosion plan has been submitted by the User Agency. Also, the fencing will be done around the mining area to prevent soil erosion. Further, there will be a 7.5 meter wide greenbelt / safety zone inside the fencing in which trees will be planted, garland drain/cut off trench will be constructed around the safety zone, and a tank will be constructed to stop the waste material. The plantation will be done all around inside the garland drain so that the possibility of soil erosion will be negligible.
- xvi. It has been submitted that the temporary dumping/stacking to be back filled (Muck Disposal) will be done in 1.12 Ha. area only.
- xvii. The State Government further informed that the LoI has been extended for another two years by the Mineral Resource Department, Government of Madhya Pradesh vide letter dated 21.03.2025 and the LoI is valid till 20.03.2027.
- xviii. The State Government submitted that the land use as proposed in the proposal shall invariably commensurate with the land use as given in the approved mining plan.
- xix. The State Government submitted that the mining work will be carried out at a distance of about 70 meters and at a height of 75 meters from the Jamnara Nalla located near the proposed area. No mining work will be done within a distance of 50 meters near the Nalla and trees will be planted around the Nalla. The flow of water in the Nalla will not be obstructed due to the work of the proposed scheme. **The Executive Engineer, Water Resources Department, Tikamgarh provided NoC in this regard.**
- xx. The Regional Office Bhopal in its Site Inspection Report recommended the Proposal and CA land subject to the following conditions:
  - a. It is suggested to provide settling tanks at suitable points in the garland drain, so that the water is discharged into the Jamanara nala without any silt. Further, the approach access should also be provided with at least two rows of plantation and its maintenance with native species at the cost of the User Agency.
  - b. It is suggested to provide chain link fences all around the 19.00 ha CA area before taking up plantations with native species. A

solar pump with borewell and watcher's hut cum watch tower are also suggested for better growth of plantation and its protections suitable soil and moisture conservation works are also suggested for better results.

- xxi. The Committee observed that the Nalla flows through the proposed forest land for diversion and the Nalla is observed to be crossing the mining lease boundary twice. The State Government submitted that the mining work will be carried out at a distance of about 70 meters and at a height of 75 meters from the Jamnara Nalla located near the proposed area. No mining work will be done within a distance of 50 meters near the Nalla and trees will be planted around the Nalla. The flow of water in the Nalla will not be obstructed due to the work of the proposed scheme. The Executive Engineer, Water Resources Department, Tikamgarh, Government of Madhya Pradesh provided NoC in this regard.
  - xxii. The committee observed that there should be a buffer zone of at least 100 meters around the nalla passing through the proposed forest land for diversion.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Madhya Pradesh, the Committee '**recommended**' the proposal for diversion of 19 Ha Reserve forest land for open cast Mining of Pyrophilite/diaspore in Compartment No. RF-262, Range Jatara, Tikamgarh District of Madhya Pradesh State in favour of M/s Khajuraho Minerals Pvt. Ltd. Subject to the general, standard and the following specific conditions;
- i. The User Agency shall maintain a buffer zone of at least 100 meters along the nalla passing through the proposed forest land for diversion and the flow of water in the Nalla will not be obstructed due to the work of the proposed mine.
  - ii. The User Agency shall provide settling tanks at suitable points in the garland drain, so that the water is discharged into the Jamanara nala without any silt. Further, the approach access should also be provided with at least two rows of plantation and its maintenance with native species at the cost of the User Agency.
  - iii. The chain link fence shall be provided all around the 19.00 ha CA area before taking up plantations with native species. Suitable soil and moisture conservation works be incorporated in the compensatory afforestation scheme.

### **Agenda No. 17**

**F. No. 8-28/2015-FC**

**Sub: Proposal for seeking ex-post facto approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of balance forest land of 344.25 ha (including 95.60 ha already diverted) (originally proposed area is 746.3325 ha including 11.8305 ha for safety zone (excluding 95.60 ha of pre-1980 broken up forest land already diverted and 4.467 ha of forest land being proposed for diversion in separate proposal for mining infrastructure of Daitari ML ) within total forest land of 846.3995 ha located within approved Mining lease area of 1018.3085 ha for Iron**

**Ore Mining in Daitari Mining lease in Cuttack Forest Division of Jajpur District and Keonjhar (WL) Division of Keonjhar District, Odisha ) M/s OMC Ltd. during Mining lease period as extended under the amended provision MMDR Act - reg.**

1. The above proposal was considered by the Advisory Committee (AC) in its meeting held on 26.09.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
  - i. Earlier, the proposal was considered by the Advisory Committee (AC) in its meetings held on 12.07.2016, 20.07.2017, 26.07.2018, 25.04.2023 and 30.04.2024.
  - ii. Daitari Mining lease of OMC involves total lease area of 1018.3085 ha comprising of 846.3995 ha of forest land. Out of the total forest land, an area of 95.60 ha, already broken up forest land, was granted approval vide Ministry's letter dated 27.01.2005 while another 4.467 ha of forest land has been proposed for mining infrastructure in a separate proposal
  - iii. The mining lease was originally granted by the erstwhile Mining and Geology Department of State Government on 16.03.1965 and the Mining lease was executed on 27.01.1966 for a period of 30 years. Thus, the original lease period expired on 26.01.1996. The surface rights were granted to OMC Ltd. by the Collector, Cuttack vide his letter dt. 17.11.1966. First renewal was done on 27.01.1996 up to 26.01.2016 which was extended up to 21.03.2020 under the amended provision MMDR Act, 1957.
  - iv. The lease area is located in two forest divisions i.e. in Keonjhar WL Division (533.659 ha) and Cuttack Forest Division (193.2666 ha). The legal status of forest land is Reserve Forest & Gramya Jungle.
  - v. The area proposed for mining is located in very dense forest having vegetation density up to 0.8 with approximately 2.72 lakh of the project affected trees proposed initially.
  - vi. The mining lease area is recorded with 28 rare, endangered and threatened species which are endemic to the area. The proposed area falls into High Conservation Value Zone as per Decision Rule-II i.e. due to its biological richness, forest types, forest cover and landscape integrity value.
  - vii. Earlier, the proposal was considered by the Advisory Committee in its meeting held on 12.07.2016 and the Advisory Committee, keeping in view the importance of the area from the wildlife viewpoint and the fact that area proposed for diversion falls in the proposed tiger corridor between the Satkosia – Simlipal Tiger reserves, sought comments of the NTCA, IA Division and Forest Survey of India.

- viii. The NTCA in their recommendation mentioned that the proposed mining should be limited to the iron ore bearing area as per the geological map with different ore bearing areas that has been provided and no human settlement or colony will be allowed in the forest area of proposed extension. Besides this the NTCA also suggested certain measures to be undertaken in the area such as constitution of monitoring Committee to oversee the wildlife and environmental and wildlife issues, realizing annual grant.
- ix. The IA Division in their comments informed that all the mine leases of Iron ore and Manganese ore are in the ambit of the Carrying Capacity Study in the State of Odisha.
- x. Proposal was subsequently, again considered by the Advisory Committee in its meeting held on 26.07.2018, and the Committee inter-alia observed that proposal is situated, in an undisturbed virgin, very dense pristine forest with immense biodiversity value and is a crucial tiger corridor interlinking Similipal Tiger Reserve and Satakoshia Tiger Reserve, which is very near to the proposed diversion boundary and is a pristine habitat of elephants and many important wildlife species which is of grave concern and utmost importance. Taking all these and other similar factors into consideration, the AC inter-alia recommended that MOEF&CC may conduct a study through ICFRE which may take help of IBM (Indian Bureau of Mines), to ascertain the technical feasibility of the fact that how much quantity of ore material can be extracted from already opened up areas without further expansion of the existing mining area (i.e. 95.60 ha).
- xi. The ICFRE conducted the study in association with the Wildlife Institute of India and submitted its report. The ICFRE in its report has made specific recommendations wherein mining in 405.26 ha of lease area has been recommended.
- xii. From the report of the ICFRE, it can be ascertained that approximately 584.84 ha of forest land located within the core area of the mine lease is part of the proposed corridor. The ongoing mining activities have already reduced the width of the corridor by approximately 3.42 km leaving 7 km of forest in the north and 2.7 km of forest in the south from the broken boundary towards Cuttack Forest Division in Tomka and Sukinda range. Extension of mining activities within the lease area will further reduce the width of the corridor by approximately 2.5 km, leaving 5.5 km to 6.6 km of corridor forest in the north Brahmanipal range of Keonjhar Forest Division and 2 to 4.8 km in Tomka and Sukinda range of Cuttak Forest Division. The Nodal Officer, Odisha mentioned that the area does not form part of the tiger corridor.
- xiii. The landscape also forms the part of Similipal - Hadagarh - Kuldiha (Simlipal- Satkosia) (Baula- kuldiha) Elephant Corridor. The Elephant Corridor is located in the Similipal landscape of Odisha which connects Similipal Wildlife Sanctuary to Hadgarh Wildlife Sanctuary through Kuldiha Wildlife Sanctuary.
- xiv. The mining lease is located on the hill top. Proposed mining operations in hill top may impact the hydrological regimes and thereby impact the



perennial water sources. Moreover, comments of the Water Resource Department on the impact of the Mining on the local nallah in the and around the lease area have also not been submitted.

- xv. ICFRE report also gives an analysis of estimation of economic valuation of ecosystem goods and services of the total lease area and benefits to be generated from the mining revealed that value of EG&S is 7,458.17 cores while the value of net benefits from the pre is estimated as ₹15,825 crores. The ratio of EGS to net economic benefits is 1:2.1.
- xvi. The ICFRE finally suggested an area of 405.26 ha for mining. The report of the ICFRE was considered by the Committee in its meeting held on 24.04.2023 and the Committee after examination of ICFRE report constituted a Sub-Committee of the AC to visit the area and submit a detailed report along with their recommendation after in-depth analysis of the report prepared by the ICFRE.
- xvii. The Sub-Committee of AC concurred with the recommendations made in the ICFRE report and WII report, advising the user agency to work in phases and tree felling should be in phases under monitoring by MoEF&CC and suggesting to acquire non-forest land from the already surrendered lease area for the non-site specific activities like dumping.
- xviii. A special meeting of the Expert Appraisal Committee was held in the Ministry on 12.09.2023 to discuss whether a cap on mining is necessary in the State of Odisha in accordance with the Hon'ble Supreme Court order dated 14.08.2023 in WPC No. 114 of 2023. The Committee in the said meeting inter-alia noted that there are 59 iron ore mines which are presently under operation and have EC granted for a capacity of 224.13 MT. As against this, the maximum quantity of iron ore produced in 2022-23 has been only 155.26 MT. The Committee, after taking a situation review, inter-alia recommended that *"Mining operations shall not ordinarily be taken up in identified ecologically fragile and biologically rich areas. The Government shall identify such areas that are critically fragile in terms of ecology and declare as inviolate areas or no-go areas out of bounds for mining. In order to achieve a better semblance between mineral based development and environment, there shall be endeavour to create exclusive Mining Zone (EMX) without prior in-principle statutory clearance demarcate for the mineralized belt zone to avoid conflict of interests and to curtail delay in commencement of mining"*.
- xix. The proposal was considered by the Advisory Committee in the meeting held on 30.04.2024 and the Advisory Committee observed that the area is located in a pristine landscape with high conservation value which deserves to be conserved for ensuring uninterrupted wildlife corridors and maintaining the landscape integrity. The Committee deferred the proposal for additional information from the State Government. Further, Committee desired the comments of the National Tiger Conservation Authority on the area proposed for diversion vis-à-vis –Simplipal-Satkosia tiger corridor, about the impact of the proposed mining operations on the wildlife corridors in the area vis-à-vis a total of 8 projects of iron ore mining already approved in the same landscape.

- xx. Ministry vide letter dated 17.05.2024 requested the State Government to submit information as per recommendation of AC. Further, FC Division vide OM dated 17.05.2024 requested the NTCA to furnish their comments.
- xxi. The NTCA (in the e-file dated 02.12.2024) submitted the comments and it has **not recommended** the proposal for approval.
- xxii. The State Government vide letter no. 17522/9F (MG) – 12/2023 dated 20.08.2025 submitted information as sought vide Ministry's letter dated 17.05.2024.
- xxiii. The State Government has submitted the revised KML file for the 405.26 ha project area—comprising 344.25 ha of forest land (95.60 ha diverted and 248.65 ha virgin forest) and 61.01 ha of non-forest land—as provided by the DFOs of Cuttack and Keonjhar (WL) Divisions, along with a tabulated summary of land attributes and ownership/management details.

S. No.	Name of the area	Area (ha)	Managed by	Remarks
<b>Division-Keonjhar Wildlife Division, Anandapur, District-Keonjhar</b>				
1	Rebana RF	142.62	Forest Dept.	Part of Reserve Forest area proposed for Diversion
2	Rebana RF	59.254	Forest Dept	Stage-II approval accorded vide No 8-164/97-FC dt 27.12.005 of the Govt. of India, MoEF & CC
3	Rakhita, Gramya Jungle	3.78	Forest Dept.	Part of Reserve Forest area proposed for Diversion
	<b>Sub-Total</b>	<b>205.654</b>	<b>Forest Dept.</b>	
4	Non-forest land	61.01	Forest Dept.	
	<b>Total (A)</b>	<b>266.664</b>		
<b>Division-Cuttack Forest Division, District-Jajpur</b>				
5	Dastari Protected Forest (PF)	102.25	Forest Dept.	Part of Reserve Forest area proposed for Diversion
6	Dastari (PF)	36.346	Forest Dept.	Stage-II approval accorded vide No 8-164/97-FC dt 27.12.05 of the Govt. of India, MoEF & CC

<b>Total (B)</b>	<b>138.596</b>		
<b>Grand Total (A+B)</b>	<b>405.26</b>		

- xxiv. The State Government has reported that, based on sampling and extrapolation, a total of 57,501 trees are estimated over 138.596 ha of forest land under Cuttack Division, while 70,453 trees have been enumerated under Keonjhar (WL) Division—comprising 58,945 trees over 201.874 ha of Revena RF, 705 trees over 3.78 ha of revenue forest, and 10,803 trees over 61.01 ha of non-forest land—within the reduced project area of 405.26 ha recommended by ICFRE.

Sl. No.	Name of the area	Area in (ha)	No. of trees enumerated	No of trees to be felled
1	Rebana RF	142.62		58945
2	Rebana RF	59.254		0
3	Rakhita, Gramya Jungle	3.78		705
	<b>Sub-Total</b>			59650
4	Non-forest land	61.01		10803
	<b>Total (A)</b>			<b>70453</b>
<b>Division-Cuttack Forest Division, District-Jajpur</b>				
5	Dastari Protected Forest	102.25		57501
6	Dastari Protected Forest	36.346		0
<b>Total (B)</b>				<b>57501</b>
<b>Grand Total (A+B)</b>				<b>127954</b>

- xxv. The State Government has informed that, as per ICFRE's report (Chapter 7, Section 7.3.11), threats to 27 of the 28 identified RET species will be mitigated through in-situ conservation, while one species, *Entada rheedii*, will be conserved ex-situ under a species-specific plan prepared by the DFO, Keonjhar (WL) Division and technically approved by the RCCF, Baripada, with an estimated cost of ₹16.23 lakh.
- xxvi. The State Government has informed that the Water Resources Department, Odisha, has provided its recommendations on the impact of proposed mining on the local hydrological regime vide letter No. 35618 dated 26.12.2024, and the user agency has submitted an undertaking to comply with these recommendations.
- xxvii. The State Government has informed that a summary of mining leases approved under the Adhiniyam, along with their peak capacity and actual production during FY 2024–25, has been provided by the user agency for OMC leases. Additionally, the Department of Steel and Mines, responding to the user agency's request, has justified the use of the reduced area within the Daitari ML, considering conservation concerns and projected production shortfalls. As per the Vikshit Bharat Vision Document, to meet the iron ore production target of 320 MMT by 2047, around 403 sq km of iron ore-bearing land will be required, with OMC—currently contributing 20% of the State's

production—needing to scale up to at least 64 MMT annually to meet its share of the target.

- xxviii. The State Government has informed that the Mining Plan, earlier approved by IBM for the total ML area of 1018.3085 ha, has been revised and re-approved vide letter No. RMP-2308/2024-25-IBMROBBS dated 26.12.2024, restricting mine operations to the reduced area of 405.26 ha as recommended by ICFRE.
- xxix. The State Government has informed that the revised cost-benefit analysis, accounting for the loss of Ecosystem Goods and Services (EG&S) and net economic gains from the project, has been furnished by ICFRE, Dehradun vide letter No. 1-99/2019-ADG(EM)/IOM-DML(WL)-OMC/ICFRE/1101 dated 15.07.2024, in response to a request from the user agency.
- xxx. The State Government has informed that the economic feasibility of mining over the reduced area was duly assessed during the preparation of the Mining Plan, and a report highlighting the key features related to economic viability has been prepared by the user agency based on the approved plan.
- xxxi. The committee observed that the NTCA has not recommended the proposal, and the sub committee in its report had suggested that the state has not provided enough justification for locating the activities such as OB dumping over the forest land. Keeping in view the importance of the area and the reports and comments of various institutions and committees the way forward needs to be decided keeping in view the concerns raised in above mentioned reports and the justifications provided by the state. Accordingly it is essential that the matter is deliberated by the State Government with the NTCA, ICFRE and WII.

4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneshwar and APCCF and Nodal Officer, Govt. of Odisha, the Committee decided to **defer** the proposal and decided that:

- 1. The State government shall consult with the NTCA, ICFRE, and WII to understand and address the concerns raised by the NTCA and those raised in the report of the sub-committee. It shall then submit a detailed report outlining mitigation measures to minimize the project's impact on wildlife along with recommendations and justifications.

### Agenda No. 18

File No. 8-22/2024-FC

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 87.520 ha of forest land for construction of Hidsing Irrigation Project including Alternate Road in Angul Forest Division under Angul District by Executive Engineer, Cuttack Investigation Division, Cuttack of Water Resource Department, Govt. of Odisha (Proposal No. FP/OR/MIN/20559/2016)-reg.**

- 1. The above proposal was considered by the Advisory Committee (AC) in its meeting held on 26.09.2025. The corresponding agenda note may be seen at

www.parivesh.nic.in. Nodal Officer (FCA), Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
  - i. Hidsing Irrigation Project is a reservoir project proposed in Brahmani basin on nallah, a tributary to river Brahmani near village Karadasingh in Angul Block of Angul district. The project envisages construction of a 933 metre long and 32.50 metre height earthen dam and a central spill way at the centre of the river gap portion. 437.330 Ha of land is required for construction of Hidsing Irrigation Project including alternate road due to submergence of (Angul-Tikarapada Road) S.H 23 which includes 87.520 ha of forest land and 349.810 ha non-forest land.
  - ii. 87.520 ha forest land comprises Reserve Forest & Proposed Reserved Forest of 38.619 Ha, Revenue forest land of 7.449 Ha, DLC forest land of 19.55 Ha & Private forest land of 21.902 Ha. 349.810 ha Non-forest land comprises 287.579 Ha Private Non-forest land & 62.23 Ha Govt. Non-forest land.
  - iii. Construction of Hidsing Irrigation Project (including alternate road) is proposed to be done across the river Bauli Nallah near Village Karadising in Brahmani Basin of Angul Forest Division in Angul District, by the Department of Water Resources, Govt. of Odisha. The Bauli Nallah is a major tributary of Lingara nallah joining near Ramkasinga. Lingara Nallah in turn joins the river Brahrnani on its right bank near village Meramundall. The Bauli Nallah originates from hill ranges of Balanga in Angul Block of Angul District and traverses in the north-east direction.
  - iv. The Project Includes a water reservoir with a homogeneous earth dam and a Central Spillway & 2 main (Right & Left) canals with Distributaries, minors, sub minors and outlets from the main Canal & an alternate road (due to Submergence of Angul - Tikarapada road S.H 23). This project has got administrative approval by the Central Water Commission, Govt. of India vide their letter No. M&A/AP-1/2012/13-15 dated 04.01.2013.
  - v. At present, there is no source of irrigation in this drought prone area inhabited by mostly scheduled caste, scheduled tribe and other backward classes. The agriculture is rainfed and the rainfall is mostly inadequate, untimely and unevenly distributed. The erratic monsoon does not allow the traditional agricultural practices to flourish. Consequently, the agriculture production is much below the average level and the financial status of the people of the area is very low. Hence, this project is envisaged to bring change in the prevailing agricultural practices and consequent upliftment of the economic status of the local people. The potentiality of this project, when utilized, shall no doubt accelerate the growth of economy in general and improve socio- economic status of the backward classes in particular, opening avenues for other alternate cash-crops round the year in the area. This project aims at annual irrigation of 3106 ha in the drought prone area

(Khariff irrigation-2366 ha and Rabi irrigation- 740 Ha) in Angul Block of Angul district.

- vi. As reported by the PCCF(WL) & Chief Wildlife Warden, Odisha, the site is coming within Mahanadi Elephant Reserve (proposed for extension). The site is also within the Eco Sensitive Zone of Satkosia TR (default 10 km). There is no archaeological monument/ heritage site/ defence establishment located in the applied area. As reported, there are Faunas like elephant, leopard, barking deer, Indian hare, cobra, python, kingfisher, blue jay often noticed inside the forest area applied for diversion.
- vii. The estimated cost of the project is ₹24549.26 lakh. As reported by the User Agency, the project will generate permanent/ regular employment to 1000 persons and temporary wage employment to 3000 persons.
- viii. This project area comes under Angui Block of Angel District, which is a drought prone area, chronically affected with frequent bouts of drought. The agriculture in this area completely depends upon the rainfall. As a result, the agricultural production is much below the average level. Agriculture being the main source of income, the per capita income of the people in this area is very low. So, the inhabitants of the locality are continuing with poor education, mal-nutrition and poverty. The construction of a dam across Bauli nallah and providing irrigation is necessary to improve the agriculture Gütput and economy of the region to mitigate the misery of the population, mostly belonging to Schedule Caste, Schedule Tribe and backward classes. Bauli nallah is a tributary of Lingara River in the Brahmani Basin. Due to suitability of location and other conceptual advantages, as detailed below, alternative sites have not been explored during the engineering survey and investigation. The gauge and discharge observation data at Karadasing has been recorded from 2005 to 2010 and found suitable. Initially, the yield series for Hidsing Irrigation Project was prepared based on the observed gauge & discharge data for Sapua Badajore Project. However, after discussion with CWC authorities, the nearby Derjang irrigation project was found to be more hydro meteorologically similar to the Hidsing Irrigation Project. Hence, yield series has been developed with the observed data of Derjang Irrigation Project with proportional catchment area for Hidsing Irrigation Project. So, a Dam Site has been selected near Village Karadasing in Angul Block of Angul District, which is technically feasible for Signment of Canal system.
- ix. (1) Right Main Canal and (2) Left Main Canal (3) Alternate Road has been prepared for construction after alternate studies taken up to avoid/ minimum use of forest land as well as homestead land. Not only the suitable location was considered and identified for construction of Darm, Canal system and alternate road but also it was emphasized to reduce destroying the cultivated land as well as virgin forest land. So, in this case the best site is selected for construction of Dam, Canal system and alternate road in technical point of view as well as bare minimum use of Forest Land.
- x. As reported by the PCCF & HoFF, Odisha, during a walk over survey of the routes possible alternatives have been explored to reduce the Forest land, avoiding thick ulated villages, Dense vegetation and found route no. 3 is suitable for this project.

**Right Main Canal: -**

**Route No. 1:** Total length of the route is 10.05 kms and total forest land involved is 14.29 Ha. The Full Supply Level (FSL) is not acceptable as it is not economical as per the design parameter of the Reservoir and this route is providing less command area.

**Route No. 2:** The length of the route is 9.98 kms and total forest land involved is 10.14 Ha. The Full Supply Level (FSL) is not acceptable, as it is not economical as per design parameter of the Reservoir and the route is providing less command area.

**Route No. 3:** The length of the route is 8.460 kms and total forest land involved is 9.401Ha. The Full Supply Level (FSL) is justified to have a maximum command area. From Geological Investigation, fresh out crop rock is available at the present site (Axis) and this route is considered feasible and appropriate.

#### **Left Main Canal**

**Route No. 1:** Total length of the route is 16.34 kms and total forest land involved is 7.12 ha. The Full Supply Level (FSL) is not acceptable as it is not economical as per the design parameter of the Reservoir and this route is providing less command area.

**Route No. 2:** The length of the route is 16.35 kms and total forest land involved is 8.116 Ha. The Full Supply Level (FSL) is not acceptable, as it is not economical as per design parameter of the Reservoir and the route is providing less command area.

**Route No. 3:** The length of the route is 17.700 kms and total forest land involved is 6.238 ha. The Full Supply Level (FSL) is justified to have a maximum command area. From Geological Investigation, fresh out crop rock is available at the present site (Axis) and this route is considered feasible and appropriate.

#### **Alternate Road with alternate alignment**

**Route No. 1:** -The length of the route is 6.94 Km and total forest land involved is 16.702 ha out of which 8.286 ha is Reserved Forest and has dense forest growth.

**Route No. 2:** The length of the route is 5.75 Km and total forest land involved is 14.447 ha out of which 6.989 ha is Reserved Forest and has dense forest growth.

**Route No. 3:-** The length of the route is 5.37 Km and total forest land involved is 13.394 ha out of which 6.052 ha is Reserved Forest having bushy forest growth only and the crop density is less than 40%, so this route is considered feasible and appropriate.

- xi. As per the application, construction of Hidsing Irrigation Project including alternate road coming under Angul Tahasil of Angul Forest Division in Angul district involves 437.330 ha of land in total, out of which 87.520 ha is Forest Land and 349.810 ha is Non-Forest Land. The 87.520 ha forest land comprises 38.619 ha of Reserve Forest & Proposed Reserve Forest, Revenue forest - 7.449 ha, Private forest- 21.902 ha, DLC forest-19.550 ha located in 15 villages. Out of 349.81 ha of non-forest land, 62.231 ha is Govt. Non-Forest Land and 287.579 ha is of Private Non-Forest Land. The authenticated land schedule of the forest and non-forest land involved in the project including status of forest and non-forest land as on 25.10.1980 duly authenticated by Tahasildar, Angul and countersigned by DFO, Angul Division are enclosed.

Village wise break-up of the forest land involved in this project is given below.

S.No.	Name of the Village	RF& PRF Area in	DLC Forest in Ha	Private Forest in Ha	Revenue Forest in Ha	Total Forest Area in Ha
1	Bhogapal RF	7.699	0	0	0	7.699
2	Balanga RF	3.661	0	0	0	3.661
3	Madhapur RF	0.016	0	0	0	0.016
4	Krishna Chakra PRF	27.243	0	0	0	27.243
	<b>Total RF &amp; PRF</b>	<b>38.619</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>38.619</b>
5	Hidsing	0	4.495	6.661	0	11.156
6	Dimiripal	0	1.077	12.765	0.440	14.282
	Dimiripal	0	0	0	0.262	0.262
7	Karadasingh	0	5.793	1.161		6.954
	Karadasingh	0	0	0	5.963	5.963
8	Talagarh	0	2.822	0.057	0.429	3.308
9	Baghuapat	0	1.308	0.166	0.355	1.829
10	Bandanaposi	0	0.078	0	0	0.078
11	Nandapur	0	2.198	0	0	2.198
12	Hinsaloi	0	0.213	0.243	0	0.456
13	Karatpata	0	0	0.456	0	0.456
14	Kusumpat	0	1.165	0.393	0	1.558
15	Brahmapur	0	19.55	21.902	7.449	48.901
	<b>Total</b>	<b>38.619</b>	<b>19.55</b>	<b>21.902</b>	<b>7.449</b>	<b>87.520</b>

The Tahasil wise break-up of the forest and non-forest land involved in this project under Angul Tahasil is given below.

Na	Na	Na	Forest land involved (in Ha)	Non-forest land	Grand
----	----	----	------------------------------	-----------------	-------



Name of the District	Name of the Tahasil	Name of the Division						in ha) Total			Total
			RF	Rev. Forest	Private Forest	DLC	Total	Govt.	Pvt.	Total	
Angul	Angul	Angul	38.619	7.449	21.902	19.550	87.520	62.231	287.579	349.810	437.33
		<b>Total</b>	<b>38.619</b>	<b>7.449</b>	<b>21.902</b>	<b>19.550</b>	<b>87.520</b>	<b>62.231</b>	<b>287.579</b>	<b>349.810</b>	<b>437.33</b>

The component wise break-up of the total forest land involved in this project is given below:

Component wise break-up			
S. No.	Component Name	Forest (in Ha)	Non-Forest (in Ha)
1	Reservoir Area	58.487	214.290
2	Right Main Canal (RMC)	9.401	20.247
3	Left Main Canal (LMC)	6.238	112.534
4	Alternate Road	13.394	2.739
	<b>Total</b>	<b>87.520</b>	<b>349.810</b>
	<b>Total Area (Forest + Non-Forest)</b>	<b>437.330</b>	

Alternate Road Breakup (as mentioned in SI No.4 of above table)						
Sl. NO.	Village Name	Forest Area in ha	Non-Forest (in Ha)	Total (Forest & Non-Forest in Ha)	Tahasil Name	District Name
1	Dimiripala	0.262	0.000	0.262	Angul	Angul
2	Karadasing	5.963	0.590	6.553		
3	Karatpata	0.000	2.149	2.149		
4	Krishnachakra	7.169	0.000	7.169		

	PRF					
<b>Total</b>		<b>13.394</b>	<b>2.739</b>	<b>16.133</b>		

The DGPS maps of the proposed diversion of forest land of the project signed by the User Agency, authenticated by ORSAC countersigned by the Divisional Forest Officer Angul Forest Division and Tahasildar Angul are enclosed with the diversion proposal.

- xii. As per Part-II and Site Inspection Report of DFO, Angul Forest Division, the applied forest area comes under Eco Value Class-I with canopy density of 0.4. The forest comprises predominantly by Asan (*Terminalia tomentosa*), Arjuna (*Terminalia arjuna*), Bahada (*Terminalia belerica*), Barabakulia (*Dalbergia paniculata*), Dhaura (*Anogeisus latifolia*), Gambhari (*Gmelina arborea*), Jamu (*Syzigium cumini*), Kendu (*Diospyrus melanoxylon*), Mango (*Mangifera indica*), Dhaman (*Grewia tilaefolia*), Gohira (*Acacia leucocephloea*), Mai (*Lanea grandis*) etc. The wild animals like elephant, leopard, barking deer, Indian hare, cobra, python and birds like Indian pea fowl, kingfisher, drongo, egrets, blue jay are seen in the area.
- xiii. In the Site Inspection Report, DFO Angul Forest Division reported that 4425 nos. of trees and 1598 nos. of poles (<30cm) have been enumerated in the forest area involved in the project. Further, 7042 Nos of trees have been enumerated in the non-forest area involved in the project. The species wise and diameter class wise abstract of total enumerated trees both in forest land and non- forest land has been enclosed. The abstract of tree enumeration is given below.

Sl. No.	Component	Tree enumeration in Forest Land	Tree enumeration in Non-Forest Land
1	Reservoir, Right & left Canal	2928	3455
2	Alternate Road	1497	3587
	<b>Total</b>	<b>4425</b>	<b>7042</b>

- xiv. The DFO, Angul Forest Division reported that the UA has undertaken an undertaking to submit Environmental Clearance after getting the same from competent authority.
- xv. As submitted by the User Agency the total benefit of this project comes to Rs. 43281.239 lakh and as reported by DFO, Angul Forest Division, the loss in forest including Eco-system services etc. comes to Rs. 5894.142 lakhs. Hence, the cost benefit ratio is 1:71.343.
- xvi. In lieu of diversion of 87.52 ha of forest land, 94.216 ha of non-forest Govt. land has been identified in village Tanügola, Kadambinipur and Baradiha village under Pallahara Tahasil of Angul district in Deogarh Forest Division. The details of CA land are given below:

S. No.	Name of the	Name of the	Khata	Plot No.	Area in	Kissam
--------	-------------	-------------	-------	----------	---------	--------

	<b>Tahasil</b>	<b>village</b>	<b>No.</b>		<b>Ha</b>	
1	Pallahara	Kadambinipur	32	107, 161, 232	37.11	
2	Pallahara	Tanugola	48	676, 677, 672, 671, 669, 668, 667	10.21	
3	Pallahara	Baradiha	30	379, 380, 693	46.896	
				<b>Total</b>	<b>94.216</b>	

The Site specific Compensatory Afforestation scheme over 94.216 ha non-forest land has been prepared by the DFO, Deogarh division and approved by the Nodal Officer for ₹4,23,36,600/- (Rupees four crore twenty-three lakh thirty-six thousand six hundred only). The scheme includes ANR plantation @ 500 plants per ha over 36.00 ha, SMC activities over 94.216 ha and provision of fencing and watering.

18,000 Nos. of plants (36 Ha x 500 Nos.) could be planted in the identified non- forest CA land. To accommodate balance 69,520 Nos. of plants (87,520 18,000), 140.743 ha Degraded Forest Land has been identified in Bega RF (80.002 ha), Lahada RF (36.741 ha) and Kapilash RF (24.00 ha) under Sadangi Range of Dhenkanal Forest Division.

The Additional Compensatory Afforestation Scheme over 140.743 ha degraded forest land has been prepared by the DFO, Dhenkanal division and approved by the Nodal Officer for ₹4,89,61,100/- (Rupees four crore eighty nine lakh sixty one thousand one hundred only). The scheme includes ANR plantation @ 500 plants per ha over 140.743 ha, SMC activities over 140.743 ha and provision of fencing and watering.

Copy of the approved Compensatory Afforestation Scheme and Additional Compensatory Afforestation Scheme have been provided with the proposal.

xvii. The Hidsing Irrigation Project intercepts a catchment area of 7230 Ha (72.30 Sq. Km). The catchment area is bifurcated into two divisions namely Angui Forest Division and Satkosia Wildlife Division. A Catchment Area Treatment Plan has been prepared for taking up necessary treatments in both the divisions. The CATP of both the divisions have been approved with a financial outlay of ₹2,07,27,300/- Rupees two crore seven lakh twenty-seven thousand three hundred only) for each Division.

xviii. The Collector, Angul had issued certificate under FRA, 2006 for 15.639 ha of forest land and 58.487 ha forest land proposed to be diverted in favour of Cuttack Investigation Division for construction of Hidsing Irrigation Project vide his letter No.1782, dt.14.10.2016 & No.603, dt. 16.03.2018 respectively. The DFO, Angul Forest Division reported that the UA has furnished an undertaking to submit the Certificate regarding FRA over 13.394 ha forest

area coming in this project for alternate Road in Angul Division after getting the same from District Collector, Angul.

- xix. As per Site Inspection Report of DFO, Angul Forest Division, the UA has provided a Resettlement & Rehabilitation Plan. The user agency has furnished an undertaking to submit the approved RoR plan after approval of the same.
- xx. Ministry of Environment and Forests, Government of India in their letter F.No.11- 9/98-FC dated 08.07.2011 have issued guidelines that all applications seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 for diversion of forest land for non-forest purpose must be accompanied with Geo- referenced boundary in shape file pertaining to forest land proposed for diversion. These documents/ Maps are required to ensure accurate delineation of the forest area to be diverted. The User Agency in compliance to this order, has submitted the required DGPS map of the forest area duly authenticated by ORSAC and countersigned by DFO, Angul Forest Division for the proposed diversion of 87.520 ha of forest land.
- xxi. The User Agency has furnished an undertaking to pay the NPV of the forest land proposed to be diverted. Further, the User Agency has also furnished an undertaking to pay the additional amount of NPV if so, determined as per the decision of the Hon'ble Supreme Court.
- xxii. The PCCFWL) & Chief Wildlife Warden, Odisha has reported that the site is coming within Mahanadi Elephant Reserve (proposed for extension). The site is also coming within the Eco Sensitive Zone of Satkosia TR (default 10 km) and Site Specific Wildlife Conservation Plan is required to be prepared and implemented for this Irrigation project. As reported by the PCCF (WL) & Chief Wildlife Warden, Odisha, the Project Proponent has applied for NBWL clearance in Parivesh 2.0 portal. The DFO Angul has raised EDS on the proposal and is pending for compliance by the Project Proponent. The User Agency has furnished an undertaking to prepare the Site-Specific Wildlife Conservation Plan (SWLCP) and bear the cost of the plan.
- xxiii. As reported by the DFO Angul Forest and Regional Chief Conservator of Forests Angul Circle, no violation has been committed by the User Agency under Forest (Conservation) Act, 1980 for construction of Hidsing Irrigation Project including Alternate Road in Angul Forest Division under Angul District.
- xxiv. After the examination of the proposal, the Ministry has requested the State Govt. vide letter dated 24.01.2025 to provide the certain information related to the proposal. Further, the State Govt. has reported that the site is coming within Mahanadi Elephant Reserve. The site is also within the Eco Sensitive Zone of Satkosia TR. Therefore FC Division forwarded the file to Project Elephant Division and NTCA with regard to the mitigation plans.
- xxv. In this regard, the comments from the Project Elephant Division, Wildlife Division and NTCA are as under:
  - a. **Comments from the Project Elephant Division:** The Project Elephant Division has provided their comments via mail on 25.09.2025 wherein it has been informed that the proposal has been examined in the Project Elephant Division. In this matter, a DSS analysis of the proposed project was carried out by Elephant Cell, Wildlife Institute of India (WII) to identify the presence of elephant corridors, distribution

and Elephant Reserve using geospatial techniques in the proposed project area and also to assess the impact of the proposed project on elephant conservation in the area. The observation from the DSS are as follows:

- The project area falls within critical elephant habitat, and the Mahanadi Elephant Reserve is located approximately 0.69 km away.
- Considering above, it is observed that the proposed site falls within the critical elephant habitat and the Mahanadi Elephant Reserve located approximately 0.69 km away. Further, as per information received from the PCCF & CWLW, Odisha, the site is coming within the Mahanadi Elephant Reserve (proposed for extension). It is pertinent to mention that intensity of human elephant conflicts (HEC) are severe in the East Central Region comprising West Bengal, Odisha, Chhattisgarh, Bihar and Jharkhand. This region has approximately 10% of the wild populations and accounts for high human mortality due to HEC. The State of Odisha has the fifth largest population of elephants in the country, next to Karnataka, Assam, Kerala followed by Tamil Nadu, as per the latest elephant census 2017. Further the state recorded a significant number of human elephant conflict incidents over the years. As per the information received from the State of Odisha 1099 human beings and 216 elephants were killed due to human elephant conflicts in the State of Odisha from 2015-2024.
- In view of the above, since the proposed project area falls within a critical elephant habitat and the Mahanadi Elephant Reserve (proposed for extension), further it is observed that open canals are proposed under the project, which may obstruct elephant movement and pose a risk to their safety. Therefore, a detailed wildlife mitigation plan may be prepared in consultation with the Chief Wildlife Warden, State Forest Department of Odisha, incorporating suitable mitigation measures at strategic locations and other site-specific interventions to ensure unhindered and safe passage for elephant.

**b. Comment from the Wildlife Division:**

- As per section 38-O(1)(b) of the Wild Life (Protection) Act, 1972, the National Tiger Conservation Authority (NTCA) is mandated to evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves.
- Further, as per Section 38O(1)(g) of the Act, the NTCA is mandated to ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority.
- Furthermore, Section 38O(k) of the same Act entrusts the NTCA with the responsibility to perform such other functions as may be

necessary to carry out the purposes of this Act with regard to the conservation of tigers and their habitat.

- The NTCA thus plays a pivotal role as a guiding authority, offering detailed directions and technical guidance for the conservation of tiger reserves, corridors, and habitats. Its overarching aim is to support and facilitate the long-term survival and growth of the tiger population in the country.
- In this context, it is important to highlight that the NTCA is expected to provide its expert comments and recommendations concerning the protection and conservation of tiger habitats.
- Thus, if comments are sought from the NTCA regarding any projects involving land use change, the Authority is mandated to guide the concerned through its expert comments and recommendations by evoking its powers and functions either under section 38-O(1)(g), or under section 38-O(1)(b) or under section 38-O(1)(k) of the Act, as may deem fit, based on the circumstances of the matter.

**c. Comments from the NTCA:**

- The aforesaid proposal for the proposed diversion of 87.520 ha of forest land for the construction of the Hidsing Irrigation Project was analysed by the tiger cell NTCA.
- It has been observed that the Project, including the alternate road, falls within the Eco-Sensitive Zone (Default 10km) of Satkosia Tiger Reserve.
- Current monitoring indicates no evidence of tiger presence in this forest tract. However, field reports confirm the occurrence of other Schedule I species, including elephants (*Elephas maximus*) and leopards (*Panthera pardus*), along with their prey base and associated faunal communities.
- In view of the above, it is recommended that the project proponent be advised to obtain Wildlife Clearance as per procedure.

xxvi. The State Govt. vide letter No. 9F (IRRIG)-349/2021 dated 18.08.2025 has submitted the reply of the observations raised by the Ministry dated 24.01.2025.

xxvii. The State Government has informed that the delay of nearly seven years in submitting the proposal on PARIVESH 1.0, initially accepted by the Nodal Officer in 2017, was due to several factors. These include changes in the alignment of the proposed area, finalization of an alternative road from Angul to Tikarpara, identification and finalization of non-forest land for Compensatory Afforestation (CA), selection of degraded forest land for Additional CA, and disruptions caused by the COVID-19 pandemic. These factors collectively contributed to the extraordinary delay in submission.

xxviii. The State Government has informed that, in compliance with the Ministry's guidelines, issued vide letter No. FC-11/118/2021-FC dated 25.01.2024, the Forest Diversion Proposal (FDP) documents have been uploaded on the PARIVESH 1.0 portal. The proposal was discussed and recommended in the 72nd meeting of the Project Screening Committee (PSC) held on 07.07.2025. A copy of the PSC meeting minutes, wherein the project is listed at Sl. No. 9, is uploaded.

- xxix. The State Government has informed that a Site-Specific Wildlife Conservation Plan is currently under preparation in view of the presence of Schedule-I species in the project area. The plan will be submitted to the Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Odisha, for review and approval. Comments on the likely impact on wildlife movement and adequacy of mitigation measures will be furnished thereafter.
- xxx. The State Government has reported that the approved Catchment Area Treatment Plan has been uploaded on the PARIVESH portal of the MoEF & CC, Government of India. Additionally, a copy of the approved Financial Outlay for the Catchment Area Treatment Plan is enclosed for reference.
- xxxi. The State Government has complied with the requirement by uploading the approved Catchment Area Treatment Plan on the PARIVESH portal of the MoEF & CC, Government of India.
- xxxii. The State Government has complied with the requirement by uploading the Suitability Certificate for 94.216 ha of non-forest land on the PARIVESH 1.0 portal of the MoEF & CC, Government of India.
- xxxiii. The State Government has certified that the proposed Compensatory Afforestation (CA) land of 94.216 ha is non-forest land, despite its location within the Reserve Forest boundary as per DSS analysis.
- xxxiv. The State Government has clarified that a total of 4,425 trees are enumerated to be felled in the forest land, as reported by the Divisional Forest Officer (DFO), Angul Division. The figure of 4,425 trees has been correctly mentioned in Part-II of the PARIVESH portal.
- xxxv. The State Government has confirmed that administrative approval for the project was granted by the Central Water Commission (CWC), Government of India, vide letter No. M&A/AP-1/2012/13-15 dated 04.01.2013. Further, the Director of M&A, Bhubaneswar, CWC, vide letter dated 01.03.2024, communicated the project cost to the Chief Engineer, Planning & Design, Odisha, who, in turn, recommended the project to the CWC and the Ministry of Water Resources for acceptance. This confirms the validity and ongoing endorsement of the approval.
- xxxvi. The State Government has informed that the User Agency, represented by the Superintending Engineer, Angul Investigation Division, has submitted the required undertaking related to the dam's technical aspects. This undertaking has been duly countersigned by the Divisional Forest Officer, Angul Forest Division, ensuring compliance with the State Dam Safety Organization's recommendations to mitigate unforeseen conditions.
- xxxvii. The State Government has reported that the project was examined by the Central Design Organization following the latest Ministry of Water Resources guidelines (2010) for DPR preparation. A copy of the letter dated 24.08.2024 from the Engineer-in-Chief, Planning & Design, Odisha, Bhubaneswar, related to this examination, is given with the proposal. The approval from the National Dam Safety Authority (NDSA) on the State Dam Safety Organization's recommendations is awaited.
- xxxviii. The State Government has informed that the KML file for the proposed diversion of 87.52 ha of forest land has been uploaded on the PARIVESH portal. As per the MoEF&CC guidelines dated 20.08.2014 (F-8-64/2013-FC), approval under the Forest (Conservation) Act, 1980, is generally independent of Wildlife clearance, except where the diversion falls within protected areas requiring prior approval from the Hon'ble Supreme Court. The site falls within

the Eco-Sensitive Zone of Satkosia Tiger Reserve, and the Wildlife clearance process is underway.

- xxxix. Proposed forest land for diversion falls under Dhenkanal district of Odisha State and its area (software-calculated) is found 85.731 ha whereas area proposed for diversion is 87.520 ha. Therefore, there is a discrepancy of 1.789 ha for which the state has given a justification.
- xl. Observation based on Google Earth: cultivation land, water stream (Bauli Nallah) and road is visible.
- xli. The component wise KML file of entire project area (forest & non-forest) is not available.
- xlii. The Regional Office has recommended the Proposal subject to the following conditions:
  - a. The User Agency (UA) and the State Forest Department (SFD) shall ensure that Compensatory Afforestation (CA) sites are cleared of encroachments before the commencement of plantation activities. Any shortfall in the plantation target on non-forest CA land shall be met on degraded forest land as per the approved Working Plan prescriptions.
  - b. The State Forest Department shall implement the Site-Specific Wildlife Conservation Plan (SSWLCP) for the project, as approved by the Chief Wildlife Warden (CWLW), Odisha, at the cost of the User Agency.
  - c. As the project area falls within an Eco-Sensitive Zone (ESZ), the User Agency shall obtain the requisite wildlife clearance and comply with all conditions stipulated therein.
  - d. Since the project area lies within the Mahanadi Elephant Reserve, the State Government shall, at the cost of the User Agency and, if necessary, in consultation with appropriate agencies, implement suitable mitigative measures to facilitate the free movement of elephants, as mandated for projects in such reserves.
  - e. The User Agency shall maintain adequate water flow downstream of Bauli Nallah to sustain aquatic fauna.
  - f. The approved Catchment Area Treatment (CAT) Plan shall be implemented by the State Government at the cost of the User Agency.
  - g. The State Government shall ensure compliance with all provisions of the Dam Safety Act, 2021, including prescribed regulations for the design, construction, operation, and maintenance of the dam.
  - h. The approved Resettlement and Rehabilitation (R&R) Plan shall be implemented by the User Agency at its project cost.

4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and APCCF and Nodal Officer, Govt. of Odisha, the Committee decided to **defer** the proposal for want of the following information from the State Government:
  - i. The proposed project area falls within a critical elephant habitat and the Mahanadi Elephant Reserve (proposed for extension). Further, it is observed that open canals are proposed under the project, which may obstruct elephant movement and pose a risk to their safety. Therefore, a detailed wildlife mitigation plan may be prepared in consultation with the Chief Wildlife Warden, incorporating suitable mitigation measures at strategic locations and



other site-specific interventions to ensure unhindered and safe passage for elephants.

- ii. As per the DSS analysis, cultivation land, water stream (Bauli Nallah) and road is visible in the proposed forest land for diversion. The State Govt, shall provide justification in this regard.
- iii. The component wise KML file of the entire project area (forest & non-forest) is not available. The same shall be provided.
- iv. The State shall ensure that Compensatory Afforestation (CA) sites are free from all sorts of encroachments and encumbrances. A detailed report in this regard shall be submitted.

## Agenda No. 22

### F. No. 5-ORA641/2024-BHU

**Sub:- Proposal for seeking *ex-post facto* approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 136.966 ha (94.013 ha in Balliguda Division + 42.953 ha in Kalahandi North Division) of forest land for construction of 220/132/33 KV/DC Transmission line from existing 220/132/33 KV Grid Sub-Station at Kesinga of Kalahandi District to proposed 220/132/33 KV Grid Sub-Station at Sirtiguda of Kandhamal District by Deputy General Manager (EI), EHT Construction Division, OPTCL, Berhampur in Odisha-reg.**

1. The above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.09.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The PCCF cum Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
  - i. The above-mentioned proposal was forwarded by the Regional Office, Bhubaneswar since the proposal involves violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to the Ministry for further processing.
  - ii. The Proposal envisages diversion of 136.966 ha (94.013 ha in Balliguda Division + 42.953 ha in Kalahandi North Division) of forest land for construction of 220/132/33 KV/DC Transmission line from existing 220/132/33 KV Grid Sub-Station at Kesinga of Kalahandi District to proposed 220/132/33 KV Grid Sub-Station at Sirtiguda of Kandhamal District by Deputy General Manager (EI), EHT Construction Division, OPTCL, Berhampur in Odisha.
  - iii. The canopy density of vegetation has been reported to be 0.7 in Kalahandi with Eco-class 1 and 0.5 in Balliguda with Eco Class-III with

total 37816 nos. of project-affected trees in the forest and non-forest land.

- iv. The Legal status of the proposed area is RF-36.077 ha, PRF-30.532 ha, DPF- 1.748 ha, Revenue Forest 64.283 ha & DLC- 4.362 ha of Forest land.
- v. The DFOs have reported that the applied area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. The applied area is not within any Eco Sensitive Zone of any Protected Area. However, the DFO, Kalahandi North Division has reported that it is the part of the elephant route that connects to the Urladani-Kotgarh Corridor.
- vi. The DFO, Balliguda has reported that there are no rare/ unique species of flora and fauna in the area applied for diversion. However, the DFO, Kalahandi North has reported that Leopard (Vulnerable), Pangoli (threatened), Mouse deer (threatened), endangered birds like Hill Myna (threatened), Brown fish owl (threatened), Jungle owlete (threatened), Rodents like Flying squirrel (threatened) and reptiles like Indian Rock Python (threatened) are found in forest tract in Taprang RF.
- vii. The area required for diversion falls within prime elephant habitat in Taprang RF as well as the Gramya Jungle areas nearby which serve as a movement path for elephant herds from Madanpur Ramur Range to Narla Range and also to Balangir and Balliguda Divisions.
- viii. The proposal involves violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. It has been reported that 78 Nos. of towers have been constructed in both of the forest divisions over RF and Revenue Forest Land / Gramya Jungle area without forest clearance. Total land under violation for construction of transmission towers is reported to be 0.56 ha. The division wise total towers constructed in different land is as follows:

Division	No. of towers constructed unauthorizedly over different land schedule						
	RF	Revenue Forest	Total (Forest land)	Non-forest land	Total (Forest + Non Forest)	Un-surveyed land	Grand Total
Balliguda	5	57	62	10	72	6	78
Kalahandi (N)	6	17	23	3	26	0	26
Grand Total	11	74	85	13	98	6	104

- ix. Regarding action taken by the Revenue authorities for illegal construction of towers in the Revenue Forest land, it has been informed by the State govt. that several encroachment cases have been booked by the Tahsildars under Revenue laws.
- x. Similarly, regarding action taken by the forest department against the erring officials and the user agency responsible for causing diversion of RF/DPF (Notified Forest land) for construction of several nos. of towers over notified forest land, several nos. of OR cases have been booked against the User Agency.
- xi. The State Govt. has reported that the proposed 220/132/33 KV Grid Sub-station can be connected to the system by drawing 102.037 Km of 220 KV/DC

- line from existing 220/132/33 KV Grid Sub-station at Kesinga for system strengthening purpose. It is proposed to install 2 x 40 MVA, 220/132 KV transformers adjacent to the existing 220/132/33 KV Grid Sub-station at Sirtiguda under K. Nuagaon Tehsil in Kandhamal District.
- xii. The total land involved in this project is 357.129 ha comprising of 136.966 ha of forest land and 220.163 ha of non-forest land. Out of 136.966 ha of forest land, 96.013 ha comes under Balliguda Forest Division, and 42.953 ha comes under Kalahandi North Forest Division. Further, out of 220.163 ha of non-forest land, 65.660 ha comes under Balliguda Forest Division in Kandhamal District, and 154.503 ha comes under Kalahandi North Forest Division in Kalahandi District.
  - xiii. As reported by the State Govt. the forest land to be diverted falls within prime elephant habitat in Taprang RF as well as the Gramya Jungle areas nearby which serve as a movement path for elephant herds from Madanpur Ramur Range to Narla Range and also to Balangir and Balliguda Divisions.
  - xiv. In lieu of 136.966 ha of forest land proposed for diversion, State Govt. has identified 275.00 ha of degraded forest land in Kalahandi North Division (175.00 ha) and in Subarnapur Division (100.00 ha) for raising compensatory afforestation.
  - xv. Regarding the CA site suitability, the State govt. has reported that no metallic road along the CA land in Brahmani RF, Hatilimunda RF & Sinang RF, but there is existence of one earthen path of about 8-10 feet width present along the CA land of Sinang RF which is clear from the report of ACF, Kalahandi (N) Division dated 14.05.2024. Regarding plantation activity present in some portion of CA patch at Brahmani RF it is to inform that the Plantation Site "Podamundi AR 5 Ha plantation under GIM-2022-23 is overlapping with the CA land in Brahmani RF and hence about 3 Ha of CA land is covered with plantation. To exclude such patches of plantation taken up earlier, the area has been resurveyed and sent for DGPS survey to the User Agency vide Memo No.4604 dated 01.06.2024 of the DFO, Kalahandi (N) Division. Joint verification has also been carried out by the Forest & Revenue officials in presence of the User Agency. Regarding agricultural encroachment observed in CA patches of Thupadar Gundi DPF, it is to inform that the KML file of the CA patches uploaded in Parivesh portal was found to have some private lands. So, the area was resurveyed excluding the private plots whose DGPS Survey has been completed. Regarding agricultural encroachment observed in CA patches of Sinang RF it is to inform that the Tahasildar, Lanjigarh along with Forest officials have conducted joint verification and certified that the land is free from encroachment and encumbrances. As regards to the metallic road passing through the CA patches of Hatilimunda RF, the DFO, Subarnapur has reported that there no metallic road passing through the said patch of CA land.
  - xvi. State Govt. has informed that the project does not involve displacement of people. Hence, resettlement and rehabilitation plan are not required.
  - xvii. The Division wise purpose of utilization of forest and non-forest applied for diversion is furnished below:

Sl. No.	Purpose of utilization	Kalahandi (North) Forest Division		
		No. of towers/	No. of towers/Length	Total No. of towers/
.				

		Length (in Km)/ Forest land (in ha)	(in Km)/ non-forest land (in ha)	Length (in Km)/Total land (in ha)
1	Towers	57 Nos. = 0.514 ha	162 Nos. = 1.144 ha	219 Nos. = 1.658 ha
2	Transmission line	12.272 Km= 42.439 ha	44.144 Km=153.359 ha	35.930 Km=195.798 ha
<b>Total Area (in ha)</b>		<b>42.953 ha</b>	<b>154.503 ha</b>	<b>197.456 ha</b>

Sl. No	Purpose of utilization	<b>Balliguda Forest Division</b>		
		No. of towers/ Length (in Km)/ Forest land (in ha)	No. of towers/ Length (in Km)/ non-forest land (in ha)	Total No. of towers/ Length (in Km)/Total land (in ha)
1	Towers	108 Nos. = 0.993 ha	61 Nos. = 0.458 ha	169 Nos. = 1.451 ha
2	Transmission line	26.861 Km= 93.020 ha	18.760 Km=65.202 ha	45.621 Km=158.222 ha
<b>Total Area (in ha)</b>		<b>94.013 ha</b>	<b>65.660 ha</b>	<b>159.673 ha</b>

- xviii. As per the DSS analysis the proposed forest land for diversion falls under Kandhamal and Kalahandi district of Odisha State and its software-calculated area is found 356.468 ha (combined area of Forest and non-forest land). The separate KML file of transmission line proposed on forest land is not available on the portal.
- xix. The proposed forest area falls under Not-in High Conservation Value (HCV) Zone as per Decision Rule 2. However, as per Decision Rule 1, the proposed area falls in High Conservation Value (HCV) Zone.
- xx. The proposal was considered by the Advisory Committee (AC) in its meeting held on 26.05.2025. The Advisory Committee, after going through the facts of the proposal decided to defer the proposal and sought certain clarification/information. Ministry vide letter dated 10.06.2025 requested the State Government to submit information as per recommendation of AC.
- xxi. The State Government vide their letter no. 17705/9F (Trans)-390/2023 dated 22.08.2025 submitted information as sought vide Ministry's letter dated 10.06.2025.
- xxii. In response to the directive seeking details of cases where the User Agency, i.e., **Odisha Power Transmission Corporation Limited (OPTCL)**, has violated the provisions of the *Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980*, and the corresponding **Action Taken Reports (ATRs)** under Sections 3A/3B of the said Act, the **State Government has submitted a consolidated report** of violations and actions taken.

#### **A. Summary of Reported Violations:**

##### **I. Violations in Balliguda Forest Division:**

- The User Agency, M/s OPTCL, Berhampur, **unauthorizedly constructed 62 towers over 0.42 ha** of forest land (both notified forest block and revenue forest) under the jurisdiction of Balliguda Forest Division.
- Two offence cases** have been registered:

- a. OR Case No. 59 of 2023–24 (Balliguda Range)
- b. OR Case No. 35 of 2023–24 (Tumudibandha Range)
- c) The cases have been booked against:
  - a. The SDO (Construction), OPTCL, Balliguda Sub-Division
  - b. The Project Manager, M/s Flowmore Ltd.
  - c. **Encroachment cases** have also been filed by Tahasildars of K. Nuagaon, Balliguda, and Tumudibandha for unauthorized construction.
- d) The above has been **communicated by the Collector, Kandhamal**, vide letter No. 178 dated 12.01.2024 to the DFO, Balliguda.
- e) The **DFO, Balliguda** has submitted the ATR to the **RCCF, Berhampur Circle** vide Memo No. 2909 dated 16.05.2024 and to the PCCF office vide Memo No. 2911 dated the same date.

## II. 2. Violations in Kalahandi (North) Forest Division:

- a) In this division, **23 unauthorized towers** were constructed:
  - a. 6 on **Reserved Forest land**
  - b. 17 on **Revenue Forest land**
- b) **One offence case** has been booked:
  - a. OR Case No. 146 of 2023–24 (Madanpur Rampur Range)
- c) The offence is against:
  - a. The SDO (Construction), OPTCL, Balliguda Sub-Division
  - b. The Project Manager, M/s Flowmore Ltd.
- d) **Encroachment cases** were also booked by the Tahasildars of Kesinga, Narla, and Madanpur Rampur for the same violations.
- e) The **Collector & District Magistrate, Kalahandi**, communicated the details vide letter No. 123/Rev dated 24.01.2024 to the DFO, Kalahandi (North).
- f) A **detailed ATR** has been submitted by the **RCCF, Bhawanipatna Circle** to the PCCF office vide Memo No. 5554 dated 25.11.2024, including action taken against erring forest and revenue officials as well as the user agency.

## III. Status of Forest Clearance Proposals:

- a) The State Government has also provided a **list of 6 proposals** involving OPTCL in which violations have been noted:
  - a. **3 proposals** have been granted **Stage-I (In-Principle) approval** by the Ministry.

- b. **2 proposals** are **under consideration** with the Ministry.
- c. **1 proposal** is pending, and **Essential Details Sought (EDS)** has been raised, with a reply awaited from the User Agency.

The **list of 6 proposals** involving OPTCL in which violations have been noted

SI No.	Name of the Project	Status	Status of Action under 3A/3B	Area (Ha)	Area under violation	Action Taken by the State Govt.	DFO
1	220 KV LILO from Balimela-Malkangiri line to Govindnalli 220 kV LILO Transmission Line from Existing LoC No. 70 of 220 Kv Malkangiri-Balimela Transmission Line to 220/33 kV Grjd Substation, Khairput, Govindapalli of OPTCL In Malkangiri District, Odisha	Stage 1 granted on 27-11-24	Action to be taken	48.782	4.275 ha	The PCCF and HoFF, Odisha vide letter dated 19 February, 2024 has informed that the Tahsildar, Kudumudugumma has initiated encroachment cases against the representatives of the user agency, i.e. Deputy General Manager (Elect), EHT (Construction) Division, OPTCL, Jeypore under Section 4, 6 and 7 of the OPLE. Act,	Malkangiri

						<p>1972</p> <p>Further the Tahsildar, Kunhamulgumma has demanded penalty amount of ₹52,227 towards encroachment of revenue forest land against the user agency which has been deposited vide cheque No.048136 dated 09.01.2024. It was also reported in the letter that the Range Officer, Balimela has booked a case under OR Case No.79 OF 2023-24 against the OPTCL for violation of the provision under Section 37 (C) of Odisha</p>	
--	--	--	--	--	--	--	--

						Forest Act, 1972.	
2	132kV line from Boudh to Kiakata Construction of 132/33KV transmission Line from Grid Sub-Station, Boudh to proposed 220/132/33 KV Grid Sub-Station at Kiakata, under Athmalik and Boudh Forest Division under EHTC, Division OPTCL, Angul	Stage I granted on 08 01-25	Action to be taken	5.12 7	<b>0.553 ha</b>	The DFO, Athamallik has submitted the action taken report of Tahasildar, Athamallik against the OPTCL authorities for their unauthorized encroachment on Revenue forest land over 0.553 ha. In this connection the Tahasildar, Athamallik vide letter No.110 dated 24.01.2024 has reported that 9 nos. of encroachment cases were initiated against the OPTCL authorities as per	Boudh/ Athamallik



						<p>O.P.L.E. Act, 1972 and Form Ka and Kha has been issued to the encroacher. The Tahasildar, Athamallik has also further reported that the electric tower constructed earlier have been demolished by the OPTCL, EHT (Construction) Division, Angul and the land is now free from encroachment.</p>	
3	<p>132 KV Phulbani-Roudh lines Construction of 132 KV DC Line on DC Tower from existing 132/33 KV Phulbani,</p>	<p>Stage I granted on 27-11-24</p>	<p>Action to be taken</p>	<p>30.469</p>	<p>The exact area in violation has not been provided by the State. However, the</p>		<p>Boudh/Phulbani</p>

	Kandhamal district Grid Sub-Station to 132/33 KV Grid Sub-Station at Boudh, Boudh district				<p>Ministry has imposed a condition in the Stage-I approval that</p> <p><i>“The State Govt. shall determine the exact area under the violation at the time of the submission of the compliance and accordingly the penal NPV shall also be deposited.”</i></p> <p><b>Compliance report is</b></p>		
--	--	--	--	--	---	--	--

					<b>awaited</b> .		
4	220 KV Joda-TTPS LILO line, Keonihar CONSTRU CTION OF 220 KV LILO LINE FROM EXISTING 220 KV TTPS- JODA DC LINE TO EXISTING 220/33 KV GIS SUBSTATI ON AT RANKI, KEONJHAR	MOEF CC, New Delhi has raised EDS to take action under 3A/3B	Action to be taken	12. 2765	0.1623 ha	The User Agency M/s Orissa Power Transmissio n Company Limited (OPTCL) has dismantled and removed the transmissio n tower from and the said land and made the land free from encroachme nt. The DFO, Keonjhar has also informed that no damage to the said forest area has occurred due to the above encroachme nt and subsequent dismantling.  5. The proposal	Keonjhar

						<p>was discussed in the REC meeting held on 26.04.2024. The REC noted that encroachment case has been registered by the Revenue Officials. Action has been taken against OPTCL officials. The revenue forest land and DLC forest over (0.1623 ha) has been made free from encroachment.</p>	
5	<p>220kV LILO line to 220/33kV GSS Das Palla To Install 2 x 20 MVA, 220/33 KV Grid Substation at Dasapalla</p>	<p>Proposal deliberated In FAC on 26-05-25 &amp; FAC has asked additional</p>	<p>Under deliberation at FAC</p>	<p>23.983</p>	<p>9.901 ha</p>	<p>The Collector and District Magistrate, Nayagarh District had been requested to furnish detailed information regarding</p>	<p>Nayagarh</p>

	by way of drawing 220 KV LILO LINE from the EXISTING 220KV DC line from Bhanjanagar-Meramunda II with approximate length 29.774 KM	clarification				unauthorized construction of 14 Nos. of Towers over the proposed Revenue Forest Land under Davpella Range without any forest clearance thereby violating FC Act, 1980 and furnishing the name of the erring officials who are responsible for such violation and action taken against them so far, under Section-3A/38 of the Adhiniyam in such cases vide Letter No.9158 dated 16.11.2024 and No.6760 dated	
--	--	---------------	--	--	--	--	--

						<p>28.07.2025. In reply, the ADM, Nayagarh District vide Memo No. 382 dated 28.01.2025 to the DFO, Nayagarh Forest Division has reported that 14 Nos. of cases under OPLE Act have been booked against the User Agency Le. M/s OPTCL Berhampur for such unauthorize d encroachme nt and order of eviction has also been issued to them. Also, the Tahasildar, Daspalla has been called for to explain by the Collector, Nayagarh District vide Letter</p>	
--	--	--	--	--	--	---	--

						No.212 dated 18.01.2025 to explain under which circumstances the OPTCL has constructed such unauthorized towers inside the revenue forest land and to furnish the name and designation of erring officials found responsible for such violation	
6	220KV DC line from Kesinga to. Baliguda Construction of 220KV DC Transmission Line from existing 220/132KV Grid Sub-Station at 6Kesinga, Kalahandi district to proposed 220/132/33	Proposal deliberated In FAC on 26-05-25 & FAC has asked additional clarification	Under deliberation at FAC	136.966	0.42038 ha	i. Regarding action taken by the Revenue authorities for illegal construction of towers in the Revenue Forest land, it has been informed by the State govt. that several encroachment cases	Ballguda/ Kalahanidi North

	KV Grid Sub-Station at Sirtiguda under K.Nuagaon Tahasil in the District of Kandhamal					<p>have been booked by the Tahsildars under Revenue laws.</p> <p>ii. Similarly, regarding action taken by the forest department against the erring officials and the user agency responsible for causing diversion of RF/DPF (Notified Forest land) for construction of several nos. of towers over notified forest land, several nos. of OR cases have been booked against the User Agency.</p>	
--	---	--	--	--	--	--	--

- xxiii. The KML file of the proposed forest land has been provided and it has been observed that the proposed forest land for diversion falls under Kandhamal and Kalahandi district of Odisha State and its software-calculated area is found 133.311 ha whereas area proposed for diversion is 136.966 ha.



- xxiv. In response to the directive regarding the presence of wildlife—particularly elephants—in the proposed project area, the State Government was requested to identify sensitive locations along the project route that require wildlife mitigation measures, and to formulate a mitigation plan with the approval of the Chief Wildlife Warden. The State Government has reported that a Site-Specific Wildlife Conservation Plan has been prepared for the project, covering the affected forest divisions, namely: Kalahandi (North), Balliguda, Bolangir. The conservation plan includes the identification of sensitive locations along the project alignment and outlines appropriate mitigation strategies to minimize adverse impacts on wildlife, particularly elephant movement and habitat. The plan has been formally submitted to the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha for necessary approval, vide Memo No. 2688 dated 11.07.2025 issued by the Regional Chief Conservator of Forests (RCCF), Bhawanipatna Circle. This submission is in compliance with the requirement for incorporating wildlife safeguards in project planning and execution within ecologically sensitive zones.
- xxv. In response to the directive seeking accurate details of the total forest area involved in violation, including not only the area under unauthorized construction of electrical towers but also the area affected by the stringing of electrical cables, the State Government has submitted the following information:
- A. The Divisional Forest Officer (DFO), Balliguda Forest Division, has reported (vide Memo No. 3769 dated 23.06.2025) that a total of 62 unauthorized electrical towers have been constructed by the User Agency, M/s OPTCL, comprising:
    - I. 5 towers constructed on notified forest land involving an area of 0.050897 ha
    - II. 57 towers constructed on Revenue forest land involving an area of 0.369483 ha
  - B. Thus, the total forest land unauthorizedly used for tower construction is 0.42038 hectares. It has been further clarified that stringing of electrical cables has not yet commenced. This has been corroborated by DFO, Kalahandi (North) Forest Division, vide Memo No. 5257 dated 19.07.2025 and Regional Chief Conservator of Forests (RCCF), Bhawanipatna Circle, vide Memo No. 2918 dated 28.07.2025 Deputy General Manager, GHT (Construction) Division, OPTCL, vide Letter No. 275 dated 16.06.2025.
- xxvi. The Regional Office, Bhubaneswar has recommended the proposal subject to the following conditions:
- a. The State Government shall ensure that penal Net Present Value and penal Compensatory Afforestation charges are imposed on the User Agency, as per the extent of violation under the relevant provisions of the VSSA, 1980, and appropriate action is taken as per clauses 3A/3B of the Act.
  - b. The State Government shall ensure that the proposed CA area is free from encroachments. The plantation, including the specified number of saplings,

shall be carried out in accordance with the MoEF&CC guidelines dated 17.02.2025.

- c. In view of the presence of wildlife, particularly elephants, in the proposed project area, the State Government shall identify sensitive locations along the project route that require wildlife mitigation measures. These measures shall be formulated with the approval of the Chief Wildlife Warden and implemented at the project cost by the State Forest Department.
  - d. The User Agency, in consultation with the State Forest Department, shall undertake the plantation of dwarf species-preferably medicinal plants-beneath the transmission line, in accordance with applicable rules and guidelines.
4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO, Bhubaneswar and Nodal Officer, Govt. of Odisha and after going through the facts of the proposal, the Committee recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 136.966 ha (94.013 ha in Balliguda Division + 42.953 ha in Kalahandi North Division) of forest land for construction of 220/132/33 KV/DC Transmission line from existing 220/132/33 KV Grid Sub-Station at Kesinga of Kalahandi District to proposed 220/132/33 KV Grid Sub-Station at Sirtiguda of Kandhamal District by Deputy General Manager (EI), EHT Construction Division, OPTCL, Berhampur in Odisha subject to the general, standard and following specific conditions:
- i. The penalty for violation shall be equal to NPV of forestland per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
  - ii. The Action under 3A/3B shall be initiated by the State Govt. as applicable.
  - iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.
  - iv. The State Government shall initiate disciplinary action(if applicable) against the officials concerned for not being able to prevent use of forest land for non-forestry purposes without prior approval of Government of India.
  - v. In view of the presence of wildlife, particularly elephants, in the proposed project area, the State Government shall identify sensitive locations along the project route that require wildlife mitigation measures. These measures shall be formulated with the approval of the Chief Wildlife Warden and implemented at the project cost by the State Forest Department.
  - vi. The User Agency, in consultation with the State Forest Department, shall undertake the plantation of dwarf species-preferably medicinal plants-beneath the transmission line, in accordance with applicable rules and guidelines.

**Agenda No. 23****F. No. 5-ORC562/2023-BHU**

**Sub:- Proposal for seeking *ex-post facto* approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 23.983 ha of revenue forest land for construction of 220 KV LILO line from existing Bhanjanagar-Meramundali DC line to 220/33 KV Grid Sub-station at Daspalla from village Madhyakhanda to Gopalpur by M/s OPTCL under Nayagarh Forest Division of Nayagarh District, Odisha-reg.**

1. The above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.09.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The PCCF cum Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
  - i. The above-mentioned proposal has been forwarded by the Regional Office, Bhubaneswar since the proposal involves violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. Earlier, the proposal was considered by the Advisory Committee (AC) in its meeting held on 26.05.2025.
  - iii. The proposal envisages construction of 220 KV LILO line from existing Bhanjanagar-Meramundali DC line to 220/33 KV Grid Sub-station at Daspalla from village Madhyakhanda to Gopalpur by M/s OPTCL.
  - iv. The proposal involved violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. User agency has constructed 18 nos. of towers over the proposed revenue forest land without forest clearance, which is a violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980
  - v. The canopy density of vegetation has been reported to be 0.4 with Eco-class 1. The Legal status of the proposed area is Revenue forest land.
  - vi. There are no protected archaeological heritage site/defense establishments or any other important monument located in the area applied.
  - vii. Total 6736 nos. of trees has been enumerated over forest and non-forest land involved in this project. Out of which 4672 nos. trees over forest land, 748 nos. over non-forest Govt. land and 1316 nos. over Private land.
  - viii. The project area passes through Eco-Sensitive Zone Baisipalli Wildlife Sanctuary. About 2.30 Km of stretches passes within 1.0 Km distance from the boundary of the Sanctuary and 15.09 Km passes within 10 Km radius of boundary of the Sanctuary.
  - ix. The total length of the proposed transmission line is 29.774 km (approx.), 6.852 Km (approx.) of lines passes through forest land and 22.646 Km (approx.) passes through non-forest land.
  - x. Total land involved in this project is 104.209 ha comprising of 23.983 ha of Revenue forest land and 80.226 ha of non-forest land (Non-forest Govt. land 14.773 ha + Non-forest Private land 65.453 ha).

- xi. The total nos. of towers to be erected along the RoW of transmission line is 109 nos. out of which 14 nos. are to be erected over forest areas and 95 nos. are to be erected over non-forest areas.
- xii. The RoW of the transmission line is 35 meter and sagging height of 7.1 meter minimum.
- xiii. A 5 Km length transmission line is coming adjoining Baisipalli Sanctuary as well as Satakosia Tiger Reserve. The minimum distance from the legal boundary is 50 meter and maximum distance 2 Km as such coming under Eco-Sensitive Zone.
- xiv. Elephants and other wild animals use to cross the RoW the transmission line from Central RF to Makarprasad RF, Baisipalli RF and Matia RF of Nayagarh and Mahanadi (WL) Division.
- xv. Giving Justification, State Govt. has reported that in order to improve voltage profile, minimize power interruption, reduction of transmission loss and strengthening of transmission system in the interior villages covering under Dihagaon, Nachhipur and Neliguda RI circles under Daspalla Tahsil, the route has been selected. The villages under these RI circles are located in the valley formed by high altitude forest blocks such Chhadesha RF, Central RF and Baisipalli RF which are the habitat of wild animals. Hence, to avoid the above forest blocks and depletion of wildlife habitat, alignment has been done in the valley in such a way that it passes through degraded and fragmented revenue forest patches. Besides, route selection as well as positioning of individual towers has been so decided that there is no impact on existing landscape. This will help to improve the socio economic conditions in the village located inside the valley by creating small and medium scale industries.
- xvi. Parameters for selection of final route for construction of 220 KV LILO line from existing 220 KV of Bhanjanagar to Meramundali DC line to 220/33 KV Grid Sub-station at Daspalla by M/s OPTCL is as under.

Criteria	Route-I	Route-II	Route-III
Total Distance	29.774 Km	32.18 Km	23.49 Km
Forest area involved	23.983 Ha	33.68 Ha	28.62 Ha
Movement of wildlife	Occasional movement of wildlife	Frequent movement in RFs & Revenue forests	Frequent movement of portion of RFs & Revenue forest
Topographic Advantage	Flat Terrain inside valley	Flat Terrain to hill slopes & ridges	Flat Terrain to hill slopes & slopes

- xvii. The component wise break-up of the total land requirement for the project is as below:

Sl. No.	Purpose of Utilization	Area required (in ha)		Total land (in ha)
		Forest land	Non-forest land	
1.	Construction of transmission tower foundation and creation of 109 nos. of towers.	0.064	0.633	0.697
2.	Stretching of transmission line over 31.42 Km	23.919	79.593	103.512
<b>Grand Total (in ha)</b>		<b>23.983</b>	<b>80.226</b>	<b>104.209</b>

- xviii. As per the boundaries available on DSS, the proposed forest area for diversion touches Satkosia Tiger reserve/ Baisipalli WLS.
- xix. Elephants and other wild animals use to cross the RoW the transmission line from Central RF to Makarprasad RF, Baisipalli RF and Matia RF of Nayagarh and Mahanadi (WL) Division.
- xx. In lieu of 23.983 ha of forest land proposed for diversion, State Govt. has identified 52.55 ha of degraded forest land for raising CA. Out of which 40.34 ha of degraded forest land is in Bankamunda RF under Gania Range and 12.210 ha of degraded Revenue forest land in Nuagoan village Khandapada Tahasil of Nayagarh District.
- xxi. Regarding suitability of the proposed CA land the State has informed that the DFO, Nayagarh has reported that the proposed land identified for raising CA under this project is free from encroachment and encumbrance. In this regard the report of the Revenue Supervisor, Khandapara dated 15.02.2024 addressed to the Tahasildar, Khandapara is given.
- xxii. State Government has furnished action taken report and reported the following:
  - a. The Tahasildar, Daspalla has booked 14 nos. of OPLE case against the OPTCL for unauthorized encroachment of Revenue forest land, penalty and assessment has been realized for such encroachment and order of eviction has been issued to the OPTCL.
  - b. The Collector, Nayagarh vide letter dated 18.01.2025 has asked the Tahasildar, Daspalla to submit explanation under which circumstances OPTCL constructed 2220 KV LILO line from existing Bhanjanagar-Meramundali DC line to 22/33 KV Grid substation at Daspalla.
- xxiii. The above facts of the proposal were considered by the Advisory Committee (AC) in its meeting held on 26.05.2025. The Advisory Committee, after going through the facts of the proposal decided to deferred the proposal and sought certain clarification/information. Ministry vide letter dated 10.06.2025 requested the State Government to submit information as per recommendation of AC.
- xxiv. The State Government vide their letter no. 16849/9F (Trans)-416/2021 dated 11.08.2025 submitted information as sought vide Ministry's letter dated 10.06.2025.
- xxv. The State Government has reported unauthorized activities by OPTCL in Nayagarh Forest Division and detailed the **administrative and legal actions** initiated, including booking of encroachment cases, issuance of eviction orders, and communication with district-level authorities to fix accountability. However, a **comprehensive list of all such violation cases by OPTCL across the State** remains to be submitted in the current context.

**The list of 6 proposals** involving OPTCL in which violations have been noted

Sl. No.	Name of the Project	Status	Status of Action under 3A/3B	Area (Ha)	Area under violation	Action Taken by the State Govt.	DFO
1	220 KV	Stage	Action	48.7	4.275	The PCCF	Malkangiri

	<p>LILO from Balimela-Malkangiu line to Govindnalli 220 kV LILO Transmission Line from Existing LoC No. 70 of 220 Kv Malkangiri-Balimela Transmission Line to 220/33 kV Grjd Substation, Khairput, Govindapalli of OPTCL In Malkangiri District, Odisha</p>	<p>1 granted on 27-11-24</p>	<p>to be taken</p>	<p>82</p>	<p>ha</p>	<p>and HoFF, Odisha vide letter dated 19 February, 2024 has informed that the Tahsildar, Kudumudugumma has initiated encroachment cares against the representatives of the user agency, i.e. Deputy General Manager (Elect), EHT (Construction) Division, OPTCL, Jeypore under Section 4, 6 and 7 of the OPLE. Act, 1972 Further the Tahsildar, Kunhamulgumma has demanded penalty amount of ₹52,227 towards encroachment of revenue</p>	
--	---	------------------------------	--------------------	-----------	-----------	--	--

						forest land against the user agency which has been deposited vide cheque No.048136 dated 09.01.2024. It was also reported in the letter that the Range Officer, Balimela has booked a case under OR Case No.79 OF 2023-24 against the OPTCL for violation of the provision under Section 37 (C) of Odisha Forest Act, 1972.	
2	132kV line from Boudh to'Kiakata Construction of 132/33KV transmission Line from Grid Sub-Station,	Stage I granted on 08 01-25	Action to be taken	5.12 7	<b>0.553 ha</b>	The DFO, Athamallik has submitted the action taken report of Tahasildar, Athamallik against the	Boudh/ Athamallick

	<p>Boudh to proposed 220/132/33 KV Grld Sub-Stahon at Kíakata, under Athmallik and Boudh Forest Division under EHTC, Diviston OPTCL, Angul</p>					<p>OPTCL authorities for their unauthorized encroachment on Revenue forest land over 0.553 ha. In this connection the Tahasilar, Athamallik vide letter No.110 dated 24.01.2024 has reported that 9 nos. of encroachment cases were initiated against the OPTCL authorities as per OPLE Act, 1972 and Form Ka and Kha has been issued to the encroacher. The Tahasildar, Athamallik has also further</p>	
--	--	--	--	--	--	--	--



					reported that the electric tower constructed earlier have been demolished by the OPTCL, EHT (Construction) Division, Angul and the land is now free from encroachment	
3	132 KV Phulbani-Roudh lines Construction of 132 KV DC Line on DC Tower from existing 132/33 KV Phulbani, Kandhamal district Grid Sub-Station to 132/33 KV Grid Sub-Station at Boudh, Boudh district	Stage I granted on 27-11-24	Action to be taken	30.469	The exact area in violation has not been provided by the State. However, the Ministry has imposed a condition in the Stage-I approval that  <i>"The State</i>	Boudh/Phulbani

					Govt. shall determine the exact area under the violation at the time of the submission of the compliance and accordingly the penal NPV shall also be deposited."		
					<b>Compliance report is awaited</b>		
4	220 KV Joda-TTPS LILO line, Keonihar CONSTRUCTION OF 220 KV LILO LINE FROM EXISTING	MOEF CC, New Delhi has raised EDS to take action under	Action to be taken	12. 2765	0.1623 ha	The User Agency M/s Orissa Power Transmission Company Limited (OPTCL) has dismantled	Keonjhar

	220 KV TTPS- JODA DC LINE TO EXISTING 220/33 KV GIS SUBSTATI ON AT RANKI, KEONJHAR	3A/3B				<p>and removed the transmission tower from and the said land and made the land free from encroachment. The DFO, Keonjhar has also informed that no damage to the said forest area has occurred due to the above encroachment and subsequent dismantling.</p> <p>5. The proposal was discussed in the REC meeting held on 26.04.2024. The REC noted that encroachment case has been registered by the</p>	
--	--	-------	--	--	--	--	--

						Revenue Officials. Action has been taken against OPTCL officials. The revenue forest land and DLC forest over (0.1623 ha) has been made free from encroachment.	
5	220kV LILO line to 220/33kV GSS Das Palla To Install 2 x 20 MVA, 220/33 KV Grid Substation at Dasapalla by way of drawing 220 KV LILO LINE from the EXISTING 220KV DC line from Bhanjanagar- Meramunda II with approximate	Proposal deliberated In FAC on 26-05-25 & FAC has asked additional clarification	Under deliberation at FAC	23.983	9.901 ha	The Collector and District Magistrate, Nayagarh District had been requested to furnish detailed information regarding unauthorized construction of 14 Nos. of Towers over the proposed Revenue Forest Land under Davpella Range without any	Nayagarh

	length 29 774 KM					forest clearance thereby violating FC Act, 1980 and furnishing the name of the erring officials who are responsible for such violation and action taken against them so far, under Section-3A/ 38 of the Adhiniyam in such cases vide Letter No.9158 dated 16.11.2024 and No.6760 dated 28.07.2025. In reply, the ADM, Nayagarh District vide Memo No. 382 dated 28.01.2025 to the DFO, Nayagarh Forest Division has reported	
--	---------------------	--	--	--	--	--	--

						<p>that 14 Nos. of cases under OPLE Act have been booked against the User Agency Le. M/s OPTCL Berhampur for such unauthorized encroachment and order of eviction has also been issued to them. Also, the Tahasildar, Daspalla has been called for to explain by the Collector, Nayagarh District vide Letter No.212 dated 18.01.2025 to explain under which circumstances the OPTCL has constructed such unauthorized towers inside the</p>	
--	--	--	--	--	--	--	--

						revenue forest land and to furnish the name and designation of erring officials found responsible for such violation	
6	220KV DC line from Kesinga to. Baliguda Constructio n of 220KV DC Transmissio n Line from existing 220/132KV Grid Sub-Station at 6Kesinga, Kalahandi district to proposed 220/132/33 KV Grid Sub-Station at Sirtiguda under K.Nuagaon Tahasil in the District of Kandhamal	Propos al deliber ated In FAC on 26-05-25 & FAC has asked additio nal clarifica tion	Under deliber ation at FAC	136.966	0.42038 ha	<p>i. Regarding action taken by the Revenue authorities for illegal construction of towers in the Revenue Forest land, it has been informed by the State govt. that several encroachme nt cases have been booked by the Tahsildars under Revenue laws.</p> <p>ii. Similarly, regarding action taken by the forest</p>	Ballguda/ Kalahanidi North

						department against the erring officials and the user agency responsible for causing diversion of RF/DPF (Notified Forest land) for construction of several nos. of towers over notified forest land, several nos. of OR cases have been booked against the User Agency.	
--	--	--	--	--	--	---	--

- xxvi. In response to the directive regarding the presence of wildlife, particularly **elephants**, within the proposed project area, the State Government was requested to identify sensitive locations along the project route and formulate a **wildlife mitigation plan** with the approval of the Chief Wildlife Warden (CWLW). The State Government has reported that, in compliance with this requirement, a Site-Specific Wildlife Conservation Plan has been prepared by the Divisional Forest Officer, Nayagarh Forest Division, to address wildlife movement and mitigate impacts in sensitive areas of the project. This has been communicated vide Memo No. 6305 dated 14.07.2025. Subsequently, the plan has been submitted to the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha, for necessary approval, through Memo No. 2175 dated 14.07.2025 issued by the Regional Chief Conservator of Forests (RCCF), Bhubaneswar Circle. This action ensures that appropriate wildlife mitigation measures are being integrated into the project planning in accordance with statutory and ecological requirements.
- xxvii. In view of the DSS analysis, which indicates that the proposed transmission line by M/s OPTCL is located along the boundary of Satkosia Tiger Reserve/Baisipalli Wildlife Sanctuary, the State Government was requested to examine the alignment and initiate necessary action for obtaining wildlife



clearance, as applicable. In response, the State Government has reported that the KML file submitted by the User Agency was superimposed on the Eco-Sensitive Zone (ESZ) of Satkosia Tiger Reserve [under Mahanadi Wildlife Division], and it has been confirmed that the proposed transmission line falls within the ESZ of the Reserve. Accordingly, the User Agency, M/s OPTCL, Berhampur, has been instructed to apply to the National Board for Wildlife (NBWL) for obtaining the necessary wildlife clearance, as mandated under the Wildlife (Protection) Act, 1972. This directive was issued by the DFO, Nayagarh Forest Division, vide Memo No. 6532 dated 21.07.2025. Furthermore, the User Agency has also submitted an undertaking to obtain the required approvals, including wildlife clearance, for diversion of 23.983 hectares of Revenue Forest land for the construction of the 220 kV D/C LILO transmission line from the existing 220 kV Bhanjanagar–Meramundali DC line to the 220/33 kV Grid Substation at Daspalla, covering the alignment from village Madhyakhanda to Gopalpur, under Nayagarh Forest Division.

- xxviii. In response to the directive to calculate and report the total area involved in violation, including both the unauthorized construction of electrical towers and the stringing of electrical wires, the State Government has submitted the required details. It has been reported that a separate list, indicating the area of unauthorized use of Revenue Forest land for both tower construction and wire stringing, has been prepared and duly authenticated by the Divisional Forest Officer, Nayagarh Forest Division. As per the calculation submitted, the area involved in violation by the User Agency, M/s OPTCL, has been assessed as per given below:
- a. Stringing Violation Between Towers (Forest Area)- 9.901 ha.
  - b. Stringing Violation Between Towers (Revenue Forest Area)- 9.75532 ha.
  - c. Violated Area in constructed Electric Towers- 0.21852 ha.
- xxix. The Committee noted that the State Government has furnished a report showing 14 Nos. of encroachment cases booked under different plots of different villages for construction of such unauthorized towers by M/s OPTCL with area of encroachment and informed that 14 Nos of cases under OPLE Act have been booked against the User Agency Le. M/s OPTCL Berhampur for such unauthorized encroachment.
- xxx. Regional Office, Bhubaneswar has recommended the proposal subject to the following conditions:
- a. The State Government and the User Agency shall ensure full compliance with the stipulations outlined under point no. 19 of the inspection report.
  - b. Compensatory afforestation, in terms of the number of saplings, shall be carried out in accordance with the MoEF&CC guidelines dated 17.02.2025.
  - c. Plantation of dwarf species—preferably medicinal plants—shall be undertaken beneath the transmission line, in accordance with the relevant rules and guidelines by the User Agency in consultation with the State Forest Department.

4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO, Bhubaneswar and Nodal Officer, Govt. of Odisha and after going through the facts of the proposal, the Committee recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 23.983 ha of revenue forest land for construction of 220 KV LILO line from existing Bhanjanagar-Meramundali DC line to 220/33 KV Grid Sub-station at Daspalla from village Madhyakhanda to Gopalpur by M/s OPTCL under Nayagarh Forest Division of Nayagarh District, Odisha subject to the general, standard and following specific conditions:

- i. The penalty for violation shall be equal to NPV of forestland per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
- ii. The Action under 3A/3B shall be initiated by the State Govt. as applicable.
- iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.
- iv. The State Government shall initiate disciplinary action(if applicable) against the officials concerned for not being able to prevent use of forest land for non-forestry purposes without prior approval of Government of India.
- v. A Site Specific Wildlife Conservation Plan approved by the CWLW shall be implemented at the cost of the user agency.
- vi. The User Agency, in consultation with the State Forest Department, shall undertake the plantation of dwarf species-preferably medicinal plants-beneath the transmission line, in accordance with applicable rules and guidelines.
- vii. The State Govt. shall obtain the approval of the SCNBWL if applicable to the project.

#### **Agenda No. 25**

**File No. 8-31/2015-FC**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of balance forest land of 84.707 ha in favour of M/s D. C. Jain for mining of Iron and manganese ore in Dalpahar Iron & Manganese Ore mines located in Baitrani RF II, District Keojhar (Odisha)-reg.**

1. The agenda note for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.09.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Nodal

Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after thorough deliberation and discussion observed that:
  - i. The Government of Odisha vide their letter No. 10F (Cons.) 179/2015/16479/F & E Bhubaneswar dated 15.09.2015 submitted above subject proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980.
  - ii. The total forest area under the proposal was 101.171 ha which is located in Baitarani Reserved Forest of Keonjhar Forest Division. Leases of the user agency were comprised of five blocks namely Block-A, Block – B1, Block-B2, Block – B3 and Block-C comprising of forest area 89.9612 ha, 0.607 ha, 1.012 ha, 7.689 ha and 1.902 ha, respectively. Out of the total forest land 101.171 ha, 16.464 ha forest land including safety zone of 0.887 ha has been reported to be broken prior to 1980 and was earlier approved by Government of India, MoEF&CC vide letter No.8-103/2000-FC dated.14.11.2005.
  - iii. As per details furnished in the proposal, Mining Plan of 0.31 MPTA of iron ore and 0.094 MPTA of Manganese ore for a period of 2011-12 to 2015-16 was approved by the IBM vide letter No. MS/OTF-MECH/84-ORI/BHU/2010-11 dated 24.5.2011. Total reserves estimated in the mine are 1.449 MTPA of iron and 2.007 MTPA of Manganese ore.
  - iv. The Mining lease area is entirely within Baitarani Reserved Forests which comes under 3C/C2e (iii) Moist Peninsular Valley Sal forest type with moderate to dense forest type.
  - v. Density of vegetation was reported to be 0.5 in virgin forest land and 0.2 in broken up forest land. A total of 20,930 project affected trees were reported in the area proposed for diversion.
  - vi. Compensatory afforestation has been proposed over 79.407 ha of non-forest land for unbroken area and 5.0 non-forest land CA area in lieu of the area falling in the safety zone.
  - vii. Area proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/Biosphere Reserve. It is mentioned that areas falls in the Elephant Habitat Zone-2 as per report of ORSAC as the movement of wild elephants often noticed in the area. It is mentioned that to conserve and protect the wildlife and their habitat, a comprehensive Site Specific Wildlife Conservation Plan has been approved by PCCF(WL)&CWLW, Odisha involving financial provisions of ₹2,50,25,400/.
  - viii. The area is not important from archaeological point of view. The total cost of this project is about ₹37.709 Crores. The project does not involve displacement of people.

- ix. The Steel and Mines Department, Government of Odisha, in the year 2013 declared the entire lease area of 101.171 ha as lapsed. Said order of State Government was challenged by the lessee before the Revisional Authority in the Ministry of Mines, Government of India. The Revisional Authority vide interim order dated 27.09.2013 directed the State Government not to take any coercive measures against the lessee and also granted liberty to the lessee to apply for diversion of forest land under the Forest (Conservation) Act, 1980. The lessee also approached the High Court of Odisha to seek relief from the lapsing order of the State Government. Hon'ble High Court vide their order dated 21.01.2015 has directed as interim measure that no final order shall be passed by the State on the RML application of the petitioner seeking renewal and further directed that auction policy decision dated 5.1.2015 published in extra ordinary Gazette dt. 12.01.2015 shall be kept in abeyance till next date.
- x. Proposal, along with various facts reported by the State, was considered by the Advisory Committee in its meeting held on 24.12.2015, and the AC, after examination of the various facts of the case desired to obtain additional information from the State.
- xi. Recommendation of the AC were conveyed to the State Government vide Ministry's letter dated 4.01.2016. The IRO, Bhubaneswar was also requested to carry out the site inspection of the area proposed for diversion.
- xii. The State Government vide their letter no. FE-DIV-FLD-0101-2021-12349/FE&CC dated 19.07.2021 submitted reply to the observations of FAC as contained in Ministry's letter dated 04.01.2016. After examination of the same, the following was observed:
  - a. The area of lease not considered as lapsed is 89.691 ha forms the part of Block - A while the remaining area falling in other four blocks has been declared as lapsed. Corresponding change in the land use of the area proposed for diversion was not informed by the State Government.
  - b. The user agency has deposited NPV of the entire area.
  - c. Copy of approved Mining Plan, corresponding the area not declared as lapsed by the State was not submitted.
  - d. An area of 11.48 ha (out of 101.171 ha) has been declared as lapsed.
  - e. It was observed that certain conditions stipulated in the approval dated 14.11.2005 have not complied with by the State/User Agency.
  - f. Equivalent non-forest land identified for raising compensatory afforestation has not been notified as RF/PF under the Indian Forest Act, 1927.
  - g. Compensatory levies for raising afforestation over degraded forest land to the extent of 1.5 times the area of safety zone has not been realized from the user agency.
- xiii. The Government of Odisha vide their letter No. 6233/9F (MG) -18/2015 dated 15.03.2024 submitted their reply in response to Ministry's letter dated 14.08.2021. After examination of the same, the following was observed:

- a. The State Government has furnished the details of land use breakup for 89.961 ha.
- b. The State Government has submitted the copy of Mining Plan with Progressive Mine Closure Plan for the mining lease area over 89.961 ha approved by IBM vide their letter No. RMP/A/18/ORI/BHU/2020-21/2053 dated 06.11.2020 which is valid up to 31.03.2026.
- c. The State Government has submitted detailed fact as regards lapse of 11.21 ha (*not 11.48 ha*) out of 101.171 ha in 4 nos. mining blocks and reported that the user Agency has not yet reclaimed and handed over the 4 nos., lapse blocks to the State Forest Department. Reclamation is not feasible as source is yet not exhausted.
- d. The State Government has reported non-forest land over 16.464 ha has been notified by FE&CC Department, Govt. of Odisha as Baitarani- Bhayan Protected Forest under Section-33 of Odisha Forest Act, 1972 vide letter No.FE-DIV-FLD-0022-2018-15436/FE&CC dated 31.08.2021.
- e. The State Government has reported that the scheme for afforestation in degraded forest land to the extent of 1.5 times the area of Safety Zone over 8.0625 ha (5.375 ha Safety Zone X 1.5 times) identified in Naibuga RF under Champua Range has been technically approved with a revised financial outlay of ₹24,42,000/- current wage rate of ₹352/- per manday and as per demand raised by the DFO, Keonjhar Division, the User Agency has deposited the approved amount.
- f. The user agency has deposited ₹20,23,420/- towards Regional Wildlife Management Plan over 101.171 ha ₹20,000/- per ha as per the then prevailing rate of RWLMP. Further, the UA has deposited ₹55,77,582/- towards RWLMP over 89.961 ha (@₹82,000/- per ha - ₹20,000/- per ha deposited earlier), by excluding the lapsing block of 11.21 ha (101.171 ha-11.21 ha).
- g. With regard to reclamation, the User agency was intimated that since mining operation is closed and no pit has been fully exhausted yet, concurrent reclamation is not feasible at this stage. The Reclamation & Rehabilitation plan will be carried out as per the progressive mine closure plan approved by IBM.
- h. The State Government was reported that the re-enumeration has done over 89.961 ha by the DFO, Keonjhar Forest Division and total 6388 Nos. of trees enumerated over 30 cm girth and 15,779 Nos of poles under 30 cm girth. Further, separate tree enumeration done over 10.594 ha of broken up area. Total 2712 nos of trees enumerated over 30 cm girth and 7520 nos. of poles under 30 cm girth.
- i. The State Government has reported that the Site Specific Wildlife Conservation Plan for the said project was approved by the PCCF, (Wildlife) & CWLW, Odisha vide Memo No 13358 on dated 14.12.2023 with a total financial outlay of 491.46 Lakhs, out of which ₹286.26 lakhs will be incurred in Project Impact Area of Keonjhar Division and ₹205.20 Lakh will be incurred in Project

Impact Area of Bonai Division. The user agency has deposited the said amount in ORRISA CAMPA.

- xiv. In this proposal Site inspection of the area proposed for diversion and proposed for CA was carried out by the Dy. IGF (Central), RO, Bhubaneswar during 09.06.2020 to 12.06.2020. The Regional Office in its SIR has reported that following:
  - a. Revised land use plan corresponding to 89.691 ha of forest land involved in the lease should be provided by the User Agency.
  - b. Details of tree enumeration corresponding to 89.691 ha should be made available to by the State.
  - c. With regards to compliance of approval granted for 16.464 ha, the IRO has observed the following:
  - d. Equivalent non-forest land identified for raising compensatory afforestation has not been notified as RF/PF under the Indian Forest Act, 1927
  - e. Compensatory levies for raising afforestation over degraded forest land to the extent of 1.5 times the area of safety zone has not been realized from the user agency
  - f. Non-realization of balance amount due towards Regional Wildlife Management Plan.
  - g. The area is surrounded by mines all around. Many are working mines and diversion of this forest land although will create constraint in the movement of animals especially elephants will not be that problematic as its is surrounded by mines.
- xv. After examination of the reply from the State Government, Ministry vide its letter dated 14.08.2021 requested the Government to submit information on the shortcomings.
- xvi. Further, proposal was placed before Advisory Committee (AC) in its meeting held on 30.04.2024. AC observed that more non-forest area is required for raising compensatory afforestation as per extant provisions and broken area has to be shown separately. Accordingly, the Committee desired to seek certain additional information from the State Government. The same were conveyed to the State Government vide Ministry's letter dated 17.05.2024.
- xvii. State Government vide their letter no. 21005/9F (MG) -18/2015 dated 19.10.2024 has submitted information as sought vide Ministry's letter dated 17.05.2024.
- xviii. The State Government has submitted the KML file of the project area with Broken up area (already diverted) and the new fresh land proposed for diversion.
- xix. The State Government has reported that the additional Non-Forest Govt. land over 5.00 ha has been identified in village Binida & Dengana under Ghatgaon Tahasil of Keonjhar district in lieu of the diversion of safety zone area of 3.113 ha in respect of Dalpahar Iron & Manganese Ore Mines. The KML file of the CA land is also submitted.
- xx. The DFO, Keonjhar Forest Division has furnished the Site Suitability Certificate of the CA land over 66.745 ha in Gundula village and 9.80 ha in village Champajhar under Banspal Tahasil along with Joint Verification Report of Forest and Revenue Department.

- xxi. The Compensatory Afforestation Scheme has been prepared over 5.00 ha of Non- Forest land identified in village Binida & Dengana under Ghatgaon Tahasil of Keonjhar district under Keonjhar Forest Division in lieu of diversion of 3.133 ha forest land for Safety Zone purpose with financial outlay of Rs.77,70,800/- approved by the PCCF (FD & Nodal Officer, FC Act).
- xxii. The Mining plan of Dalpahar Iron & Manganese mines has been modified on dated 27.05.2024 vide letter No. MRPW-2273/2023-24-IBM-RO-BBS of Regional Controller of Mines, IBM, Bhubaneswar. Accordingly, the User Agency has submitted the change in land use pattern based on the approved modification of Mining plan.
- xxiii. Out of 101.171 ha area, an area of 11.21 ha has been lapsed except the area of block A. Out of 11.21 ha area 5.87 ha was diverted and 5.34 ha was non-diverted. The remaining diverted area of Block A is 10.594 ha ( $16.464 - 5.87 = 10.594$  ha) which was not declared as lapsed. Now it is clear that out of  $101.171 - 11.21 = 89.961$  ha ( $79.367$  fresh +  $10.594$  ha already area) is required for this proposal. However, the State Govt. has submitted the proposal for diversion of  $84.707$  ha and also applied for renewal. In this regard the clear recommendation form the State Govt. is required that whether they want to pursue this proposal for renewal or fresh diversion proposal because the fresh area is  $79.367$  and renewal area is only  $10.594$  ha.
- xxiv. Thereafter, proposal was again placed before Advisory Committee (AC) in its meeting held on 28.11.2024 and the Committee decided to seek the additional information from the State Government as well as Regional Office. The same were conveyed to the State Government as well as Regional Office vide Ministry's letter dated 11.12.2024. The State Government vide their letter no. 3582/9F (MG) -18/2015 dated 14.02.2025 has submitted information as sought vide Ministry's letter dated 11.12.2024.
- xxv. The Deputy Director General of Forests (Central), RO, MoEF&CC, Govt. of India, Bhubaneswar on 07.01.2025 has submission of fresh site inspection report for the aforesaid forest land proposed for diversion.
- xxvi. The State Government has informed that the total area of aforesaid Mining Lease was  $101.171$  ha. comprising of 05 Blocks. Out of  $101.171$  ha, the user agency had obtained the Stage-II approval over  $16.464$  ha. Hence, the diversion proposal for the balance forest land over  $84.707$  ha was submitted by the user agency on 27.02.2015. The abstract of Block wise area of forest land, diverted and applied for diversion on 27.02.2015 are furnished below:

Mining Lease Block	Lease Area (In Ha.)	Already Diverted (In Ha)	Previously applied for diversion. (In Ha)	Present Status
Block-A	89.961	10.594	79.367	Active
Block-B1	0.607	0.607	0.00	Lease Lapsed and Possession taken over
Block-B2	7.689	5.097	2.592	

Block-B3	1.012	0.000	1.012	by DDM, Joda
Block-C	1.902	0.166	1.736	
Total	<b>101.171</b>	<b>16.464</b>	<b>84.707</b>	

- xxvii. Further, as reported by the DFO, Keonjhar, the four Lease Blocks namely Block B1, B2, B3, & C having the Mining Lease area of 11.21 ha (including 5.87 ha earlier diverted land) were lapsed vide Proceeding No.7084,7092,7100 and 7108 all dated 09.07.2013 of the Steel & Mines Department, Government of Odisha. Subsequently, the Block A having an area of 89.961 ha which included 10.594 ha of earlier diverted forest land was also lapsed vide Proceeding No.3882 dated 01.05.2015 of the Steel & Mines Department, Government of Odisha.
- xxviii. However, as reported by the DFO, Keonjhar Division, based on the direction of Hon'ble High Court of Odisha, the Steel & Mines Department, Govt. of Odisha vide their proceeding No.6610 dated 06.09.2019 have passed order not to declare and record the Iron & Manganese Mining Lease of Sri Avin Jain over an area of 89.961 ha in village Dalpahar Block A of Keonjhar district as lapsed, which includes non-diverted area of 79.367 ha.
- xxix. The DFO, Keonjhar Division has reported that, the validity of the said mining lease area over 89.961 ha has been extended up to 08.06.2036 as per Letter No.3957/SM-MC1-0012-2021 dated.28.04.2022 of Steel & Mines Department, Government of Odisha and based on above, Supplementary Lease Deed of Block-A over 89.961 ha was executed in favour of Sri Avin Jain (Power of attorney holder and son of Smt.Sobha Jain & Sri Dharm Chand Jain) on 27.04.2023. The possession of the lapsed blocks i.e. B1, B2, B3 & C over an area 11.21 have been taken over by Dy. Director of Mines, Joda on dated 31.05.2023. Whereas, the Block-A Mining Lease over 89.961 ha has been declared as not lapsed and subsequently the lease validity has been extended up to 08.06.2036 as per the aforementioned orders, therefore, the instant diversion proposal is over 79.367 ha (89.961-10.594 diverted area) of fresh forest land including 2.822 ha earmarked for safety zone along the ML boundary.
- xxx. The DFO, Keonjhar Division has reported that the User Agency has obtained the statutory documents i.e. 1. Mining Plan, 2. Regional Wildlife Management Plan, 3. Site Specific Wildlife Conservation Plan, 4. Environmental Clearance, 5. Consent to Operate, 6. Forest Right Act(FRA) certificate etc. in respect of the Mining Lease Block-A over 89.961 ha. Further, Non-Forest land over 81.545 ha has been identified for compensatory afforestation & degraded forest land over 83.49 ha has also been identified for Additional Compensatory Afforestation with their approved CA schemes against 79.367 ha (89.961 -10.594) of fresh forest land proposed for diversion including safety zone out of the total mining lease area over 89.961 ha of block-A.
- xxxi. The table below shows the breakup of already diverted area, proposed changes in land use of already diverted area and fresh forest area applied for diversion within ML block-A over 89.961:



S. No.	Pattern of Utilization		Already Diverted (Broken up) In Hect.	Proposed changes in Land Use of Broken Up land In Hect.	Broken Up area after changes in land use in Hect.	Fresh Land proposed for diversion in Hect.	Total land in Hect.
	A		B	C	D =B+C	E	F = D+E
1	Mining Including Mines Road		6.928	(+) 0.547	7.475	32.575	40.05
2	Waste Dump Yard with Env. Protective Measures (Retaining wall, Garland drain &Settling Pond)		2.618	(-) 1.225	1.393	11.497	12.89
3	Utility Services	Mineral Processing Unity & Stocking Yard with Env. Protective Measures	0.000	(+) 0.885	0.885	18.185	19.07
		Storage of Topsoil	0.000	0.000	0.000	3.817	3.817
		Internal Road for Transporting	1.048 (including 0.025 ha of safety zone)	(-) 0.998	0.05 (including 0.025 ha of safety zone)	2.860	2.910
		Infrastructure (Office, Site service, Workshop, Creche, Elect. Substation, Cable, Parking Plaza & etc.)	0.000	0.000	0.000	2.754	2.754
4	Green Belt		0.000	(+) 0.500	0.500	4.857	5.357
5	Safety Zone Along the Lease Boundary		0.000	(+) 0.291	0.291		

					2.822	3.113
	Grand Total	10.594	0.000	10.594	79.367	89.961

- xxxii. Further, the DFO, Keonjhar Division has stated that, as the proposal is continuing since 2015 & in the subject it has been mentioned as 84.707 ha instead of 79.367 ha of fresh forest land and therefore, the user agency has requested for its necessary rectification.
- xxxiii. As per the proposed land use details which are now provided by the state, it has been observed that 81.617 ha area has been proposed for mining, However, in the land use at the expiry of the lease period as per mining plan, it has been mentioned that 28.55 ha area would be under utility activities. The mined out forest area is actually required to be reclaimed and handed back to the forest department. In this regard that State Govt. has informed that the State Government has informed that the proposed land use of the ML area over 89.961 ha of the lease Block-A has been provided based on the approved modified Mining Plan, in which total 81.491 ha will be utilized for mining activities and the balance 8.47 ha will be maintained as greenbelt till end of the mining lease (in Conceptual Period). Out of the 81.491 ha of forest land, 40.05 ha of forest land has been proposed for utilization for mining activities and at the end of lease period, the said mined out area of 40.05 ha will be reclaimed. Similarly, waste dump area of 12.89 ha & utility service area of 28.551 ha will be rehabilitated as reflected in chapter-6.2.11 of modified mining plan and shown in Conceptual plan of the approved modified mining Plan. The approved modified Mining Plan is enclosed. The land use pattern and the reclamation & rehabilitation measures taken thereof are furnished below:

S.N o.	Pattern of Utilization		Area at the end of mines (In Ha.)	Post mines land use (Action will be taken after end of mines)
1	Mining Including Mines Road		40.05	Reclamation by back filling & plantation
2	Waste Dump Yard with Env. Protective Measures (Retaining wall, Garland drain & Settling Pond)		12.89	Rehabilitation by plantation
3	Utility Services (28.551 ha)	Mineral Processing Unity & Stocking Yard with Env. Protective Measures	19.07	Rehabilitation by plantation
		Storage of Topsoil	3.817	Rehabilitation by

				plantation
		Internal Road for Transporting	2.910	Rehabilitation by plantation
		Infrastructure (Office, Site service, Workshop, Creche, Elect. Substation, Cable, Parking Plaza & etc.)	2.754	Rehabilitation by plantation
	Total		81.491	
4	Safety Zone Along the Lease Boundary & Green Belt		8.470	Maintenance as Green Belt
Grand Total			89.961	

xxxiv. The state has informed that based on a court order the issue of validity of the lease was considered afresh and the state govt. passed an order deciding not to declare and record the mining lease of Sri Avin Jain as lapsed without prejudice to any other proceedings pending against the lessee. In this regard, the state has reconfirmed the validity of the LOI/lease keeping in view the Section 10 A(2)(C) of the amended provisions of MMDR Act, 2015. The State Govt. has informed that initially the mining lease deed of Iron & Manganese Mines of 5 separate Blocks over 101.171 hain Baitarani Reserved Forest under Champua Forest Sub-Division of Keonjhar District was executed in favour of Dharm Chand Jain on 9<sup>th</sup> June 1986 for 20 years and renewal application was made in time on 01.06.2005 before the expiry of the leases. The table below shows the individual Mining Lease Blocks with their status:

xxxv.	<b>Mining Lease Block</b>	<b>Lease Area (In Ha.)</b>	<b>Present Status</b>
	Block-A	89.961	Active
	Block-B1	0.607	Lease Lapsed and Possession taken over by DDM, Joda
	Block-B2	7.689	
	Block-B3	1.012	
	Block-C	1.902	
	<b>Total</b>	<b>101.171 Ha.</b>	

Whereas all the 5 nos. of mining lease blocks aggregating to over 101.171 ha. were declared as lapsed by Govt. of Odisha in Steel & Mines department including Block-A over 89.961 ha vide "Proceedings" No. 3882 dated: 01.05.2015. A writ petition W. P.(C) No. 993/2015) was also filed before

the Hon'ble High Court of Odisha against the lapsing order of Block-A over 89.961 ha. The Hon'ble High Court vide order dated 26.02.2019 remitted back the case to the State authority with a direction to the petitioner to appear before the State authority on 25.03.2019 for hearing and simultaneously directed the State authority for taking a fresh decision within a period of 4 (four) months from the date of appearance of the petitioner after giving opportunity of hearing to the parties concerned in line with the decision of the Hon'ble Supreme Court in the case of Common Cause-Vrs-Uol & Others.

- xxxvi. In view of the above, the State Government, after taking into consideration all the material facts and information available on record upon hearing and being invested with Power u/r 20 (2) of OMMCR 2016, have been pleased to decide not to declare and record the Iron & Manganese mining lease of Sri Avin Jain over an area of 89.961 hectares in village Dalpahar Block-A of Keonjhar District as lapsed without prejudice to any other proceedings pending against the lessee before any court of law or authorities through a "Proceeding "vide No.IV (AB) SM-11/2015/6610/S&M, Bhubaneswar, dated 06.09.2019.
- xxxvii. Further, the State Government of Steel & Mines Department Vide "Proceeding" No.SM-MC1-MRL-0012-2021/3957/SM, Bhubaneswar, dated 28.04.2022, have been pleased to decide to extend the validity period of the lease of Block-A over 89.961 ha in village Dalpahar in Keonjhar District up to 08.06.2036 under Section 8A (3) of MMDR Act,1957 as amended by the MMDR Amendment Act, 2015 .Based on above ,a Supplementary Lease Deed of Block-A over 89.961 ha. was executed in favour of Sri Avin Jain (Power of attorney holder and son of Smt.Sobha Jain of Sri Dharm Chand Jain) on 27.04.2023.
- xxxviii. The DFO, Keonjhar has mentioned here that the lease of Block- A over an area 89.961 Ha was granted by State Government vide proceedings No.6179 dated 05.06.1984 and based on the directive of State Government vide order No. 4852, dated 10.04.1986, the lease deed was executed on 09<sup>th</sup> June 1986. As the above lease (Block-A) is a legally executed Mining Lease since 1986 and the validity period of the said lease was extend up to 08.06.2036 under Section 8A(3) of MMDR Amendment Act, 2015, the validity of above lease period was extended, not considered as afresh. The Section 10A(2)(C) of the amended provisions of MMDR Act, 2015 is purely regarding the leases granted by the Central Govt. under Sub-section (1) of Section 5 for grant but not for executed lease and it is not applicable to the subsisting lease Block-A over 89.961 ha.
- xxxix. Further, the current authorized signatory (Project Proponent) Shri Avin Jain is the son of Late Sri Dharam Chand Jain (D. C. Jain) & Smt. Shobha Jain and he is the Power of Attorney holder of Smt. Shobha Jain (the legal heir of lessee Late Sri. D.C. Jain). The instant Forest Diversion Proposal was submitted in the name of the lessee, Sri. D.C. Jain. Since he is no more, the documentation is being processed through his son & Power of Attorney holder, Sri Avin Jain.
- xl. The total lease area of aforesaid Mining Lease was 101.171 ha. comprising of 05 Blocks. Out of 101.171 ha, the user agency had obtained the final approval over 16.464 ha. (broken up area prior to 1980). Hence,

the diversion proposal for the balance forest land over 84.707 ha was submitted by the user agency on 27.02.2015. The abstract of Block wise area of forest land, diverted and applied for diversion on 27.02.2015 are furnished below:

<b>Mining Lease Block</b>	<b>Lease Area (In Ha.)</b>	<b>Present Status</b>	<b>Remarks</b>
Block-A	89.961	Active	Fresh area 79.367 ha and 10.594 ha earlier diverted area for renewal
Block-B1	0.607	Lease Lapsed and Possession taken over by DDM, Joda	10.594 ha (block A area) + 5.87 ha (area of Block B1, B2, B3 and C) = 16.464 ha. Remaining area of these block was not diverted earlier 5.34 ha.
Block-B2	7.689		
Block-B3	1.012		
Block-C	1.902		
<b>Sub total</b>	<b>11.21</b>		
<b>Grand Total</b>	<b>101.171 Ha.</b>		

- xli. As the proposal is continuing since 2015 & in the subject it has been mentioned as 84.707 ha instead of 79.367 ha of fresh forest land and therefore, the user agency has requested for its necessary rectification.
- xlvi. The proposal involved land use change over 10.594 ha of already diverted area.
- xlii. The proposed land use of the ML area over 89.961 ha of the lease Block-A has been provided based on the approved modified Mining Plan, in which total 81.491 ha will be utilized for mining activities and the balance 8.47 ha will be maintained as greenbelt till end of the mining lease (in Conceptual Period). Out of the 81.491 ha of forest land, 40.05 ha of forest land has been proposed for utilization for mining activities and at the end of lease period, the said mined out area of 40.05 ha will be reclaimed. Similarly, waste dump area of 12.89 ha & utility service area of 28.551 ha will be rehabilitated as reflected in chapter-6.2.11 of modified mining plan and shown in Conceptual plan of the approved modified mining Plan.
- xliii. The State Govt. has informed that a Supplementary Lease Deed of Block-A over 89.961 ha. was executed in favour of Sri Avin Jain (Power of attorney holder and son of Smt. Sobha Jain of Sri Dharm Chand Jain) on 27.04.2023. The DFO, Keonjhar has mentioned here that the lease of Block- A over an area 89.961 Ha was granted by State Government vide proceedings No.6179 dated 05.06.1984 and based on the directive of State Government vide order No. 4852, dated 10.04.1986, the lease deed was executed on 09th June 1986. As the stated that the lease (Block-A) is a legally executed Mining Lease since 1986 and the validity period of the said lease was extend up to 08.06.2036 under Section 8A(3) of MMDR Amendment Act, 2015, the validity of above lease period was extended,

not considered as afresh. The Section 10A(2)(C) of the amended provisions of MMDR Act, 2015 is purely regarding the leases granted by the Central Govt. under Sub-section (1) of Section 5 for grant but not for executed lease and it is not applicable to the subsisting lease Block-A over 89.961 ha.

- xlvi. The State has informed that the current authorized signatory (Project Proponent) Shri Avin Jain is the son of Late Sri Dharam Chand Jain (D. C. Jain) & Smt. Shobha Jain and he is the Power of Attorney holder of Smt. Shobha Jain (the legal heir of lessee Late Sri. D.C. Jain). The instant forest diversion proposal was submitted in the name of the lessee, Sri. D.C. Jain. Since he is no more, the documentation is being processed through his son & Power of Attorney holder, Sri Avin Jain. Therefore, the proposal involved change in the name of the UA and may be dealt as per the provisions of Chapter 5 Para 5.1 (v) of Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued on 29.12.2023 wherein it has been mentioned that:
- xlvi. As the area proposed for diversion has been checked on DSS in 2015 and now. At that time the area was falling in high conservation zone and now there is no change in the area. The justification from the State Govt. is also required.
- xlvi. From the land use plan, it has also been learnt that 12.89 ha area is being proposed for a Waste Dump Yard with Env. Protective Measures (Retaining wall, Garland drain & Settling Pond) which is a non-site specific activity, which is normally cannot be considered on the forest land. The state govt. shall provide the proper justification in this regard.
- xlvi. The above facts were considered in the last Ac meeting held on 05.03.2025. After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and APCCF and Nodal Officer, Govt. of Odisha, the Committee decided to defer the proposal for want of the following information from the State Govt. as well as Regional Office Bhubaneswar:

  - a. The user agency at the time of submission of the proposal was Shri DC Jain who is no more now. The State shall examine the matter and submit the request/proposal for the change in the name of the user agency with requisite documents keeping in view the legal heirs/ person/agency having the valid Letter of intent with respect to the proposed mining lease.
  - b. The area proposed for diversion is falling in high conservation zone. The State Govt. shall justify the requirement of the same with cogent reasons.
  - c. From the land use plan, it has also been learnt that 12.89 ha area is being proposed for Waste Dump Yard with Env. Protective Measures (Retaining wall, Garland drain & Settling Pond) and 28.551 for utility services most of which are non-site specific activities, and normally not considered on the forest land. The state govt. shall explore the possibility to shift the same to non-forest areas and provide the proper justification in this regard.

- xlix. Regarding change in the name of the User Agency the State Govt. has submitted that the User Agency has applied for change in the name of the user agency in "Form F" in the Parivesh 2.0 web portal vide Proposal No FP/OR/MIN/QRV/530182/2025 and Single Window No SW/240631/2025. However, the user agency has submitted an undertaking duly countersigned by the DFO, Keonjhar Division that, before the final forest clearance in respect of the aforesaid diversion proposal is accorded by the GoI, MOEF & CC, the name of user agency will be changed from Late Sri Dharmchand Jain to Sri Avin Jain Power of attorney holder of Smt. Sobha Jain (wife of late Dharm Chand Jain).
- I. Regarding area falling in High Conservation Zone, the State has informed that in 2015, the density of vegetation was reported to be 0.2 in Broken up & 0.5 in Virgin area. After almost 10 years, the density of the above proposed diversion area is hardly changed & it is the same as before i.e. 0.2 in Broken up area & 0.5 in virgin area and basically the area is not inviolate. There are so many mines operating within Baitarani RF-II around the Dalpahar Iron & Manganese mines (Block-A) & as the area is not broken up, the proposed area may not be treated as high conservation zone. The State Government vide their letter no. 8094/9F (MG) -18/2015 dated 09.04.2025 has submitted additional information along with DSS survey report and informed that – as per the GIS-DSS analysis report on 26.12.2024 the above area proposed for diversion is not inviolate.
  - ii. Regarding 12.89 ha. area proposed for OB dump over forest land which is a non-site specific activity, based on the given reasons in the reply by UA, the DFO has informed that, it could be concluded that the area over 12.89 ha of land for waste dump with its Environment Protective Measures and 28.551 ha for utility services are all site specific activities and as these have been approved in the Mining Plan, they need to be carried out inside the Mining lease area and no non-forest land available in the lease.
  - lii. The above facts were considered in the last AC meeting held on 26.05.2025. the Committee after detailed discussion has decided to **defer** the proposal for want of the following information from the State Government:
    - a. As the user agency i.e. Shri DC Jain is no more and the proposal for change in the name has been submitted by the UA through PARIVESH 2.0 portal, vide online id no. FP/OR/MIN/QRV/530182/2025, therefore it would be appropriate that the State Govt. shall first complete the process for approval of change in the name of the User Agency and resubmit the proposal thereafter.
  - liii. The proposal was thoroughly deliberated by the Committee, which noted that the earlier approval for diversion had been granted for an area of 16.464 hectares, of which 10.594 hectares falls within the current lease area. The Committee further observed that this 10.594 hectares is represented by multiple small, scattered patches throughout the proposed lease, rather than as a single consolidated block. Therefore, the State is required to verify the precise location of the 10.594 hectares of diverted area and submit a detailed layout plan supported by documentary evidence.

4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and APCCF and Nodal Officer, Govt. of Odisha, the Committee decided to **defer** the proposal for want of the following information from the State Government:
- The 10.594 hectares area which is already diverted is represented by multiple small, scattered patches throughout the proposed lease, rather than as a single consolidated block. Therefore, the State shall verify the precise location of the 10.594 hectares of diverted area and submit a detailed layout of the same supported by documentary evidence.

### Agenda No. 26

File No. 9-PBB417/2022-CHA

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s. R.K. Resort (Marriage Palace) for non-forestry use of 0.0024 ha. of Protected forest for approach access road to R.K. Resort (Marriage Palace) at Village Khichian on Mukerian to Gurdaspur Road L/s, Tehsil- Mukerian, District- Hoshiarpur in the State of Punjab (FP/PB/Approach/146174/2021)- regarding.**

- The agenda item was considered by the AC in its meeting held on 26.09.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
- During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
- The DDGF (Central), Regional Office, Chandigarh and Officials from the Government of Punjab attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - The proposal is for diversion of 0.0024 ha. Protected forest for approach access road to R.K. Resort (Marriage Palace) at Village Khichian on Mukerian to Gurdaspur Road L/s, Tehsil- Mukerian, District- Hoshiarpur in the State of Punjab.
  - Component wise break up are as under:

Component wise breakup			
Sl. No	Component	Forest Land (ha.)	Non-Forest Land (ha.)
1	Forest area in Marriage Palace	0.0024	0
2	Non Forest area in Marriage Palace	0	0.77
<b>Total</b>		<b>0.0024</b>	<b>0.77</b>

- Canopy density in the proposed area is reported to be 0 of Eco class III with 4 number of trees proposed to be felled during implementation of the project.
- Proposal does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the



area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect have been submitted by DFO concerned.

- v. As per decision Rule- 1 and 2, the area does not falls into in High Conservation value Zone.
- vi. Compensatory Afforestation has been proposed over 0.105 ha of degraded forest land in Haler Janarthan Forest, Tehsil- Mukerian District- Hoshiarpur. CA scheme with 10 years of maintenance is provided. Site suitability certificate has been furnished by the concerned DFO.
- vii. The Committee was informed that the proposal involves violation, the State Government has mentioned in their reply dated 23.08.2025 that Divisional Forest Officer has reported that the user agency violated the Forest Act of 1927 in this case. In response to the violation, the concerned Forest Guard filed Damage Report No. 85776 on 04.05.2022, and the due compensation was collected and deposited into the government account via SBI Bank Dasuya, reference number dated 08.06.2022. As per information submitted, an amount of ₹89,620/- has been deposited by the user agency.  
Whereas, Regional Office, Chandigarh has mentioned in their inspection report that the proposal was submitted by the User Agency online in Parivesh Portal on 18.08.2021 and Damage Report was issued on 04.05.2022. Therefore, the violation was committed after the User Agency submitted application for seeking prior approval. Hence, this appears a case of violation under Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980. The work of violation is still in progress and User Agency is using the approach access for organizing various functions. The Proposal may be considered for ex post facto approval as per the Rules and guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- viii. The Committee was further informed that Ministry, after scrutiny of the proposal, observed shortcomings viz. Regional Office, Chandigarh has mentioned in site inspection report that work of violation is still in progress; State Government is requested to submit the action taken to stop the violation, detailed violation report, clearly mentioning the nature, extent, date and details of the persons responsible for violation and action taken thereof against erring officials/person of the State and legal status of land proposed for diversion may be verified etc. Additional information was requested online from the State on 03.01.2025.
- ix. The State Government submitted its reply online on 30.06.2025 and informed following:
  - a) It is mentioned that the Divisional Forest Officer has reported that a site inspection was conducted on 23.07.2025. The report indicates that the user agency is using the link road adjacent to the main road to access their resort and is not using the forest strip for this purpose. A wire fence has been installed in the forest area.
  - b) It is mentioned that the Divisional Forest Officer has reported that the user agency violated the Forest Act of 1927 in this case. In

response to the violation, the concerned Forest Guard filed Damage Report No. 85776 on 04.05.2022, and the due compensation was collected and deposited into the government account via SBI Bank Dasuya, reference number dated 08.06.2022. As per information submitted, an amount of ₹89,620/- has been deposited by the user agency.

- c) It is mentioned that the Divisional Forest Officer has reported that the legal status of the area proposed for diversion is that of a Protected Forest.
- x. Further, the Committee was also informed that the site inspection of the instant proposal was conducted by Regional Office, Chandigarh on 19.11.2024. The SIR has also been recommended by DDGF (C) of RO, Chandigarh. Summary of the same are as under:
  - (1) **Background of the proposal:** This proposal is for diversion area of 0.0024 ha of forest land for approach access road to R.K. Resort (Marriage Palace) situated at village Khichian on mukerian to gurdaspur road LHS, Tehsil Mukerian & District Hoshiarpur, Punjab under forest division Dasuya, Punjab. This proposal involves felling of 04 nos. of trees.
  - (2) **Whether proposal involves violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials.** The proposal involves violation as reported by DFO in Part-II. There is Violation of Indian Forest Act 1927.
    - **Area involved in violation:** 0.0024 ha.
    - **Person responsible for violation:** Ranandeep Chaudhary Khichian Road Mukerian.
    - **Action taken:** Damage Report against the offender issued on 04.05.2022.
  - (3) **Whether land being diverted has any socio-cultural/religious value. Whether any sacred grove or very old grown trees/forests exists in areas proposed for diversion:** As per record, the land being diverted has no socio- cultural / religious value.
  - (4) **Situation w.r.t. any Protected Area:** As per record, the instant proposal is not falling in or around any protected area.
  - (5) **Field observations/Actionable Points/recommendations:-** The proposal was submitted by the User Agency online in Parivesh Portal on 18.08.2021 and Damage Report was issued on 04.05.2022. Therefore, the violation was committed after the User Agency submitted application for seeking prior approval. Hence, this appears a case of violation under Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980. The work of violation is still in progress and User Agency is using the approach access for organizing various functions. The Proposal may be considered for ex post facto approval as per the Rules and guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - (6) **Recommendations of the DDGF (C) of Regional Office, MoEF&CC, Chandigarh:**

The proposal is for approach access to private property of the User Agency and has been recommended by the State Government, accordingly same is recommended for consideration in the Advisory Committee as per the extant Rules and Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and officials from Government of Punjab, recommended the proposal for grant of '*in-principle*' approval for diversion of 0.0024 ha. of Protected Forest in favour of M/s. R.K. Resort (Marriage Palace) for approach access road to R.K. Resort (Marriage Palace) at Village Khichian on Mukerian to Gurdaspur Road L/s, Tehsil- Mukerian, District- Hoshiarpur in the State of Punjab subject to the general, standard and following specific conditions:
- i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
  - ii. State Government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
  - iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.

#### **Agenda No. 34 (Policy Issues)**

##### **Policy Issue No.1**

**Sub: Formulation of policy/guidelines for Penal Compensatory Afforestation (PCA) to ensure transparency, rationality and uniformity while imposing condition of raising penal CA in proposals involving violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (F. No. 813/UP/06/34/2018-FC). (File No. 11/126/2024-FC)**

The Policy Agenda was deferred by the Advisory Committee due to paucity of time.

***(Confirm through E-mail)***

Dr. KR Sree Harsha  
(non-official Member)

***(Confirm through E-mail)***

Shri Nityanand Srivastava  
(non-official Member)

***(Confirm through E-mail)***

Shri Manoj Pant  
(non-official Member)

***(Confirm through E-mail)***

Dr. Mehraj AS  
Deputy Commissioner (NRM)  
(Member)

***(confirmed)***

Shri Santosh Tiwari  
Additional Director General of Forests

***(Confirm through E-mail)***

Shri Ramesh Kumar Pandey

(FC)  
(Member)

Additional Director General of Forests  
(WL)  
(Member)

***(Confirm through E-mail)***  
Shri R. Raghu Prasad  
Inspector General of Forests  
(Member Secretary)

**(Approved)**  
Shri Sushil Kumar Awasthi  
(Director General of Forests and Special Secretary)  
(Chairperson)