

**(PARIVESH 1.0)****Minutes of the Meeting of the Advisory Committee (AC) meeting held on  
05.03.2025****Agenda No. 1****F. No. 8-56/2009-FCpt****Sub: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand - regarding.**

1. The agenda for above subject proposal was considered by the Advisory Committee in its meeting held on 05.03.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Ranchi were present in the meeting. Nodal Officer, Government of Jharkhand was not 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 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. While deliberating on the proposal, Advisory Committee observed that:
  - i. The above cited proposal was accorded Stage-I approval vide Ministry's letter dated 11.05.2010 and Stage-II/ final approval vide letter dated 17.09.2010, subject to fulfilment of conditions prescribed therein.
  - ii. User Agency i.e. M/s NTPC vide their representation dated 09.10.2018 and 18.01.2022 requested for amendment in condition no. 8 of Stage-II/ final approval dated 17.09.2010 and condition no. 7 of Stage-I approval dated 11.05.2010 which states that *"The user agency will take up programme for at least 50 m green belt along the sides of the Pakwa nallah and Dumhani nallah from the initial years under the supervision of the state forest department"*
  - iii. The said request was considered by the Advisory Committee (AC) in its meeting held on 09.12.2022 and 25.04.2023 wherein the Committee recommended to modify the condition no. 8 in Stage-II approval as under:
 

*'The user agency shall restore and conserve the Khorra Nalla (west) and Pakwa Nalla (east) watersheds on priority basis under supervision of the forest department and expert hydrologists/agencies and develop their watershed status as per the Survey of India toposheet no. 73 E/I. A greenbelt of 100 meters on either side of both Khorra Nala and Pakwa Nalla shall be maintained'.*

*The Committee further observed that in total disregard to the conditions of approval the user agency has mined out the area and changed the course of the Dumuhani nala, which was actually required to be protected and maintained as green belt. Keeping this in view the Committee recommended that the penalty shall be imposed for violation committed over the forest area (1026.438 ha) without approval equal to five times the normal NPV plus simple interest of 12 % from*

*the date of actual violation committed till the deposition of penalty shall be imposed.*

- iv. On the basis of the above said recommendations of the Advisory Committee, and with the approval of the competent authority the Ministry vide letter dated 25.05.2023 has issued Modification in condition of Stage-II approval.
- v. Thereafter the User Agency has filed a case in Hon'ble NGT against the demand for penal NPV raised by the State Government wherein an Appeal No. 20 of 2023 is filed by NTPC titled as NTPC Vs. The State of Jharkhand & Ors. before the Hon'ble NGT(EZ), Kolkata where the prayers of the appellant are as under:
  - a. *To set aside the letter dated 25.05.2023 issued by the MoEF;*
  - b. *To set aside the demand notice dated 14.06.2023 received from DFO Hazaribagh for realizing of penal NPV;*
  - c. *To stay the letter dated 25.05.2023 issued by the MoEF;*
  - d. *For such further and other reliefs as the nature and circumstances of the case may require.*
- vi. Further the Secretary, Ministry of Power vide their DO No. 11/25/2023-Th.1 dated 30.10.2023 proposed to hold a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&CC) & Ministry of Coal for amicable resolution of the issue.
- vii. Thereafter, the Ministry vide letter dated 10.11.2023 requested the State Government to furnish the updated status of the proposal and status of the compliance of the conditions stipulated in the Stage-I approval along with the report/comments on the court matter in the instant case.
- viii. Further, the user agency i.e. NTPC Limited vide their representation dated 09.11.2023 requested to reconsider the matter as below:
  - a. *Waiving of penal NPV imposed on the NTPC for Pakri-Barwadih coal mining project.*
  - b. *Delinking of Stage-II forest clearance of Pakri Barwadih (North-West) with the deposition of penal NPV of PBCMP.*
  - c. *Permit to maintaining of green belt of 15 m along Pakwa and Khora Nala in line with the regulation no. 149 of Coal Mines regulation, 2017.*
- ix. The matter was discussed in the Ministry and it was decided that since the conditions have been stipulated in the approval as per the recommendations of the Advisory Committee, therefore the State Government shall submit a point wise report/comments on the representation of the User Agency along with its recommendations and thereafter the matter would be placed before the Advisory Committee for appropriate decision in the matter. The same was conveyed to the State Government vide letter dated 22.01.2024.
- x. The State Government vide their letter dated 05.04.2024 furnished their comments without any recommendation stating that the Central Government is the competent authority for amendment or reconsideration of the conditions imposed in approvals granted under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- xi. Thereafter, the proposal was placed before the Advisory Committee (AC) in its meeting held on 30.04.2024 wherein the Committee observed that the State Govt. has just forwarded the representation of the User Agency without any specific comments, recommendations and view point of the state on the matter. Accordingly, it was decided that the State Govt. be requested to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and submit a point-wise detailed report to the Ministry. The committee also took note of the court case filed by the User Agency with respect to challenging the decision of the Ministry and the demand note of penal NPV raised by the DFO and sought the update in this regard in the future meetings.
- xii. The Ministry vide its letter dated 20.05.2024 requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the Nodal Officer, Government of Jharkhand shall present the same before the Advisory Committee.
- xiii. Further the Hon'ble NGT vide order dated 03.05.2024 has inter-alia directed as under:
- 7. "we are of the view that a decision with regard to the imposition of penalty of 857,52,85,944.32/- (Rupees Eight Hundred Fifty Seven Crores Fifty Two Lakhs Eighty Five Thousand Nine Hundred Forty Four and Thirty Two Paise only) against the NTPC Ltd., Appellant, needs to be taken by the Ministry of Environment, Forest and Climate Change expeditiously at its level, since Stage-II Forest Clearance of PB-NW is interlinked with the deposition of Penal NPV of PBCMP as mentioned in the letter dated 09.11.2023.*
- 8. We, therefore, direct the Ministry of Environment, Forest and Climate Change, Respondent Nos.2&4 herein, to take a decision in the matter expeditiously within a period of three months i.e., by 31.07.2024 and file affidavit in this regard by 16.08.2024".*
- xiv. The proposal was again considered by the AC in its meeting held on 07.06.2024 wherein the Committee observed that the State Govt. has not provided any specific comments, recommendations and view point of the state on the matter and keeping in view the factual position/field situation the Nodal Officer, Government of Jharkhand was requested to give a presentation before the Advisory Committee which has not been done. Accordingly, it was decided that the State Govt. shall carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF) Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xv. The Ministry vide letter dated 26.06.2024 has requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xvi. The proposal was again considered by the AC in its meeting held on 04.07.2024 wherein the Committee observed that the PCCF (HoFF), Government of Jharkhand was requested to give a presentation before the Advisory Committee which has not been done. Accordingly, it is again re-

- iterated that the State Govt. shall carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xvii. The Ministry vide letter dated 26.07.2024 has requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xviii. The proposal was again considered by the AC in its meeting held on 27.08.2024 wherein the PCCF (HoFF), Government of Jharkhand has given a detail presentation in front of Advisory Committee and the Committee observed that in total disregard to the conditions of approval the user agency has mined out the area and changed the course of the Dumuhani nala, which was actually required to be protected and maintained as green belt. Keeping this in view the Committee recommended to continue with the penalty imposed for violation committed over the forest area (1026.438 ha) without approval equal to five times the normal NPV plus simple interest of 12 % from the date of actual violation committed till the deposition of penalty shall be imposed.
- xix. On the basis of the above said recommendations of the Advisory Committee, and with the approval of the competent authority the Ministry vide letter dated 01.10.2024 conveyed the same to the State Government.
- xx. In reference to the case filed by User Agency in Hon'ble NGT against the demand for penal NPV raised by the State Government. In this regard, the Ministry has filed its additional affidavit in the Appeal No. 20 of 2023 titled as NTPC Vs State of Jharkhand and ors. in the Hon'ble NGT Eastern Zone, Kolkata wherein the Hon'ble NGT vide judgment dated 21.01.2025 disposed off the matter inter-alia directing as follows:
- "58. We are, therefore, of the view that the entire computation of penalty in the impugned order dated 25.05.2023 and the order dated 14.06.2023 is absolutely illegal and erroneous and needs to be re-examined by the MoEF & CC.*
- 59. The conspectus of the details, documents and guidelines clearly indicate that it is not the case of violation of Forest (Conservation) Act, 1980, but violation of a condition stipulated under the grant of Forest Clearance. The condition extends only to 37.2 Ha. and the NTPC is a public utility body.*
- 60. We, therefore, allow this Appeal and set aside that part of the order dated 25.05.2023 in so far as it imposes penalty on the Appellant at the five times of the NPV on the entire forest area of 1026.438 Ha. and the order dated 14.06.2023 imposing penalty at Rs.857,52,85,944.32/- (Rupees Eight Hundred Fifty-Seven Crore Fifty-Two Lakhs Eighty-Five Thousand Nine Hundred Forty-Four and Thirty-Two Paisa only) on the Appellant. The matter is remitted to the MoEF & CC to re-consider the same and determine penalty strictly in accordance with law and the observations made hereinabove.*
- 61. In view of the directions passed in Appeal No.20/2023/EZ, the Original Application No.63/2023/EZ is accordingly disposed of. "*

- xxi. The Advisory Committee noted that the issue of the penal Net Present Value (NPV) imposed on the entire proposed diversion area of 1,026.438 hectares had been extensively deliberated in four previous meetings. The Committee further observed that in order to take a decision on the matter, it would be important to deliberate upon examine the same in consultation with the State government. However, the Nodal Officer or any other representative form the State of Jharkhand was not present in the meeting.
4. **Decision of Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi. After going through the facts of the proposal, the Committee decided to **defer** the proposal for discussion in the next Advisory Committee meeting. The Advisory Committee desired that the HoFF/Nodal Officer, Forest Department Govt. of Jharkhand should be present in person in the next AC meeting with detailed facts for further discussion on the matter.

### Agenda No. 2

File No: 8-27/2021-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 89.92 ha of forest land in Tavaraghatta Village Sy.No.14 and Singanamane Village Sy.No.16 both in Kasaba Hobli, Bhadravathi Taluk, Shivamogga District and Byrapura Village Sy.No.37, Kasaba Hobli, Narsimharajapura (NR) Taluk, Chikkamagaluru District for establishment and development of Kuvempu University Campus for academic activities in favour of Registrar, Kuvempu University, Jnana Sahyadri Shankaraghatta, Shivamogga District, Karnataka State. (Online Proposal No.FP/KA/SCH/35132/2018).**

1. The agenda item was considered by the AC in its meeting held on 05.03.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. Inspector General (Central), RO, Bengaluru and Nodal Officer, Government of Karnataka 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. 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 Government of Karnataka's letter No. FEE 51 FLL 2021 (e) dated 27<sup>th</sup> October, 2021 submitted the above mentioned proposal to obtain prior approval of the Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980.
  - ii. The legal status of the proposed forest land is Protected Forest land and Eco class I with 0.6 vegetation density.
  - iii. The area proposed for diversion is falling in Chikmanglur (28.14 ha) and Shimoga (61.09 ha) district and Bhadra Wildlife, Bhadravathi, Forest Division of Karnataka.
  - iv. The proposals 17,874 trees of different girth and different species.

- v. Some area proposed for diversion is form part of any Wildlife Sanctuary. However, no much impact on the movement of wildlife as it is on the boarder of the Wildlife.
- vi. The area does not part of any National Park/ Biosphere Reserve/Tiger Reserve or Elephant corridor. No rare/endangered/unique species of flora and fauna is found in the applied area. No protected archaeological structure/heritage site/defence establishment or any other important monument is located in the applied area.
- vii. The project does not involve displacement of any human habitation and hence Rehabilitation & Resettlement Plan is not required. The DFO, has reported that the requirement of forest land as proposed by the user agency is unavoidable and bare minimum for the project.
- viii. No rare/ endangered/ unique species of flora and fauna found in the area.
- ix. The proposal involved violation of the provisions Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in the applied forest area. Nature of violation is felling of trees, construction of buildings. The period of Violation is 20 years. Area involved in the violation is 84.98 ha. Further, the user agency has also carried out the violation in the Bhadravathi Division in the year of 2019 the violation area is 0.9799 ha of forest land. The details of the officials are uploaded on the PARIVESH portal.
- x. The Deputy Conservator of Forests, Chikkamagaluru has identified an extent of 191.00 hectare of degraded Chikkamagaluru has identified an extent of 191.00 hectare of Degraded Forest Land in Sindigere State Forest (Block-I and II) and Boochenahalli **Kaval State Forest in Chikkamagaluru Forest Division** *i.e. 126 hectares in Sy. No. 35 and 36 of Sindigere Village and Sy. No. 2 and 3 of Boochenahaali Kavalu Village, Lakya Hobli, Chikkamagaluru Taluk, Chikkamagaluru District (Sindigere State Forest, Block-I and Boochenahalli Kaval State Forest) and 65 hectares in Sy. No. 42 and 43 of Shirabadige Village, Lakya Hobli, Chikkamagaluru Taluk and Chikkamagaluru District (Sindigere State Forest, Block-II).*
- xi. Complete Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has submitted by the State Govt.
- xii. The land use of the instant proposal as per the KML files and DSS report is as below:-

| Sl. No. | Component             | Area calculated from KML files |
|---------|-----------------------|--------------------------------|
| 1       | Road Network          | 7.47                           |
| 2       | Garden                | 0.99                           |
| 3       | Office Buildings      | 0.71                           |
| 4       | Park                  | 4.56                           |
| 5       | PG Departments        | 2.19                           |
| 6       | Play Ground           | 5.85                           |
| 7       | Residential Buildings | 0.64                           |
| 8       | Student Hostels       | 0.93                           |
| 9       | Tanks                 | 0.48                           |
| 10      | Reserved Green Park   | 6.86                           |
| 11      | Other Buildings       | 0.72                           |

|    |                        |              |
|----|------------------------|--------------|
| 12 | Vacant Land            | 51.93        |
| 13 | Proposed built-up area | 6.36         |
|    | <b>Total</b>           | <b>89.69</b> |

- xiii. Regarding the non-site specificity, the State Govt. has informed that Govt. of Karnataka in its order No. FFD:108: FGL:76 Bangalore dated: 21.02.1979 has accorded for lease of 230 acres of minor forest land in Singanamane village for PG Centre of Mysore University. Later the same land with all assets was transferred for establishment of Kuvempu University vide Karnataka state University act 1987. The land leased is used for academic activities.
- xiv. During that time alternative land was searched for the establishment of Kuvempu University but suitable land could not be found. Since the University of Mysore's Post Graduate Centre was already functioning in the present land, it was considered ideal to start the University here and hence the Kuvempu University was established in the present land. For the past 30 years, large number of facilities and Faculty Buildings, Guest Houses, Hostels, Laboratories, Class rooms etc. have been built which cannot be shifted.
- xv. As per the PARIVESH portal the applied area of forest land is 90.04 ha of forest land. But the State Govt. has recommended 89.92 ha area in this regard the State Govt. has clarified that the Director, Bhadra Tiger Project Chikkamagaluru has fixed the land to 89.92 ha on the recommendation of the Standing Committee of Indian Board of Wild Life (F. No. 6-1-2002: WL-2 Dated 16-08-2002). And this was also accepted by the User Agency. Accordingly, the State Government has recommended diversion for an extent of 89.92 ha.
- xvi. The state government has provided the names of the officials responsible for violation. However, regarding action taken report with respect to the officials, the State Govt. has informed that In this regard the State Govt. informed that the Kuvempu University (User Agency came into existence in 1983. 230 acres land of Singanamane MF was leased to Kuvempu University from 1979 to 1999 for a period of 20 years. After lease period Government got over, the Government of Karnataka vide letter No. FEE-364-FGL-2002 dated 16.12.2002 directed the user agency to submit the proposal under the FC Act for renewal of lease.
- xvii. Subsequently, the Registrar, Kuvempu University filed an Interim Application before the Hon'ble Supreme Court (Case No. IA No. 2707/2009) for renewal of lease and waiver of NPV and CA charges. This issue was referred to the CEC by the Hon'ble Supreme Court. The CEC in its report dated 12.09.2013 submitted to the Hon'ble Supreme Court with recommendation to be complied. After considering CEC report the Hon'ble Supreme Court along with other related pending IAs referred/transferred the applications to the MoEF&CC for the further consideration and decision in accordance with law.
- xviii. The issue was placed before the Forest Advisory Committee (FAC), in the meetings on 15.06.2017 and 26.04.2018. The Forest Advisory Committee on 26.04.2018 recommended for renewal of the lease with conditions. In this process of correspondence, the entire proposal was delayed for lease renewal/FC clearance for almost 15 years at various

levels. Meanwhile, University Authorities have developed various Infrastructure facilities for the students like hostels, laboratory, quarters, etc. under the directions and approvals of State/Central government and statutory bodies of the University. In 2018 another fresh online application was applied by the User agency for the approval under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. In view of the above facts, no action has been initiated against any officials.

xix. The Regional Office, Bengaluru of MoEF&CC vide letter dated 10.03.2022 was carried out the site inspection report of the above mentioned proposal. Following recommendation has been made by the RO in his SIR:

- a. An extent of 93.07 ha of forest land was diverted by Government of Karnataka prior to 1980 (GoK order dated 21.02.1979), for a period of 20 years, for establishment of PG Centre of Mysore University, which was later given the status of University in the year 1987 as per Karnataka State Universities (Amendment) Act 1987. Since 1979 as part of development of amenities, the University has constructed several buildings and other structures like roads, power line, communication network etc. in the area proposed for diversion.
- b. Once the initial lease period was over during 1999, the User Agency has initiated the process of renewal. During 2002, IBWL, had recommend for renewal of lease, to an extent of 89.94 ha, subject to certain conditions. The user agency has complied with all the condition imposed by IBWL. Subsequent to this the user agency has submitted the proposal under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 to the State Government. Since the user agency was not willing to pay 5 times the NPV charges, as per the advice of the State Government, it had filed an IA in Hon'ble Supreme court during 2009.
- c. This matter was pending before the Apex court till 2015. The Supreme Court in its order dated 15/10/2015 transferred the matter to MoEF&CC. Based on the order of the Supreme court, the Forest Advisory Committee in its meeting held on 26.04.2018 has recommended for renewal of lease in favour of applicant Kuvempu University, subject to certain conditions. Subsequently the University submitted an online proposal on 25.06.2019 through PARIVESH seeking approval by Government of India for diversion of 90.04 ha of Forest land.
- d. PCCF & HoFF and Government of Karnataka has recommended for diversion of only 89.92 ha (NBWL has given clearance only for 89.92 ha instead of 90.04 ha), for a period of 20 years. Based on the reasons above mention, PCCF (HoFF) has recommend the proposal for diversion of 89.92 ha in favour of the user agency.
- e. Further, it may be seen that in this case the initial lease period was lapsed on 20.02.1999 and the land continued to be in the possession of the user agency and the user agency was using the land. As per the recommendations of the State Government if we consider the period of 20 years, on 20.02.2019, twenty-



year period will be over. If the 20- year period is considered from the date of issue of approval, then the question of regularizing the intervening period (that is from 20.02.1999 to the date before the date of approval) will arise. Thus, appropriate decision may be taken in this aspect

- f. As per the FCA guidelines, the user agency has to identify non-forest land which is equal to the extent of land proposed for diversion. In this case, the transfer 359.074 ha of non-forest area to the forest department was done in compliance of the condition imposed by IBWL. The extent of non-forest land that was transferred to forest department is almost 4 times the extent of forest land proposed for diversion. However, forest department has also identified 191 ha (double the extent of area proposed for diversion) of degraded forest area for raising CA plantations. It may be decided whether to account the non-forest land that is already transferred to forest department in compliance of condition imposed by IBWL as land for Compensatory Afforestation or to ask the user agency to identify equal extent of non-forest land separately as per the requirement of FCA.
  - g. The land transferred to forest department in compliance of condition stipulated by IBWL is a grassland-shola habitat which is unique and very important from wildlife point of view Any planting activities in this area will destroy this unique habitat. Thus, the area should not be used for raising CA plantation Instead the Grassland-shola area should be improved by taking up suitable habitat improvement activities such as removal of invasive plants present in Sholas and Grasslands, Soil moisture conservation activities and other Eco restoration measures. A portion of NPV charges paid by the User Agency should be separately earmarked for improvement of this Grassland - habitat.
  - h. The degraded forest land identified in Chickamagalur division for raising CA plantation characterized with scanty rainfall, high temperature, poor soil moisture regime and other anthropogenic pressures thus for better survival of planted seedlings and successful establishment of plantation, the CA scheme may be revisited giving special consideration for raising tall seedlings in the nursery, to the aspects of soil moisture conservation, prevention of forest fire incidence and reducing grazing pressure.
  - i. In view of the above the RO has mentioned that since the user agency has already establish several infrastructure facilities and at present around 4500 students are studying on Campus for their UG, PG and PhD degrees The scope of consideration of alternatives for locating the project is completely ruled out and only the forest land proposed by the University for diversion may be considered.
- xx. After the examination of the additional information, the Ministry vide letter dated 16.08.2023 has requested the certain more additional information

from the State Govt. In the response of the Ministry's letter dated 16.08.2023, the State Govt. has submitted their reply to the Regional office Bengaluru vide letter No. FEE 51 FLL 2021 (e) dated 22.10.2024 instead of the Ministry and forwarded the letter along-with enclosures submitted by the PCCF (HoFF) for further necessary action. Further, the Govt. of Karnataka has also requested to accord the 'in-principle' approval to the instant proposal. The Regional Office Bengaluru vide their letter No 4-KRA1319/2021-BAN/ dated 31 January, 2025 has forwarded the above reply to the Ministry.

- xxi. The State Govt. has submitted the compliance report wrt the recommendation of FAC held on 26.04.2018 which was communicated to the State Govt. vide this Ministry's letter dt 20.07.2018.
- xxii. The State Govt. has submitted the compliance of conditions on which IBWL clearance was granted on 12.07.2002.
- xxiii. State Govt. has submitted the update the status of the land i.e. 383.824 ha (after survey 359.074 ha) which was transferred to the State Forest Dept by Chickamagalur District Collector. The relevant documents wrt the status of the said land has been submitted.
- xxiv. As per the site inspection report the DFL land identified for CA purpose i.e. 191 ha is having rocky several small patches of rocky outcrops and the soil layer in this area is having medium to shallow depth wherein the plantation is not possible. In this regard, the State Govt. was requested to add an additional area of 10 to 15 ha to the already identified area in Block-1 (i.e. 126 ha) and an additional area of 5 to 10 ha in Block-II (i.e. 65 ha) as per the recommendation of RO, Bangalore. In this regard the State Govt. has informed that the Change suggested by Regional Officer, Bengaluru have been incorporated.
- xxv. The revised the CA Scheme has been submitted by the State Govt. as per the recommendation of RO Bangalore giving special consideration for raising tall seedlings in the nursery to the aspects of soil moisture conservation, prevention of forest fire incidence and reducing grazing pressure.
- xxvi. The Proposal received from the Kuvempu University was submitted to State Government on 22.07.2006 along with the site inspection report and recommendations of the officers of Forest Department. But the proposal was not forwarded to Government of India as the user agency was reluctant to submit an undertaking to pay 5 times the NPV charges applicable if in case the diverted land is a Wildlife Sanctuary and other CA charges
- xxvii. The University filed an I.A. 2707/2009 in WPC 202/1995, in the Apex court, requesting for exemption of NPV.
- xxviii. The Supreme court in its order dated 15/10/2015 transferred the application to MoEF & CC to consider all such applications in accordance with law and disposed of the Interlocutory application.
- xxix. The proposal by Kuvempu University was placed before the Forest Advisory Committee. The FAC in its meeting held on 26.04.2018 has recommended for renewal of lease in favour of applicant Kuvempu University, subject to the following conditions:

- j. The conditions on which the proposal has been cleared by the standing committee of the Indian Board of Wildlife in its meeting held on 12.07.2002, will be strictly complied.
  - k. The NPV of the forest land will be deposited at the normal rates (instead of five times of the normal of the NPV)
  - l. The Compensatory Afforestation is payable as per existing rates.
- xxx. As per the Rules and Guidelines the user agency has to identify non-forest land which is equal to the extent of land proposed for diversion. However, the DFO has submitted the CA land details over 384.7 ha of NFL (already transferred and mutated in f/o SFD) in part-II of online application form on PARIVESH which was provided in compliance of the condition imposed by IBWL. The CA NFL land provided is a grassland and it was recommended by the State Govt. that plantation is not be carried in the said land and the same shall be maintained as Shola-Grassland. Further, the State Govt. has provided 191 ha of degraded forest land for the purpose of CA.
- xxxii. The State Government has provided the names of the officials responsible for violation but the action taken report with respect to the officials has not been submitted. In this regard, the State Government informed that no action has been taken against the violators.
- xxxiii. The State Govt. has updated the status of the land about 384 ha which was transferred and mutated in favour the State Forest Dept. by Chickamagalur District Collector. The relevant documents have been provided.
- xxxiiii. It has been noted that the UA and the SG has not deposited the due NPV as per the decision by the FAC in its meeting held on 26.04.2018 and communicated to the SG vide letter dated 18.05.2018 till date. Further, a delay in processing the proposal for approval under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 is significant and hence for this delay and continued usage of the forest land for non-forestry purpose penal NPV for the area under construction/broken up shall be levied excluding the time before submission of the proposal by the State Govt. to the Ministry i.e. 27.10.2021.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Bengaluru and ACCF cum Nodal Officer, Govt. of Karnataka, recommended the proposal for grant of '*in-principle*' approval for *ex-post facto* approval for diversion of 89.92 ha of forest land in Tavaraghatta Village Sy.No.14 and Singanamane Village Sy.No.16 both in Kasaba Hobli, Bhadravathi Taluk, Shivamogga District and Byrapura Village Sy.No.37, Kasaba Hobli, Narsimharajapura (NR) Taluk, Chikkamagaluru District for establishment and development of Kuvempu University Campus for academic activities in favour of Registrar, Kuvempu University, Jnana Sahyadri Shankaraghatta, Shivamogga District, Karnataka State, subject to the general, standard and following specific conditions:

- i. The penalty for violation shall be equal to NPV of forest land (**area under construction/broken up**) per hectare for each year of violation from the date of submission of the proposal by the State Govt. to the

Ministry i.e. 27.10.2021 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. Action shall be initiated against the violation of the Adhinyam under section 3A/3B, by the State Forest Department/Regional Office (as applicable).

### Agenda No. 3

File No: 8-21/2020-FC

**Sub: Proposal for diversion of 64.86 hectare of forest land (60.66 ha. for mining + 4.2 ha. for approach road) in Swamimalai (SM) Block Forest, near Dharmapura village, Sandur Taluk, Ballari District for Narsimha Iron Ore Mine ML No.0023 [an auctioned C-category mine] from erstwhile lessee Sri H.G. Rangangouda [Old ML No. 2148] in favour of M/s MSPL Limited [New ML No. 0023], Hosapete, Ballari District (Lol holder) -regarding (Online Proposal No. FP/KA/MIN/39986/2019).**

1. The agenda item was considered by the AC in its meeting held on 05.03.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. Inspector General (Central), RO, Bengaluru and Nodal Officer, Government of Karnataka 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. 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 Government of Karnataka vide letter dated 30.09.2020 forwarded a proposal to obtain prior approval of the Central Government, in terms of the Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.
  - ii. The proposal relates to the transfer of auctioned C-Category mine and involves 64.86 hectare of forest land (60.66 ha. for mining + 4.2 ha. for approach road) of existing approvals granted in favour of erstwhile lessee i.e. Sri H.G. Rangangouda [Old ML No. 2148] to in favour of M/s MSPL Limited [New ML No. 0023], Hosapete, Ballari District .
  - iii. The previous mining lease for ML No. 2148 was renewed under the MMDR Act, 1957 by Govt. of Karnataka for 20 years from 21-07-1992 to 20-07-2012.
  - iv. The proposal was previously considered four times in the AC meeting held on 23.12.2021, 15.07.2022, 21.09.2022 and 11.09.2023.
  - v. The Ministry vide letter of even No. dated 25.09.2023 has granted the transfer of FC approval subject to the certain conditions.
  - vi. Now, the Govt. of Karnataka vide letter No. FEE 39 FFM 2020 (e) dated 21.01.2025 has forwarded the PCCF (HoFF), Government of Karnataka vide letter No. KFD/HoFF/A5-1(MNG)/51/2018-FC dated 06.01.2025. In this letter the PCCF (HoFF) has informed that the Ministry of

Environment, Forests and Climate Change, New Delhi vide letter 25.09.2023 has approved the proposal for diversion of 64.86 hectare of forest land (60.66 ha. for mining + 4.2 ha. for approach road) in Swamimalai (SM) Block Forest, near Dharmapura village, Sandur Taluk, Ballari District for Narsimha Iron Ore Mine ML No.0023 [an auctioned C-category mine] from erstwhile lessee Sri H.G. Rangangouda [Old ML No. 2148] in favour of M/s MSPL Limited [New ML. No. 0023]. Hosapete, Ballari District (LoI holder), subject to fulfilment of certain conditions. Accordingly, the Government of Karnataka vide letter dated 05.10.2023 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:  
**"ii. 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;**

**iii. 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.**

**iv. 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."**

- vii. In the light of approval accorded by the MoEF&CC, Government of India and Government of Karnataka, vide letter 18.10.2023 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.
- viii. Accordingly, the Deputy Conservator of Forests, Ballari Division has entered into "Forest Lease Agreement" with M/s. MSPL Limited, Hospete (ML. No. 023/2148) (Agreement No. 05/2024-25 dated 12.09.2024). The said Agreement has been registered at the Sub-Registrar, Sandur with Registration No. SNR-4-00042-2024-25 Dt.13.09.2024 and on the strength of the Agreement signed, the Deputy Conservator of Forests, Ballari Division has issued the Working Permission on 13.09.2024 for a period of one year with effect from 25.09.2023 [i.e., upto 24.09.2024].
- ix. 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 25.09.2023 within a period of one year (i.e. till 24.09.2024), the Deputy Conservator of Forests, Ballari Division

has stopped the mining activities in leased Forest area of 64.86 ha of Mining lease (FC Area).

- x. 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: 25.09.2023 to the Deputy Conservator of Forests, Ballari Division.
- xi. Accordingly, the Deputy Conservator of Forests, Ballari Division vide letter dated 17.12.2024 has submitted the Compliance Report to conditions imposed in the FC transfer order of MOEF&CC Government of India vide dated: 25.09.2023 to the Conservator of Forests, Ballari Circle who in turn has submitted the same to PCCF (HoFF) office vide letter dated 21.12.2024.
- xii. 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 25.09.2023 is given as below:

| Sl. No. | Condition   | Compliance Report   |
|---------|---|---|
| 1       | Lease transfer charges @ 10% of the NPV or ₹1,00,000/- (1 Lakh) 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:   | The User Agency (MSPL Limited) has remitted of ₹10,00,000/- towards payment 'Transfer fee' vide UTR No. SBINR12024090446032977 Dt. 04.09.2024.<br>The Details of payment made enclosed.<br><b>Remarks:</b> The payment status of the payment made by the new lessee is showing paid on PARIVESH portal.   |
| 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. | Initially, M/s MSPL has identified CA land in Sy. No. 3 of Hulanda Gunji Hobli, Khanapura Taluk Belagavi District over an extent of 60.66 hectares for this mining lease. Due to non-availability of revenue records, the above land was not mutated in favour of Forest Department.<br><br>However, the User Agency (M/s. MSPL Limited) has identified Compensatory Afforestation (CA) land Sy. No. 8/1, 8/2 & 8/3 of Holada Village, Gunji Hobli Khanapura Taluk Belagavi District over an extent of 64.86 hectare of forest land (60.66 ha for mining + 4.20 ha for approach road). The said land is transferred and mutated in favour of Forest Department vide Mutation No.MR H2/2024-25 Dt. 12.12.2024. [RTC, Mutation, Sale deed, CA suitability Certificate, Maps & Kml files are |

|              |  | <p><i>enclosed.</i></p> <p>Further, as per CA suitability certificates issued by the Deputy Conservator of Forests, Belagavi Division, Belagavi vide letters dated: 19/21.12.2024 &amp; 03.01.2025, the following degraded forest land (DFL) identified for raising of Compensatory Plantation.</p> <table border="1"> <thead> <tr> <th>Sl. No</th> <th>Project Extent (In ha)</th> <th>DFL land identified in</th> <th>DFL extent for raising of Compensatory Plantation (In Ha)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>60.66 (For Mining area)</td> <td>Sy. No. 264 of Rustumpur Village, Yamakanmardi Hobli, Hukkeri Taluk, Belagavi District</td> <td>60.66</td> </tr> <tr> <td>2</td> <td>4.20 (For Approach Road)</td> <td>Sy. No. 129 of Kaitnal Village, Gokak Hobli &amp; Taluk, Belagavi District</td> <td>4.20</td> </tr> <tr> <td colspan="3"><b>Total</b></td> <td><b>64.86</b></td> </tr> </tbody> </table> <p>Map of degraded forestland [which identified for Afforestation], CA suitability Certificate &amp; Kml files are enclosed.</p> | Sl. No  | Project Extent (In ha) | DFL land identified in | DFL extent for raising of Compensatory Plantation (In Ha) | 1 | 60.66 (For Mining area) | Sy. No. 264 of Rustumpur Village, Yamakanmardi Hobli, Hukkeri Taluk, Belagavi District | 60.66 | 2 | 4.20 (For Approach Road) | Sy. No. 129 of Kaitnal Village, Gokak Hobli & Taluk, Belagavi District | 4.20 | <b>Total</b> |  |  | <b>64.86</b> |
|--------------|--|---|---|------------------------|------------------------|---|---|-------------------------|--|-------|---|--------------------------|--|------|--------------|--|--|--------------|
| Sl. No       | Project Extent (In ha)   | DFL land identified in  | DFL extent for raising of Compensatory Plantation (In Ha) |                        |                        |   |   |                         |  |       |   |                          |  |      |              |  |  |              |
| 1            | 60.66 (For Mining area)  | Sy. No. 264 of Rustumpur Village, Yamakanmardi Hobli, Hukkeri Taluk, Belagavi District  | 60.66   |                        |                        |   |   |                         |  |       |   |                          |  |      |              |  |  |              |
| 2            | 4.20 (For Approach Road)   | Sy. No. 129 of Kaitnal Village, Gokak Hobli & Taluk, Belagavi District  | 4.20  |                        |                        |   |   |                         |  |       |   |                          |  |      |              |  |  |              |
| <b>Total</b> |  |   | <b>64.86</b>  |                        |                        |   |   |                         |  |       |   |                          |  |      |              |  |  |              |
| 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 activities;                                     | <p>Details of payment made by erstwhile lessee i.e., Sri. H.G. Ranganagoud and new lessee M/s. MSPL Limited for this instant proposal over an extent of 64.86 hectare of forest land (60.66 ha for mining + 4.20 ha for approach road) are enclosed.</p> <p><b>Remarks:</b> The payment status of the payment made by the new lessee is showing paid on PARIVESH portal.</p>  |   |                        |                        |   |   |                         |  |       |   |                          |  |      |              |  |  |              |
| 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 | <p>The User Agency (M/s. MSPL Limited) has not submitted complete compliance of conditions as stipulated in the FC transfer order of MOEF&amp;CC Government of India vide dated: 25.09.2023 within a period of one-year (i.e., till 24.09.2024), In this regard, the Deputy Conservator of Forests, Ballari Division has stopped all the mining activities in leased Forest area of 64.86 ha of Mining lease (FC Area) with effect from dated 24.09.2024.</p>   |   |                        |                        |   |   |                         |  |       |   |                          |  |      |              |  |  |              |

|   |   |  |
|---|---|--|
|   | 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 08.07.2003, 07.12.2006 and 05.02.2007 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> | <p>The erstwhile lessee M/s. H.G. Ranganagoud had obtained Forest Clearance over an extent of 68.21 ha [i.e, 41.16 ha (vide GOI Dt.08.07.2003), 23.75 ha (vide GOI Dt.07.12.2006) &amp; 3.30 ha (vide GOI Dt.05.02.2007)] for Mining Lease No.2148 under Forest (Conservation) Act, 1980.</p> <p>Out of 68.21 ha, as per CEC digitization map and e- auctioned by the Department of Mines &amp; Geology, 64.86 ha 60.66 ha for mining lease and 4.20 for Approach Road] is transferred to the new lessee i.e.. M/s. MSPL Limited, Hospet and it does not include 3.30 ha of forest area for which FC was obtained by the erstwhile lessee i.e. M/s. H.G.Ranganagoud on 05.02.2007. Hence, Compliance Report with respect to this 3.30 hectare is not submitted.</p> <p>Therefore, Compliance Report to conditions stipulated in approval letter dated 08.07.2003 (for 41.16 ha) &amp; 07.12.2006 (23.75 Ha) of Government of India are enclosed.</p> <p>Further, the User Agency (M/s. MSPL Limited) has identified Compensatory Afforestation (CA) land in Sy. No. 8/1, 8/2 &amp; 8/3 of Holada Village, Gunji Hobli, Khanapura Taluk Belagavi District over an extent of 64.86 hectare of forest land (60.66 ha for mining + 4.20 ha for approach road). The said land is transferred and mutated in favour of Forest Department vide Mutation No.MR H2/2024-25 Dt. 12.12.2024. Further, The mutated non-forest land for CA Purpose is yet to be notified as RF/PF.</p> <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/HGR/2019-20 Dt.12.12.2024 which is enclosed.</p> |
| 6 | <p>The State Government shall ensure the compliance of the relevant guidelines/clarifications issued by this Ministry of Environment, Forest and Climate Change and directions of the Hon'ble</p>   | <p>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 undertaking to this effect which is enclosed.</p>  |



|    |   |   |
|----|---|---|
|    | Supreme Court with regards to cases involving transfer of C-category mines;   |   |
| 7  | 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 vide Ref (8) has stated that the User Agency (M/s. MSPL Limited) has submitted the undertaking to this effect which is enclosed.  |
| 8  | 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 vide Ref (8) has stated that the User Agency (M/s. MSPL Limited) has submitted the undertaking for payment of Additional NPV which is enclosed.  |
| 9  | 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 vide Ref (8) has stated that the User Agency (M/s. MSPL Limited) has submitted the undertaking to this effect which is enclosed.  |
| 10 | 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-I & II from Deputy Commissioner, Ballari vide letter No.BLR-DC-33011/19/2020-BLRDC_FOREST-BALLARI DC dated 06.12.2022 for an extent of 64.86 hectare of forest land (60.66 ha for mining + 4.20 ha for approach road). Copies of the FRA Certificate with complete annexures and translated copies are enclosed. |
| 11 | The user agency shall abide by any other condition that may be stipulated by the Central Government/Regional Offices/State Government in future in the interest of conservation, protection and development of forests & wildlife:              | 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 undertaking to this effect which is enclosed.  |
| 12 | The State Government and the user agency shall comply 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 Ref (8) has stated that the User Agency (M/s. MSPL Limited) has submitted the undertaking to this effect which is enclosed.  |

xiii. The KML file of the non-forest and degraded forest land has been checked on the DSS and following have been observed on the DSS:

- a. **Proposed Compensatory Afforestation (CA) Land (60.66 ha and 4.20 ha)-NFL:** CA has been proposed in two patches over non-forest land. Details given below:

| S. No. | CA Details   | No. of Patches | Proposed area (ha) | Software calculated area (ha) |
|--------|--|----------------|--------------------|-------------------------------|
| 1      | 60.66 ha in respect to Narasimha iron ore mine   | 1              | 60.66              | 60.70                         |
| 2      | CA land over an extent of 4.20 ha in respect to approach road of Narasimha iron ore mine | 1              | 4.20               | 4.20                          |

- b. The proposed CA sites are falling in non-forest land (as per the recorded forest area (RF/PF) boundary available on DSS). Further, the same has been verified with the help of Survey of India Topo sheet map and it is found that the proposed CA land is not falling in RF/PF.
- c. **Proposed Compensatory Afforestation (CA) Land (60.66 ha and 4.20 ha)-DFL:** As per the recorded forest area (RF/PF) boundary available on DSS, the CA has been proposed in two patches over degraded forest land to compensate the balance seedlings. The details are given below:

| S. No. | CA Details  | No. of Patches | Proposed area (ha) | Software calculated area (ha) |
|--------|---|----------------|--------------------|-------------------------------|
| 1      | 60.66 ha in respect to mining area (Sy. No. 264 Rustumpur village)                          | 1              | 60.66              | 59.18                         |
| 2      | CA land over an extent of 4.20 ha in respect to approach road (Sy. No. 129 Kaitnal village) | 1              | 4.20               | 4.20                          |

- xiv. Further, it is noted that the instant matter is a case, wherein the final approval is already issued to the earlier lessee and after re-auctioned of the mine the same was transferred to the current lessee by the Ministry vide letter dated 25.09.2023 with a specific condition to comply with pending compliance especially pertaining to CA land with a working working permission of 1 year. While considering the approval for transfer of the FC, the required CA land details were not provided and accordingly, transfer of FC was comply the stipulated conditions including CA land required.
- xv. The UA was not able to provide the CA land within the stipulated 1 year time and accordingly the mining operations were stopped by the State Govt.
- xvi. In the meantime, the Ministry has issued guidelines vide letter dated 17.12.2024 (Copy Enclosed) read with letter dated 17.01.2025 clarified that final approval in such cases wherein notification of the CA land (NFL) as forest is pending can be done provided that the CA land is transferred and mutated in favour of forest department.

- xvii. The UA has provided the required CA land to the SFD, which is duly mutated and transferred in favour of the SFD. As per letter by PCCF and by State Govt. Accordingly, the UA is seeking working permission with respect to the Narasimha Iron ore Mine (erstwhile Lessee of M/s H.G. Rangana Gouda ML.No.2148) as per the approval granted for the transfer of FC by the Ministry dated 25.09.2023.
- xviii. In the earlier granted approval, the condition to notify the CA land was within 6 months of the final approval. This was a general condition in approvals granted earlier till 2019. After 2019, the condition was to notify the identified CA lands prior to final approval.
- xix. Now with the new guideline the requirement of notification has been modified for issuance of final approval, however as per the guideline the notification of the said land is to be done before handing over of the diverted land.
- xx. With regard to the instant proposal the following may be noted:
- a. This is a case of already approved of transfer of FC approval vide Ministry's letter dated 25.09.2023 in respect of the already approved proposals in favour of erstwhile lessee by the Ministry in the following matter:

| S. No. | file no.          | Subject   | area approved (in ha) | date of approval       |                | Remarks  |
|--------|-------------------|---|-----------------------|------------------------|----------------|--|
|        |                   |   |                       | in-principle' approval | final approval |  |
| 1.     | 8-158/1991-FC     | Mining lease renewal in favour of Shri H.G. Ranganagowda for iron and ore in Bellary District for and area of 60.7 ha of forest land  | 41.16                 | -                      | 11.11.1992     |  |
| 2.     | 8-05/2003         | Renewal of mining lease NO.2148 in favour of W s H.G.Rangangoud over 41.16 ha. of already broken-up forestland in district Bellary, Karnataka.  | 41.16                 | -                      | 08.07.2003     | Transferred to the new lessee i.e. MSPL (Total area 41.16 + 23.75 = 64.91 ha |
| 3.     | 4-KRC246/2006-BAN | Diversion of 23.75 ha. of forest land (19.55 ha. for mining & dumping, and 4.20 ha. for approach road) in Dharmapura village, S.M. Block, Sandur Taluk, Bellary District for grant of mining lease in favour of Sri. H.G. Rangan Gowda, Hospet. | 23.75                 | 05.10.2006             | 07.12.2006     |  |
| 4.     | 8-5/2003-FC       | Diversion of additional 3.30 ha of forest land for dumping of waste material in respect of already approved proposal (for diversion of  | 3.30                  | 29.06.2006             | 05.02.2007     | Not transferred.   |

|  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|
|  |  | 41.16 ha of already broken-up forest land) for Mining Lease No. 2148 in favour of H.G. Rangan Goud in Bellary district of Karnataka. |  |  |  |  |
|--|--|--|--|--|--|--|

- b. The area is already broken up and it is a C-category mine, allocated through e-auction to the current UA as being the successful bidder.
- c. The current user agency is providing the required CA land and other CA levies as the CA lands offered by previous lessee i.e. HG Ranganagowda as compensatory lands (C&D Lands) were identified as forest land by the State Forest Department and compliance as per guideline was due and current UA was asked for providing the same by the Ministry and the State Forest Department while considering the proposal for transfer.
- d. The matter was deliberated in detail by AC in its meeting held on 11.09.2023 as Agenda No. 10, the MoM of the same is placed at (Enclosed). After the approval of the competent Authority on the recommendation of the AC, the Ministry has been granted transfer approval vide letter dated 25.09.2023 with specific conditions.
- e. As per the working permission the mine was operated by the current UA during the intervening period accordingly. Therefore the question of the land handing over does not arise.
- f. As the UA was not able to provide the CA lands (mutated and transferred to State Forest Department) within one year, the State Forest Department has stopped the mining operation.
- g. The ministry has not issued any orders wrt the mine closure in the instant proposal. However, Ministry vide letter 01.01.2025 has issued clarification with regard to working permission.
- h. The instant case is not for final approval for any fresh diversion but a case of transfer of FC approval as per prevalent rules and guidelines of this Ministry, so the aspect of handing over of the already broken up area of a C-Category mine given to a successful bidder after e-auction is not a case for consideration in the instant matter. Therefore, the aspect wrt the handing over of land in this case need to be considered differently than in a case of

- fresh land diversion and its approval as stipulated in the guidelines issued dated 17.12.2024 (para ii).
- i. The notification of the CA land as mutated and transferred by the UA in this case is primarily a responsibility of the State Govt. since UA is completing the compliance wrt the CA land and levies which was due as of non-compliance by the earlier lessee and prevalent rules and guidelines.
  - xxi. Considering the points as stated in the para (xx) above with regard to the instant case, accordingly the State government may be advised to allow the mining operation to the UA provided that the State Govt. notify CA land (NFL) within six month of time and the copy of the said notification shall be uploaded on the Parivesh Portal and be sent to the Ministry to ensure the compliance that the transferred and mutated CA land is notified as forest land.
  - xxii. The erstwhile lessee i.e. Sri. H.G. Ranganagoud and new lessee M/s. MSPL Limited has deposited all CA levies for this instant proposal.
  - xxiii. In view of the above, taking the all facts related to the proposal the matter was discussed by the Advisory Committee mainly on the following issues
    - a. Taking details of the CA land being offered on record.
    - b. Recording the views of the State in the meeting.
    - c. For advise of the AC on timeline for notification of the CA land proposed in the matter.
    - d. To get the approval and transfer of FC amended to that extent.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DIGF (C) Regional Office representing DDGF(C), Bengaluru and Nodal Officer, Govt. of Karnataka. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended to accept the CA land being offered by the user agency, which is also transferred and mutated in favour of the State Forest Department. With regard to the time line for notification of the CA land as PF/RF the Committee accepted the recommendation of the State Nodal Officer to give a time period of six months as being allowed in the earlier granted approval, wherein the condition to notify the CA land was within 6 months of the final approval. Further, the Committee recommended that the other compliances of the conditions stipulated in the approval dated 25.09.2023 have been completed and accordingly as requested by the user agency and recommended by the Nodal Officer the mining operations by the user agency are permitted during the stipulated six months period allowed for completing the notification process of the said CA land. Accordingly, the Committee recommended that the transfer approval granted on

25.09.2023 by the Ministry stands modified with the following specific conditions:

- i. The State Govt. shall submit the copy of the notification of the already transferred and mutated CA land over NFL within the six month time from the date of issue of the letter of the Ministry in this regard. The State Govt. is further advised to strictly adhere to the time line and no further extension shall be considered in this regard. Further it shall not be treated as norm for any other similar cases, and such cases shall be decided on the merit of the case, on case to case basis only.
- ii. The State Govt. shall ensure that the KML file of the area diverted and identified for CA (NFL and DFL) shall also be uploaded on the E-green watch portal with in the given time frame of six month only.

#### **Agenda No. 4**

**File No: 8-112/2006-FCVol.**

**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 14.00 ha Reserved Forest land in Compartment No. 454 of Junnadev Vishala Village of Jamai Range for Bharat Open Cast Coal Mine Phase-II in favour of M/s Western Coalfield Limited in Chhindwara District, Madhya Pradesh State (Online No. FP/MP/MIN/26356/2017) - regarding.**

1. The agenda item was considered by the AC in its meeting held on 05.03.2025. 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 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 Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Madhya Pradesh vide their letter No. F-1/FP/MP/MIN/26356/2017/3478 dated 21.10.2021 submitted the proposal for prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 14.00 ha Reserved Forest land in Compartment No. 454 of Junnadev Vishala Village of Jamai Range for Bharat Open Cast Coal Mine Phase-II in favour of M/s Western Coalfield Limited in Chhindwara District, Madhya Pradesh State.
  - ii. The density of the proposed forest is reported as 0.4 under the Eco class 4.
  - iii. The Compensatory Afforestation has been proposed over Degraded Forest land (twice in extent to the forest land proposed to be diverted)

- under Chhindwara Forest Division of Madhya Pradesh State comprising an area of 29.760 ha.
- iv. The proposal of 14.00 ha lies in the Compartment No. 454 and the Ministry in the past has already approved proposal for diversion of 68.704 ha forest land for underground mining and another proposal for diversion of 19.500 ha forest land for open cast mining in favour of M/s Western Coalfield Limited in the same Compartment No. 454. This implies that the State Govt./User agency is submitting the proposals in piecemeal.
  - v. The State Government has informed that earlier the user agency has taken permission for underground mining of 68.704 ha of forest land. Due to the geographical condition of this land, there was a need for open cast mining in it and in the year 2016, permission was taken for open cast mining in 19.50 ha forest area. It has been informed that as per the present requirements, there is a need for open cast mining in 14 ha of forest area and it is also possible to do open cast mining in the remaining area in the future, but this work will be done in the remaining area only when it is economically justified.
  - vi. The proposal has not been recommended by CF Chindwara and CF, Chindwara has mentioned in his report that the Chindwara Van Mandal has done plantation over 14.00 ha area as a mitigation measure stipulated for the diversion of 19.5 ha forest land earlier and now the same area is being proposed for diversion.
  - vii. The State Government has informed that, the user agency will provide funds for plantation in 28 ha of degraded forest land in the form of compensatory afforestation and 28000 saplings will be planted in the degraded forest area earmarked for CA. Apart from this, the user agency will also provide the funds for raising the saplings in view of the plantation carried out by the Forest Development Corporation on the proposed forest land over 14.00 ha area.
  - viii. It has been reported that 14 ha forest land is required due to change in technology and extraction of substantial coal which is locked up in protective barrier within 68.704 ha diverted forest land for under-ground mining.
  - ix. The proposal was earlier considered in by the AC in its meeting held on 11.09.2023 wherein the Committee deferred the proposal and sought the following details :
    - a. *The State shall submit the justification for submitting the proposals for open cast mining in piecemeal.*
    - b. *As per DSS analysis of the KML file submitted with the proposal, the forest area within the mining lease has been found to be 150.453 ha. The DSS cell has used the boundary of forest available on State Forest website for analysis purpose. The State shall therefore recheck the forest area involved and take necessary action for the correction of forest area involved or for the correction of the forest boundary available on the website of the State Forest department.*
    - c. *The copy of approved mining plan under which the 19.5 ha area was worked by way of open cast mining shall be provided.*

- d. *The State Govt. shall submit approved Mining plan involving details of presently proposed 14.00 ha area showing vital project components like safety zone, external dump, infrastructure, approach road etc.*
  - e. *The purpose wise breakup of the 14 ha area involved in the instant proposal shall be submitted.*
  - f. *The 19.5 ha mined out area has not been reclaimed so far. The justification for not reclaiming the same along with the reclamation plan which was supposed to be implemented shall be submitted.*
  - g. *The State shall submit point-wise status of the compliance of the conditions stipulated in the approvals accorded earlier along with the justification for non-compliance of the stipulated conditions.*
- x. The said recommendations of AC has been communicated to the State Govt. vide Ministry letter dt. 18.09.2023.
  - xi. The information was submitted by APCCF (LM) and Nodal Officer, Govt. of Madhya Pradesh vide letter dated 24.01.2025 and was apprised to the committee by the Member Secretary.
  - xii. The Committee noted that the State Govt. has reported that the forest approval for 68.704 ha forest land was obtained on 17.07.2008 for underground mining only without disturbing the surface of forest land. However, due to tough Geo-Mining conditions, the Underground Mining operations were not carried out and Opencast Mining in Phases manner involving small patches have been planned considering the economic viability of the said project and other geographical factor likes fault etc. Accordingly, proposal for diversion of 19.50 ha was submitted for Phase I of Opencast Mining operation against which forest approval was accorded on 17.01.2015. After the exhaustion of coal reserves in Phase-I Patch of 19.50 Ha the instant proposal for diversion of 14 ha forest land in which Opencast Mining in Phase-II will be carried out has been submitted and the open cast mining in WCL is carried out in phase manners which is already communicated in the EIA/EMP of the Project submitted to Ministry based on which the EC was accorded.
  - xiii. The Committee observed that the User Agency has submitted Mining Plan including Mine Closure Plan for Bharat OC Patch approved by WCL Board in its 366<sup>th</sup> meeting held on 20.07.2024. As per revised Mining Plan, the total land involved in the project is 111.489 Ha out of which 68.704 Ha is forest land & 42.785 Ha is non-forest land.
  - xiv. The Committee further noted that the purpose-wise break-up of 14.00 ha forest land proposed for diversion is submitted which is as follows:
    - a. Safety Zone: 1.40 Ha.
    - b. Open Cast Mining Area: 12.60 Ha.
    - c. Infrastructure: Nil.
    - d. External Dumping: Nil.
  - xv. The Committee also observed that the State Govt. has reported that out of 19.50 ha land, the mined out land is 12.86 ha only out of which 5.08 ha land has been technically reclaimed (backfilled) as on date. The balance void of 7.78 ha area will be backfilled from OBR



generated through Phase-II involving 14 Ha forest land (instant proposal). The State Govt. has also submitted the point-wise status of compliance for earlier diverted 19.50 Ha forest land.

xvi. The committee further noted that the Regional Office, Bhopal vide their letter dated 31.08.2023 has submitted the Site Inspection Report wherein the proposal is recommended.

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 '*in-principle*' approval for diversion of 14.00 ha Reserved Forest land in Compartment No. 454 of Junnadev Vishala Village of Jamai Range for Bharat Open Cast Coal Mine Phase-II in favour of M/s Western Coalfield Limited in Chhindwara District, Madhya Pradesh State subject to the General and Standard conditions.

#### Agenda No. 5

File No: 8-119/2011-FC

**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 255.177 ha of forest land for underground coal mining of Maori Coal Block in favour of M/s. Western Coalfields Ltd. in Chhindwara district of Madhya Pradesh State (Online No. FP/MP/MIN/1049/2011) - regarding.**

1. The agenda item was considered by the AC in its meeting held on 05.03.2025. 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 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 Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Madhya Pradesh vide letter dated 09.11.2011 submitted a proposal to obtain prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 255.117 hectares of forest land in favour of M/s. Western Coal Limited for underground coal mining of Maori Coal block in Chhindwara district of Madhya Pradesh.
  - ii. The proposal was earlier considered by the Advisory Committee in its meeting held on 17.09.2012 wherein AC after examination of the proposal noted as below:
    - a. *The Maori Coal block is one of the 68 coal blocks located within the PENCH Kanhan Coalfield;*

- b. *The Maori Coal Block having total 338.268 hectares area contains 61.675 hectares of Protected Forest, 193.442 hectares of Reserved Forest land, 28.123 hectares of revenue forest land and 55.028-hectare revenue land;*
  - c. *As per the user agency, due to difficult geological conditions it is not economically viable to undertake mining in the 28.123 hectares of revenue forest land and 55.028 hectare of revenue land. The proposal for diversion of 255.117 hectares of Reserved and Protected Forest and Reserved Forest land located within the block has only been submitted;*
  - d. *The forest land required for opening/incline of the mine is not included in the proposal. Even if the approval for diversion of the forest land included in the proposal is accorded by the Central Government, it will not be feasible for the user agency to operate the mine, till approval for diversion of the forest land required for opening/incline of the said mine is obtained; and*
  - e. *The proposal does not contain soft copy and duly authenticated hard copy of geo-referenced map of the forest land proposed for diversion prepared by using differential GPS or Total Station, as has been stipulated by the MoEF.*
- iii. The AC after detailed deliberations recommended that the proposal will be considered after visit of the Chairman and members of the AC to the Pench Kanhan Coalfield and cumulative assessment of impact of mining in all 68 coal blocks located within the block is completed.
- iv. The AC further recommended that meanwhile the State Government of Madhya Pradesh may be requested to submit a consolidated proposal for entire forest land, including incline/opening etc. required for extraction and evacuation of coal from the said mine. The 28.123 hectares of revenue forest land and 55.028 hectare of revenue land in which as per the user agency, due to difficult geological conditions, it is not economically viable to undertake mining, shall be formally excluded from the mining block before submission of the revised proposal.
- v. The revised proposal to be submitted by the State Government shall contain all essential documents including a soft and duly authenticated hard copy of georeferenced map prepared by using differential GPS or Total Station.
- vi. The Chairman AC along with other official of the Ministry visited the Pench Kanhan field in January 2013. Nothing pertaining to this Block has been indicated in the report of the visit of the Chairman, FAC to the Pench Kanhan coalfield.
- vii. The Government of Madhya Pradesh vide their letter dated 18.10.2014 and 14.03.2014 submitted a reference indicating coordinates of each corner point of the forest land proposed to be diverted and also the user agency vide letter dated 18.10.2014 has submitted a representation in the Ministry.
- viii. The Ministry vide letter dated 02.12.2014 requested the State Govt. to provide their comments on the content of user agency letter dated 18.10.2014 and also requested to complete the process for settlement of rights in accordance with the provision of the Scheduled Tribes and

- other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- ix. The State Govt. vide their letter dated 24.08.2023 has submitted their reply (after a gap of nearly 10 years) in reference to Ministry letter dated 02.12.2014 and provided the copy of FRA certificate dated 29.07.2017 issued by District Collector, Chhindwara. Further the State Government vide their letter dated 07.11.2023 has submitted the additional information in reference to the Ministry letter dated 06.10.2023 and submitted that on account of limited requirement the user agency require to reduce the land and applied 48.918 ha for open cast mine, incline mouth and other surface infrastructure for renewal under MCR, 1960. In this regard, the Ministry vide letter no. 8-113/2011-FC dated 02.07.2015 has issued Stage-II/ Final approval for the proposal for diversion of 48.918 ha of forest land in favour of M/s Western Coalfields Ltd. for infrastructure development in their Mohan Colliery Open Cast Phase-II project located in Chhindwara district of Madhya Pradesh.
- x. The State Government also reported that regarding AC recommendation for excluding the 28.123 hectares of revenue forest land and 55.028 hectare of revenue land in which as per the user agency, due to difficult geological conditions, it is not economically viable to undertake mining. In this regard, the user agency submits its stand that since the above said land has already been notified under Sec. 11 (1) of CBA (A&D), 1957, therefore, it is not possible to the user agency to exclude the said land (28.123 ha and 55.028 ha) from the notified area of 338.268 ha.
- xi. The Site inspection has been carried out by Dy. DGF, RO, Bhopal and as per site inspection report it has been reported that the area was observed to be highly undulating with a small hillock in the middle. The vegetation in the area is falling in the category of open forest with a density varying from 0.1- 0.5. There was no encroachment noticed in the area. No activity was observed to be undertaken by WCL in the area and hence no violation was observed. The same was confirmed from the local forest officials.
- xii. Thereafter the said proposal was again considered by the Advisory Committee in its meeting held on 14.11.2023 wherein committee observed that the approved copy of the mining plan has not been submitted and the State Govt. was requested that to submit the copy of approved mining plan and to ensure that the land use proposed in the instant proposal is in conformity with the mining plan. A comparative analysis of the proposed landuse/component wise breakup vis-à-vis the mining plan shall also be submitted.
- xiii. The State Govt. has submitted the information including the Mining Plan & Mine Closure Plan approved by WCL Board in its 361st Meeting held on 24.02.2024 along with Comparative Analysis of the proposed land use/ component wise breakup vis-à-vis the mining plan was submitted.
- xiv. The committee observed that the Mining Plan & Mine Closure Plan has been approved by WCL Board in its 361st Meeting held on 24.02.2024

along with Comparative Analysis of the proposed land use/ component wise breakup.

- xv. The committee also noted that all the major and minor infrastructure required for the Maori UG mine have been constructed on 13.605 Ha forest land which is part of 48.918 ha land already diverted vide Ministry letter no. 8-113/2011-FC dated 02.07.2015. The proposed diversion of 255.117 ha forest land is for Under-ground mining only.
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 '*in-principle*' approval for diversion of diversion of 255.177 ha of forest land for underground coal mining of Maori Coal Block in favour of M/s. Western Coalfields Ltd. in Chhindwara district of Madhya Pradesh State subject to the General, Standard and following specific conditions:
- i. The User agency shall take up the plantation/stock improvement measures in the mining lease area wherever possible in consultation with the forest department.

### Agenda No. 6

**File No: 8-85/2005-FCVol.**

**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 53.142 ha forest land in compartment No PF-261, Waidhan Range of Singrauli Forest Division for Khadia Expansion Open Cast Coal Mine Project by M/s Northern Coalfields Ltd. (NCL) under Singrauli District of Madhya Pradesh State (Online No FP/MP/MIN/149270/2021) - regarding.**

1. The agenda item was considered by the AC in its meeting held on 05.03.2025. 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 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 Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Madhya Pradesh vide their letter No. F-1/844/2023/10-11/695 dated 31.01.2024 forwarded a proposal 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 53.142 ha forest land in compartment No PF-261, Waidhan Range of Singrauli Forest Division for Khadia Expansion Open Cast

- Coal Mine Project by M/s Northern Coalfields Ltd. (NCL) under Singrauli District of Madhya Pradesh State.
- ii. The State Govt. reported that proposed forest land for diversion is having crown density of 0.5 with Eco-class 3 wherein total of 27342 nos. of trees have been marked for felling.
  - iii. It has been further reported that Khadia Expansion Opencast Coal Mine Project is an expansion project of existing Khadia project (10 MTPA). Existing Khadia project has produced 15 MT coal during FY 2023-24. Board of Directors of Coal India Ltd. has approved Mining Plan of Khadia OCP (20 MTY) on 24.04.2024. Peak coal production of the Expansion project will be 20 MTPA. To achieve the 1 BT coal production plan of the Central Govt, Khadia Expansion OCP will contribute 20 MT coal. Khadia Expansion OCP has linkage with Anpara Thermal Power Station. It will also serve as a basket linkage to meet overall demand of coal of NCL. As on 01.04.2023, total 180 Million Tonne (35.46 Million Tonne in forest land to be acquired) in coal will be left in Khadia Expansion OCP which will be mined in the next 12 years. Continuation of mining operation is the need of the country for fulfillment of energy requirement of the nation. After completion of mining, total area will be reclaimed as per approved Mine Closure Plan i.e. backfilling of voids and afforestation etc. before hand over to Forest Department. Establishments created over the already acquired land of existing Khadia OCP shall continue to be used for whole life of the Khadia Expansion OCP. Coal mining projects are site specific industry because mining is possible only where coal exist. In the proposed diversion of forest land, the project report has been approved by the NCL Board. The coal seams fall underneath the forest land. The component wise requirement of forest land is as under:

| Sr. No.      | Component        | Forest Land (ha.) |
|--------------|------------------|-------------------|
| I.           | Mining of Coal   | 51.975            |
| II.          | Safety Zone area | 1.167             |
| <b>Total</b> |                  | <b>53.142</b>     |

- iv. The State Govt. has informed regarding status of reclamation measures undertaken by the user agency in their lease area that till 31.03.2024, the overburden dump is spread over an area of 208.89 ha, and the plain area of 156.5 ha, i.e., a total area of 365.39 ha has been biologically reclaimed which is in line with the approved mining and mine closure plan prepared for 20 MTPA.
- v. The State Govt. has reported that the proposed forest land is not falling in the Wildlife Sanctuary/ National Park/ Biosphere Reserve/ Tiger Reserve/ Elephant corridor etc. However, "Integrated Wildlife Plan of Singrauli Region" was prepared by NCL through Indian Institute of Forest Management (IIFM), Bhopal in the year 2020 and submitted to Forest Department, State Govt. of MP. In compliance of the instruction from Forest Department, State Govt. of MP, an amount of Rs. 21.34 Cr as per the plan was deposited in CAMPA Account on 23.12.2020.
- vi. The State Govt. has informed that as per the approved Mining Plan for 20 MTPA capacity, the Coal dispatch of produced coal of 20 MTPA by Khadia Expn. OCP (20 MPTA) will be handled by existing CHP of

capacity 10.00 Mtpa and an upcoming 4 Mtpa CHP with RLS. Balance coal will be handled by existing Krishnashila CHP, wharfwall and proposed western stream of CHP. A part of the above mechanism coal may be dispatched by road as per the Govt. guidelines. Therefore, No additional forest land is required by Khadia Expansion Opencast Project for the purpose of coal evacuation.

- vii. The Committee raised the concern regarding the safety zone in adjoining mines wherein the Nodal officer, Govt. of Madhya Pradesh informed that Mines adjoining to Khadia Opencast Project are Dudhichua OCP and Krishnashila OCP of the same owner i.e. M/s. Northern Coalfields Limited located in the West side in the East side respectively. The coal seams namely Purewa Top, Purewa Bottom and Turra of Singrauli coalfields are lying continuous. Khadia OCP and its adjacent mines namely Krishnashila OCP & Dudhichua OCP are operating on the same continuing seams. The adjoining mines extract coal in sequential operation at barrier so as to extract maximum coal. Plantation at this stage shall sterilize 36 Million Tonne of coal, which will be against the principal of resource optimisation. Further, any coal left shall catch fire due to spontaneous heating which shall further aggravate environmental damage and will create Safety hazard. Further, it was reported that for the purpose of safety zone of 6 Ha, Rs. 45.00 Lakhs has been deposited to DFO Singrauli, MP Forest Department vide SBI DD No.211008 dated 29.10.2009 for Rs. 18 Lakhs required for fencing construction, safety and regeneration of safety zone plantation and vide SBI Bank DD No. 210210 dated 06.10.2009 for Rs. 27 lakhs, required for plantation of 1.5 times of the safety zone area (1.5 time of 06 Ha i.e. 09 Ha) at other degraded area.
- viii. The committee noted that the mining operation have been started date back to year 1981-82 in the Khadia Project. In this reference, the Nodal officer, Govt. of Madhya Pradesh apprised the committee that as per approved Mining plan of 20 MTPA of Khadia OCP, the total forest land involved in the mine lease area is 904.765 ha out of which 240.765 ha forest land is in the Madhya Pradesh State. The details of approved forest land conveyed by the Ministry, New Delhi during time span is as under:

| S. No        | Forest Area (Ha)   | Forest Clearance Status  |
|--------------|--------------------|--|
| 1            | 664 Ha in UP State | letter no. 8-298/87-FC dated 30.07.1990.<br>Pg.                            |
| 2            | 180 Ha in MP       | letter no. 8-85/2005-FC dated 14.09.2010.                                  |
| 3            | 7.623 Ha in MP     | letter no. 8-58/2005-FC dated 13.08.2007 (Being transferred from Bina OCP) |
| 4            | 53.142 Ha in MP    | Application in process   |
| <b>Total</b> | <b>904.765</b>     |  |

- ix. The committee noted that as per the DSS analysis, 32 ha of land is characterized with Very Dense Forest and 21 ha of land is having Moderately Dense Forest and 1 ha is Non-forest/ Non-wooded in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019.

- x. The State Govt. has informed that during the field inspection of PF 261, a total of 6 sample plots were made in the proposed forest land and tree counting was carried out. and it was found that there are 514.5 trees per hectare. Accordingly, in the total area of 53.142 hectares, 27,342 trees were found. In the remaining area, plants of the girth class below 20-20 centimetres are abundantly available. Due to the abundant growth of plants with a diameter below 20 centimetres and the new sprouting, the area appears to have dense forest as depicted through satellite imagery.
- xi. The DDGF(c), RO, Bhopal apprised the committee that the proposed area is hilly with undulating terrain, sandy loam soil having excellent depth. There were few seasonal streams noticed in the area which were found to be dry at the time of inspection. There is no any major stream flowing across the area. The area is having excellent forest growth with canopy density varying from 0.4 to 0.5. The area is having very little biotic interference like grazing, as a result of which there is excellent regeneration of species such as *Shorea robusta*, *Diospyros melanoxylon*, *Butea monosperma*, *Buchnania lanzan*, *Terminalia tomentosa*, *Terminalia arjuna*, *Terminalia bellirica*, *Phoenix*, etc. The area is far away from (more than 10 km) the nearest protected area and is not falling in any wildlife corridor. Therefore, the area seems to be very less important from wild life point of view. There were no encroachments or any non-forestry activities found in the area and hence there is no violation by the User Agency in the proposed area. Further, informed that the Khadia Coal mine project is already in running condition and coming close to exhausting the reserve in already diverted forest area. As the NCL has to maintain the current production of Coal, they have applied for diversion of 53.142 ha of additional Protected Forest area falling in their approved lease, for further continuance of mining of Coal by open cast method.
- xii. The Nodal officer, Govt. of Madhya Pradesh apprised the committee that as per the Mining plan, numerous seasonal nalas flowing through the area and meet the master drain the Rihand dam (Govind Ballabh Pant Sagar) which is located south of this area. Tippa Jharia nala drains the Khadia (Expansion) OCP area in north and Ballia nalla drains this OCP in south and meet the Gobind Ballabh Pant Sagar. The user agency has prepared a detailed for the conservation and protection of the seasonal stream and the comments/ NoC from the Water Resources Department, Singrauli on the proposed measures and impacts have been obtained through letter no. 671/Technical/2024 dated 27.04.2024
- xiii. The committee observed that the Compensatory Afforestation (CA) has been proposed over Non-Forest/ Revenue land in the Village: Ghughari Range Hatta, Khasra No 73, Damoh District of Madhya Pradesh State.
- xiv. The committee further noted that the proposal is for Khadia Expansion Open Cast Coal Mine Project and previously the Ministry vide letter No 8-85/2005-FC dated 14.09.2010 has approved diversion of 180 ha forest land for Khadia Project of Northern Coalfields Limited (NCL) in Sidhi District and the State Govt. has reported that the forest diversion approval was combinedly obtained for 1305 Ha forest land for

Dudhichua and Khadia OCP. However, considering mining and operational feasibility, out of the 750 Ha, only 664 Ha is within the leasehold area of the Khadia OCP. The remaining land lies in Dudhichua OCP. Both Khadia and Dudhichua OCP are projects and owned by Northern Coalfields Limited and the said Forest Clearance was combinedly obtained for Khadia and Dudhichua OCP. Hence, considering only 664 Ha forest land in Khadia Area in Uttar Pradesh, total forest land in Khadia Expansion OCP comes 904.765 Ha. Further the Satellite imagery indicates non-compliance with the safety zone requirements in the Khadia and adjoining mines. The State Government has acknowledged that the mines in question—Khadia OCP, Krishnashila OCP, and Dudhichua OCP—operate under Northern Coalfields Limited with continuous coal seams. The sequential extraction method aims for optimal resource utilization, but removing the safety zone could lead to spontaneous coal combustion, posing environmental and safety risks. Moreover as per the Mining plan, it has been reported that numerous seasonal nalas flowing through this area and meet the master drain the Rihand dam (Govind Ballabh Pant Sagar) which is located south of this area. Tippa Jharia nala drains the Khadia (Expansion) OCP area in north and Ballia nalla drains this OCP in south and meet the Gobind Ballabh Pant Sagar.

- xv. The committee observed that the instant project is spread over two states and the approvals for diversion of forestland have been accorded at different intervals of time and the present proposal refers to the transfer of area from one project to another. Keeping various issues involved, it would be prudent to get the area inspected by a sub-committee, which shall analyse the proposal in holistic manner and submit a detailed report.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and the Nodal Officer, Government of Madhya Pradesh. After going through the facts of the proposal, the Committee recommended that:

To examine the proposal in holistic manner, keeping in view the facts of the case and other ecological considerations important for considering such proposals, a Sub-Committee shall visit the project area and submit a detailed report. The Sub-Committee shall comprise of the following members:

- a. Shri Nityanand Srivastava, Non- Official Member of Advisory Committee.
- b. DDGF (Central), Regional Office, MoEF&CC, Bhopal.
- c. Shri Suneet Bhardwaj, AIG(FC) MOEFCC.

The above sub-committee will be assisted by APCCF-cum-Nodal Officer, Government of Madhya Pradesh for all needful support and logistics.

#### **Agenda No. 7**

**File No: FC-II/MH-165/2021-NGP**



**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 12.07 forest land for Sakhari-Irawati (Pouni III) Opencast Mine Project in Reserve Forest Compartment No. R-603 in favour of M/s Western Coalfields Limited in Chandrapur District of Maharashtra State (Online No. FP/MH/MIN/8832/2014) - regarding.**

1. The agenda item was considered by the AC in its meeting held on 05.03.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra 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 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 Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Maharashtra vide letter no. FLD-3616/CR-01/F-10 dated 10.06.2021 submitted the proposal seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to the Regional Office, Nagpur. Thereafter the instant proposal has been forwarded by Regional Office, Nagpur to the Ministry for further needful as per the delegation of power under Rule 10 sub rule (2) of Van (Sanrakshan Evam Samvardhan) Rules 2023.
  - ii. The proposal involves the diversion of 12.07 ha Reserved forest land for extraction of Coal in Pouni-III Opencast Mine Project of M/s WCL Chandrapur District of Maharashtra State.
  - iii. The proposed forest land for diversion is having canopy density of 0.4 and Eco-class 3 and no tree felling is involve d in the proposed diversion area.
  - iv. It has been observed that 12.07 ha land in Survey No. 440/1 of Sakhri village was made available by the Revenue Department for compensatory afforestation in lieu of affected forest area for Dongargaon tank project and the said 12.07 ha land was notified as Reserve forest vide Govt. of Maharashtra Gazette Notification dated 29.01.2014. This 12.07 ha land was proposed as Reserved Forest (U/s 4 of IFA, 1927). Notification u/s 20 is awaited.
  - v. The State Govt. has reported that the instant proposal is part of capacity expansion of existing Pouni III Opencast Mine Project where mining operation over non-forest land are ongoing. The total lease area is 1152.66 ha, out of which 1140.59 ha is non-forest and remaining 12.07 ha is Forest Land. It has been further reported that the forest land is proposed for quarry only and other activities are proposed outside the forest area. The summary of components of project is as follow:

| Component | Area |
|-----------|------|
|-----------|------|

|                       |   |
|-----------------------|---|
| Quarry:               | 295.35 Ha (incl. <b>12.07 ha of forest land</b> ) |
| External OB:          | 308.90 Ha   |
| Infrastructure:       | 10.00 Ha  |
| Rationalisation:      | 336.41 Ha   |
| Blasting Zone:        | 200 Ha  |
| Colony Land (Hostel): | 2.00 Ha   |
| <b>Total Land:</b>    | <b>1152.66 ha</b>                                 |

- vi. The total area requirement of project is 1152.66 Ha. Out of which 1050.99 Ha is agriculture land, 89.60 Ha is Govt. land and 12.07 Ha is forest land. a Mining Plan by excluding the Forest Land and adjacent non-forest land (for maintaining mine geometry) has been prepared as Phase-I with area of 1095.52 Ha. The Phase-1 Mining Plan was prepared for an area of 1095.52 Ha for which approval of WCL Board was accorded on 26.12.2018. Environment Clearance was issued vide no. J-11015/80/2016-LA.II (M) dated 28.03.2019 for area of 1095.52 Ha. With a directive that fresh proposal for EC or amendment therein, shall be submitted to take into account the additional land after receipt of Stage-1 forest clearance for the forest land of 12.07 Ha. WCL has prepared Mining Plan for 1152.66 Ha (including Phase-1& Phase-11) which was approved by the WCL Board on 09.09.2023 against which acquisition of 1105.95 Ha has been done and balance land of 46.71 Ha land is under acquisition process.
- vii. The safety zone of 7.5 meters is proposed all along the inner boundary of 1152.66 Ha Mine Boundary. The forest land falling inside the safety zone is 0.161 Ha which will be left untouched so as to maintain safety zone all around inner boundary of the proposed forest area as per provisions of MoEF&CC.
- viii. The Wildlife Management Plan of Rs. 20 lakhs was prepared by the State Govt. however the DCF, Chandrapur certified that the proposed area does not falls within 10 km distance to any wildlife sanctuary, Nation park, Tiger reserve etc. The State Govt. has reported that the proposal is technically scrutinized to verify that project falls in 'Tiger Corridor or not. After scrutinizing the project details, it was found that Sakhari village & concerned project falls within tiger corridor joining TATR & Indravati tiger reserve as per Telemetry data of Wildlife Institute of India. Also, there is high probability that non-forest area which is part of project may also overlap this corridor which can be ascertained with KML files of project area. Keeping this in view a Wildlife Management Plan of Rs. 20 Lakh was prepared by the Dy. Conservator, Central Chanda, Chandrapur and was submitted with the proposal. In addition, the user agency has submitted a Wildlife Clearance proposal vide proposal No WL/MH/MIN/QRY/504961/2024 on Parivesh portal for obtaining Wildlife clearance. The committee noted that as per DSS analysis no wildlife sanctuary, National park,

- Tiger reserve and Tiger corridor is located within 10 KM buffer distance from the forest land proposed for diversion.
- ix. The State Govt. has informed that the proposed forest land in the instant proposal i.e. 12.07 hectares in Survey No. 440/1 of Sakhri village was made available by the Revenue Department for compensatory afforestation in lieu of affected forest area for Dongargaon tank project and the said 12.07 ha land was notified as Reserve forest vide Govt. of Maharashtra Gazette Notification dated 29.01.2014.
  - x. As per DSS analysis the forest area within the project boundary was found to be 32.653 ha area. However, the State has clarified that the actual forest area involved in the project is 12.07 ha only. The Committee observed that there is a need to take requisite measures to correct the digital boundaries of forest land available on the DSS portal.
  - xi. The committee observed that the proposal was considered in the Advisory Committee meeting held on 27.01.2025 wherein it was noted that the Compensatory Afforestation in the proposal has been proposed over 24.14 ha degraded forest land in Compartment No 567 in Ballarpur Range, Central Chanda Division, District Chandrapur of Maharashtra State. However, the Regional Office, Nagpur has not visited the said degraded forest land for CA and the recommendation of the RO, Nagpur on the proposed CA land over DFL is not available in their site inspection report and the Regional Office, Nagpur was requested to examine the requirement of Compensatory Afforestation in the instant proposal in view of latest guidelines issued by the Ministry and shall inspect the degraded forest land proposed for Compensatory Afforestation in the instant proposal and accordingly submit a report along with clear recommendations within a week.
  - xii. The said recommendations was communicated to the Regional Office, Nagpur vide Ministry letter dated. 03.02.2025.
  - xiii. In this reference, the RO, Nagpur has submitted their site inspection report of the degraded forest area identified for CA purpose along with KML file.
  - xiv. The Dy. DGF (Central), RO, Nagpur appraised the committee that earlier the State Govt. has identified an area of 25 ha of degraded forest area in Compt. No. 451 & 452 of Ballarshah Range against the proposed diversion. During the field inspection it was found that, the State Forest Department in the year 2024 has carried out plantation under some other schemes over the said degraded forest land and SMC works has also been carried out in the area. Hence, it was found that scope for taking up of new planation in the same area is not possible. Accordingly, the Nodal Officer (FCA, Maharashtra State Forest Department vide letter dated 06.02.2025 submitted the details of the revised CA area and other supporting documents i.e. Revised CA scheme, kml, maps site suitability certificate issued by the DCF, Central Chanda Forest Division. Further, during inspection it was observed that, the newly identified degraded forest area of 25.00 ha in Compt. No. 452 of Ballarsha Range is free from encroachments and

the area is approachable and found to be suitable to take up the plantation.

- xv. The committee noted that the Regional Office in its site inspection report has recommended the newly identified degraded forest area of 25.00 ha in Compt. No. 452 of Ballarsha Range for CA plantation.
  - xvi. The Nodal Officer informed that the WCL has applied for the wildlife clearance for the project and has also given an undertaking that the Mitigation measures suggested by the NBWL/SBWL will be implemented by the WCL. It was further **informed that the project area is not a part of any protected area; however, it is located within** tiger corridor joining TATR & Indravati tiger reserve as per Telemetry data of Wildlife Institute of India.
  - xvii. The State has informed that 12.07 ha forest land is coal bearing area from which coal extraction will be done. The Committee observed that no tree felling has been proposed whereas the density of forestland has been indicated as 0.4. The state has to find out the exact number of trees involved and ensure that the minimum tree felling is done in a phased manner.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Nagpur, the Committee recommended '**in-principle**' approval for diversion of 12.07 forest land for Sakhari-Irawati (Pouni III) Opencast Mine Project in Reserve Forest Compartment No. R-603 in favour of M/s Western Coalfields Limited in Chandrapur District of Maharashtra State subject to the General and Standard and following specific conditions:
- i. The State shall initiate and take up the matter for the correction of digital forest boundaries with FSI in case of the non-forest area, which is within forest boundary as per DSS Analysis in the instant project.
  - ii. Safety zone with effective green belt around the entire mining lease area shall be maintained as per guidelines in the matter.
  - iii. Mitigation measures as suggested by the NBWL/SBWL/Wildlife Management plan as applicable shall be implemented at the cost of the user agency.
  - iv. The state shall intimate the exact number of trees involved in forest area and ensure that the minimum tree felling is done in a phased manner.

### Agenda No. 8

File No.: FC-II/MH-216/2023-NGP

**Sub: Proposal for Ex-post facto approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 6.0760 ha of reserved forest land for laying of 220 KV Kalmeshwar substation to 220 KV Warud substation transmission line in favour of MSETCL, EHV Project Division, Amravati in Taluka - Katol, District-**

**Nagpur in the State of Maharashtra (Online No. FP/MH/TRANS/38296/2019) - regarding.**

1. The agenda item was considered by the AC in its meeting held on 05.03.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra 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 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 Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Maharashtra vide letter no. FLD-2022/CR-309/F-10 dated 17.04.2023 submitted the proposal for diversion of 6.0760 ha forest land for laying of 220 KV transmission line seeking prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to the Regional Office, Nagpur.
  - ii. The density of vegetation has been given as 0.4 Eco Class-I with 265 project affected trees.
  - iii. The State Govt. has informed that the CA land proposed is 12.50 ha. out of 18.65 ha. area identified from Compartment no. 251, Survey no. 328 of Village Kurhad. Taluka Ghatanji, District Yavatmal.
  - iv. The State Government has reported that there is violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The Project Authority has executed construction of 3 foundation & stringing at places on forest land on the survey no. 28, 63 of Salai Rithi & survey no. 21 of Bhajipani of Katol taluka and thereby carried violation of Adhiniyam, 1980 from the year 2014 to 2018.
  - v. The proposal was considered by Regional Empowered Committee meeting held on 06/08.02.2024 and examination of the proposal; found that the proposal involves works in violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980. The Committee noted that under the Van (Sanrakshan Evam Samvardhan) Rules 2023 adopted w.e.f. 01.12.2023, vide sub rule (16) (8) (ii) r/w sub rule 10 (2) & (5), the competent authority to process such proposals is the MoEF&CC, New Delhi as it involves ex-post facto approval for violation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam. 1980.
  - vi. The State Govt. has reported that the proposed forest area was originally recorded as Zudpi Jungle land which is now reserved forest (notified u/s 4 of IFA 1927). While the Project Authority has executed construction of transmission line from the year 2014 to 2018 in the proposed forest land which was then recorded as Zudpi Jungle in the revenue records and the notification of said land u/s of IFA 1927 was under process. Hence, the proposal for diversion of 6.076 ha forest land was inadvertently processed as diversion of Zudpi Jungle instead of Reserved Forest. However, during processing Part-II of the proposal it was clearly mentioned that the proposed forest land (zudpi jungle) has been notified under section 4 of IFA 1927 as Reserved Forest .

- vii. The State Govt. has reported that all 265 number of trees within the proposed forest land will be felled down while stringing/construction of transmission line and a separate plantation scheme of medicinal plants under the Row of transmission line along with financial outlay and species to be planted has been submitted. In addition, the User agency has submitted an undertaking to bear the cost of plantation of medicinal plants to be carried out within RoW under the supervision of State Forest Department.
  - viii. The State Govt. has informed that as per the DSS analysis, an area of 0.38 ha Protected Forest land in compartment on 78, Katol Range, Nagpur Circle has not been included in the proposal. In this regard, the State Govt. has informed that in DSS analysis Badobast Map boundary has been taken in consideration. But for the finalization of area village Bordoh (0.098 ha) existing resurvey map has been used which was prepared by land record department. Revenue authority's has resurveyed the land and has published reconciliation map in the year (1960-70) and resurvey map onward year 1974 and in this maps, some khasara boundaries has been introduced slight boundary changes compared to earlier bandobast maps. The Khasra No. 57 as per the 1911-12 Bandobast Map now corresponds to Survey No. 34 (Forest) in the updated revenue records. Parts of Survey Nos. 33, 32, 38, and 39 overlap with the original Khasra No. 57(comp. No. 78) the shift in the boundaries were carried out prior to 1980. These overlapping portions are recorded as private lands in the 7/12 extract, indicating a change in land status i.e. private as per revenue record has been carried out earlier. Though the legal status remains protected forest, the actual areas cannot be extracted as on today the maps have been changed during resurvey by revenue authority.
  - ix. The State Govt. has informed that the proposal passes through Bor-Pench Tiger Corridor in Eastern Vidharba Landscape. Total Wildlife area involved is 30.6845 ha. (non-forest area = 29.484 ha and forest area= 1.20 ha). Wildlife approval for proposal No. WL/MH/TRANS/450298/2023 under Wildlife (Protection) Act, 1972 was submitted to SBWL, which received approval from SBWL in its 22nd meeting on dt. 16.10.2023 and also approval from NBWL in 79th meeting dated 23rd August 2024 has been received.
  - x. The committee noted that the Dy. DGF (Central), RO, Nagpur has recommended the proposal subject to the imposition of penal provisions for the violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Nagpur, the Committee recommended '**in-principle**' approval for diversion of 6.0760 ha of reserved forest land for laying of 220 KV Kalmeshwar substation to 220 KV Warud substation transmission line in favour of MSETCL, EHV Project Division, Amravati in Taluka - Katol, District-Nagpur in the State of

Maharashtra subject to the General, Standard and following specific conditions:

- 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 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 applicable.
- iii. The Regional Office, Nagpur shall initiate action under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (as applicable).

### **Agenda No. 9**

**File No.: FC-I/MH-335/2023-NGP**

**Sub: Proposal for Ex-post facto approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 3.064 ha Protected/ Zudpi Forest land for laying of 220 KV Umred to Nagbhid Extra High Voltage electricity transmission project in Nagpur-Chandrapur District in the State of Maharashtra in favour of EHV Project Division, MSETCL, Nagpur (Online No. FP/MH/TRANS/44469/2020) - regarding.**

1. The agenda item was considered by the AC in its meeting held on 05.03.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra 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 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 Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Maharashtra vide letter no. FLD-2022/CR-306/F-10 dated 16.06.2023 submitted the proposal for diversion of 3.064 ha forest land for laying of 220 KV transmission line seeking prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to the Regional Office, Nagpur.
  - ii. The proposed line requires total diversion of total 3.064 ha forest land, out of which 0.066 ha is under Nagpur Forest Division & 2.998 ha under Brahmapuri Forest Division.
  - iii. The Density of vegetation has been given as 0.4 Eco Class-III with 386 project affected trees.
  - iv. The proposal involves works in violation on the Zudpi jungle (under possession of Revenue Department) comprising an area of 0.066 ha where in no excavation, foundation & erection of tower is done only the

- conductor of route length of 12 mtr in the survey no. 45 Sonegaon (Rithi), Bhivapur & 06 mtr in the survey no. 70, Kalandri (Rithi), Bhivapur passing through the Zudpi Jungle (Revenue Department) is done.
- v. The State Govt. has informed that the CA land proposed is 6.13 ha degraded forest land identified from Compartment no. 849, Range North Bramhauri, District Chandrapur.
  - vi. The State Government has reported that, the forest area proposed for diversion is part of Tiger Corridor identified by WII, Dehradun. The User Agency applied proposal under WL Protection Act 1972. The SC, NBWL in its 79h Standing Committee meeting conducted on 31.07.2024 considered the proposal approved vide Minutes of Meeting dated 23.08.2024. The SC NBWL recommended the proposal with certain specific condition and mitigation measures. Hence, the User Agency at the cost of the project shall comply with all such conditions imposed by the SC NBWL.
  - vii. The State Government has reported that none of the State Authority has issued an instruction/order to the Contractor/Agency to execute the work in Zudpi Jungle area coming in the Route of the Transmission Line. But, unknowingly the agency M/s Rounak Industries, Nagpur had lifted the conductor at (a) survey no.45, Vg-Sonogaon (Rithi), Taluka-Bhivapur (Route-12mtrs, Area- 0.045 Ha) and (b) survey no. 70, Vg-Kalandri (Rithi). Taluka-Bhivapur (Route-06 mtrs, Area-0.021 Ha) having status of Zudpi Jungle (Revenue Forest Land) which is not in possession of Forest Department.
  - viii. Further reported that only 18mtr stringing of conductor was carried out by the Contractor/Agency without any excavation in Forest/Zudpi Jungle Land. Further no civil construction, no felling of trees is done in the forest/Zudpi Jungle Land. However, 18mtr stringing work was done to avoid theft of conductor, materials and to avoid hurdles to the local cultivators and residents. Moreover, the Transmission Line has not been commissioned.
  - ix. As the proposal involves violation of the Adhiniyam, 1980 therefore the Regional Office, Nagpur has forwarded the instant proposal to the Ministry for further processing as per the provisions of Rule 10 Sub-rule (2)(v) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.
  - x. The Dy. DGF (Central), RO, Nagpur in their site inspection report has reported that the State Forest Department identified an extent of 6.13 ha of degraded forest area in Compt. No. 849 in North Bramhapuri Range and inspected the area on 06.02.2025. During the inspection, it was found that the area is open forest devoid of any vegetation and area is free from encroachments /other encumbrances. The area is suitable for planation. The area is approachable and as a CA scheme was prepared earlier, revised CA scheme with prevailing wage rate and provision of chain link fencing and solar borewell to be included.
  - xi. The committee noted that the Dy. DGF (Central), RO, Nagpur has recommended the proposal subject to the imposition of penal provisions for the violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.



4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Nagpur, the Committee recommended '**in-principle**' approval for diversion of 3.064 ha Protected/ Zudpi Forest land for laying of 220 KV Umred to Nagbhid Extra High Voltage electricity transmission project in favour of EHV Project Division, MSETCL in Nagpur-Chandrapur District in the State of Maharashtra subject to the General, Standard and following specific conditions:
- 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 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 applicable.
  - iii. As recommended by the Regional Office in the SIR, the revised CA scheme with prevailing wage rate and provision of chain link fencing and solar borewell shall be prepared and submitted.
  - iv. The Regional Office, Nagpur shall initiate action under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (as applicable).

#### **Agenda No. 10**

**F. No. 8-27/2023-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 338.74 ha of forest land for Coal Mining in Barjora (North) Coal Mine Block in favour of West Bengal Power Development Corporation Limited (WBPDC), Bankura District, West Bengal (Online Proposal No. FP/WB/MIN/43000/2019)-reg.**

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 05.03.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Nodal Officer (FCA), West Bengal and DDGF (Central), Sub-office Kolkata under the jurisdiction of Regional Office, Bhubaneswar 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 for consideration. 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 Committee noted that Government of West Bengal vide proposal No. FP/WB/MIN/43000/2019 uploaded the above subject proposal on

PARIVESH portal on 17.10.2023 for seeking prior approval of Central Government under Section 2(1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- ii. Legal Status of forest land is Protected Forest and density of vegetation is 0.4 (Eco class 3) with total 67,755 nos. of project affected trees.
- iii. Compensatory afforestation has been proposed over 340.36 ha. Non-forest identified in 53 patches located under the Bankura, Medinipur, Birbhum, Alipurduar, Purulia & Jalpaiguri Districts of West Bengal. DFO concerned has given Site Suitability Certificate.
- iv. The state has informed that the proposed forest land is adjacent to the already mined out area in non-forest land. As reported by the State Govt. that the mining operation is continuing over the 260.14 ha non-forest land and coal stock over the non-forest land will be exhausted by December 2024. Therefore, new unbroken land as per approved mining plan is required for coal extraction to meet the coal demand for the Power Generation Plant of WBPDCCL.
- v. While the recommending the proposal, the DFO has mentioned that Barjora North Coal Mine Project is situated in one of the rich biodiversity areas of Bankura North Division. It's a single patch of approximately 2900 hectares of forest out of which the proposed Forest area of size 338.74 ha. lies at the north western edge of the forest patch. The landscape is significant in terms of ecological functions being an important habitat for the Asian Elephants. The area is rich in biodiversity with the presence of Sal and associates. Enumeration exercise brought out a total of 67755 trees in the proposed forest area. Besides the trees, the area is rich in shrubs and climbers which are also utilized by the Asian Elephants. There is an existing open cast mine at the northern edge of the proposed site. In view of employment generation and energy security, the project assumes significance. However, the project will also have a detrimental impact on the ecology. In order to balance the trade-off between energy security and ecological security, safeguard measures need to be in place to ensure that both interests are secured in a sustainable manner. Hence the proposal submitted by the West Bengal Power Development Corporation Limited for the diversion of 338.74 Ha of forest land under Forest Conservation Act, 1980 may be recommended in the larger public interest with the following conditions:
  - a. Since the proposed area is part of the adjoining forest area, a 100 m strip of bio fencing with high density plantation needs to be taken up to ensure that the impact of open cast mining on adjoining forest is minimized.
  - b. The advent of open cast mining would involve breaking up of land and removal of topsoil which might increase the vulnerability of the forest patch to soil erosion. Hence a Comprehensive Soil and Moisture Conservation Plan should be prepared and implemented to ensure that the damage to remaining habitat is minimized.
  - c. The proposed area is rich in terms of biodiversity especially floral diversity. The area is rich in trees, shrubs and climbers. An effort must be made to preserve the germplasm of the proposed site by developing similar micro habitats in other forest areas of South Bengal. The same may be incorporated in a Comprehensive Wildlife Conservation Plan.

- d. Advent of open cast mining will affect the existing habitat of elephants - through reduction of habitat size and consequent disturbance to adjoining forest due to mining activity. Hence adequate measures are required in a Comprehensive Wildlife Conservation Plan in order to safeguard the remaining habitat in Barjora, to develop similar habitats in South Bengal and to take measures to mitigate Human-Elephant Conflict.
  - e. Since the area is densely populated, adequate protection measures need to be in place to minimize Human-Elephant Conflict throughout the route of Elephants. These measures can be Elephant Proof Trenches, Energized Fencing, Watchtowers, Engagement of Rapid Response Teams, Elephant Trackers, Vehicles for quick response etc. The same should be incorporated in a Comprehensive Wildlife Conservation Plan.
  - f. Livelihoods invariably get affected in Elephant affected villages- through crop & hut damage and restriction on movement. Livelihood security measures need to be in place in the form of compensation, crop support, solar lights, watchtowers and engagement of villagers as watchers. The same should be incorporated in a Comprehensive Wildlife Conservation Plan.
- vi. Further, the concerned CCF while recommending the proposal has mentioned that the Divisional Forest Officer has enumerated the floral diversity. The area adjoining to this forest cover was being used by Asian Elephants. By looking at the energy security of our nation on one side and the importance of conservation of precious biodiversity of our forest on other side, this case is being recommended with following prerequisites namely:
- a. The boundary line area between the proposed land to be transferred and the remaining forests should be covered with multi-layered fencing @ Energy fencing; Elephant proof trenches; patrolling path along with few watch towers at strategic locations; few layers of special plantation along the boundary areas; electric line (electrification), a Taskforce to guard the mining area @ 24x7 to avoid any undue incidence both for human being and wildlife are most important.
  - b. A comprehensive Biodiversity conservation plan to conserve the native fauna and flora of this area, which may be replicated in any suitable place at similar soil and forests area of south Bengal.
  - c. A scientific soil-moisture conservation plan is found to be essential at the adjoining forest cover to safeguard the local flora and fauna.
  - d. A long-term comprehensive wildlife conservator plan for the adjoining forest cover will take care of any human –wildlife conflict shortly.
  - e. Essential livelihood and support activities for the adjoining local inhabitants including Forest Protection committees, Forest Fringe population and forest –dependent dwellers will bring more peace and stability to the local area.
- vii. The Nodal Officer, Govt. of West Bengal has **not recommended** the proposal by giving the following reasons:
- a. The forest land proposed for diversion has 67,755 trees of Sal and associates, and is an elephant habitat.

- b. For a 22 year mining life this proposal essentially aims to permanently destroy 338.74 ha of rich Sal forest with biodiversity which cannot be replicated through any CA scheme in vogue.
- c. Equivalent ecological services including support to wild elephants cannot be transferred to any other service provider.
- d. Employment generation for mine workers cannot compensate for potential loss of human / animal life and property through escalated conflict scenarios which diversion of Barjora Sal forests will catalyze inevitably.

viii. The Nodal Officer has provided the following data of the on Human Animal Conflict (HEC) during the FY 2022-23:

**a. Elephant Compensation of Bankura (North) Division upto February 2023, during F.Y-2022-23:**

| Range           | Human Death |              | Human Injury |             | Crop Damage |              | Hut damage |              | Total        |
|-----------------|-------------|--------------|--------------|-------------|-------------|--------------|------------|--------------|--------------|
|                 | N o.        | Amount paid  | N o.         | Amount paid | Ha.         | Amount paid  | N o.       | Amount paid  |              |
| Sonamukhi       | 2           | 10,00,000.00 | 1            | 6,732.00    | 32.091      | 4,79,620.00  | 25         | 1,01,120.00  | 15,87,472.00 |
| Patrasayer      |             |              | 1            | 8,056.00    | 84.13       | 12,47,400.00 | 6          | 15,000.00    | 12,70,456.00 |
| Beliatore       | 2           | 10,00,000.00 |              |             |             |              | 85         | 3,59,100.00  | 13,59,100.00 |
| Barjora         | 3           | 15,00,000.00 |              |             | 57.36       | 8,50,440.00  | 167        | 5,46,900.00  | 28,97,340.00 |
| Chhatna         |             | 1,25,000.00  |              |             |             |              |            |              | 1,25,000.00  |
| G.Ghati         |             |              |              |             |             |              | 94         | 2,50,480.00  | 2,50,480.00  |
| Bankura (North) |             |              |              |             | 4.71        | 69,840.00    | 43         | 1,72,400.00  | 2,42,240.00  |
| Radhanagar      |             |              |              |             | 89.64       | 13,28,920.00 | 11         | 35,000.00    | 13,63,920.00 |
| Total           | 7           | 36,25,000.00 | 2            | 14,788.00   | 267.931     | 39,76,220.00 | 431        | 14,80,000.00 | 90,96,008.00 |

**b. Abstract of elephant movement report Bankura (north) division:**

| <b>No. of Elephant Presence Days (EPD) in Ranges under Bankura (North) Division:</b>    |                 |                 |                  |               |                  |             |               |                       |               |               |             |
|---|-----------------|-----------------|------------------|---------------|------------------|-------------|---------------|-----------------------|---------------|---------------|-------------|
| Month   | Sonamukhi Range | Belintore Range | Radhanagar Range | Barjora Range | Patrasayer Range | Mejia Range | G.Ghati Range | Bankura (North) Range | Saltora Range | Chhatan Range | Total (EPD) |
| Feb '23   | 29              | 65              | 12               | 1874          | 00               | 00          | 28            | 16                    | 00            | 00            | 2024        |
| Total no. of elephant presence days in this Division upto 28.02.2023,during F.Y-2022-23 |                 |                 |                  |               |                  |             |               |                       |               |               | 7023        |

| <b>Total Elephant Presence Days (EPD) &amp; their number</b> |  |                             |         |
|--|--|-----------------------------|---------|
| Month  | Number of elephant stay days in Division | Number of elephant (in Nos) | Remarks |
| Feb'23   | 28                                       | 72-74                       |         |

- ix. However, The CWLW has recommended the proposal and inter-alia mentioned that:
- a. The forest land proposed for diversion is not part of recognized elephant corridor. It is also not a passage that is used by elephants for accessing the river Damodar. The entry and exit to the Barjora elephant micro-habitat also lies on the opposite side of the proposed mining land. Thus, the proposed land diversion is not expected to impact established elephant migration route. T
  - b. here was no human death within five (5) kilometre radius from the proposed mining site in Barjora in last 3 years and the compensation paid against crop damage is a modest sum of ₹1.40,160/-. The compensation/ ex-gratia amount of ₹90.96 lakhs mentioned by the Nodal Officer, FCA is the accumulated dues for three years (2020-21, 2021-22 and 2022-23) for the entire Bankura (North) Division. The above account gives correct picture of the human-elephant conflict in the immediate vicinity of the proposed mining site.
  - c. The proposed site identified for diversion is part of the Barjora elephant habitat, but it lies at the norther-most edge of the habitat abutting the existing mining site. Citing empirical evidence, the DFO and CCF commented that the elephants are occupying the Barjora micro-habitat irrespective of ongoing mining operations. The land proposed for diversion supports a vegetation whose species composition is typical of Bankura (North) Division except for higher abundance of Mohul and Pial, (two elephant fodder species). The forest land falls in Overlapping Wildlife Management Working Circle.
  - d. In the recent years, there is a tendency of elephant herds staying longer period of time in Jhargram and Medinipur compared to Bankura (North).
  - e. Considering the above, it is estimated that the impact of the proposed project could be kept at a manageable level using extraction technology that does not require blasting and adopting the safeguards proposed by Divisional Forest Officer, Bankura (N) Division and Chief Conservator of Forests, Central Circle. The Proposal, therefore, is recommended
- x. Further, the State Government recommended the project subject to the following safeguards:
- a. Formulation of a comprehensive Wildlife Conservation Plan detailing the best practices to be adopted / implemented for the management of the Barjora micro- habitat.
  - b. Formulation of a comprehensive Soil Moisture Conservation Plan for overall stability of the forest landscape from erosion and for augmenting the water resources in the area.
  - c. Ensuring minimalistic change in the natural drainage system within the proposed forest diversion area.

- d. Maintaining international standards of coal extraction and following all the environmental norms as maybe specified for this project.
  - e. Maintaining safety zone of buffer zone around the mine area, as per norms.
  - f. Abiding by all such conditions as may be imposed for the reforestation and afforestation efforts for the overall forest ecosystem in the area post-mining.
- xi. After examination of the proposal, certain additional information/documents were sought by the Ministry vide letter dated 10.11.2023. The Government of West Bengal has forwarded the reply in the online.
  - xii. The area proposed for diversion is having very dense forest (VDF) over some portion which is falling under High Conservation Zone as per DSS analysis. Further, apprehensions have also been raised by the State Nodal Officer regarding the detrimental impact the mining in this area is likely to cause. The proposal has not been recommended by the State Nodal Officer. In this circumstances the State was requested to provide the detailed justification as to why the use of the proposed forest area for mining cannot be avoided and the State was also requested to explore mining in other areas before proposing mining in a biodiversity rich area. In this regard the State Govt. has informed that there is an existing open cast mine at the northern edge of the proposed site. In view of employment generation and energy security, the project assumes significance. In order to balance the trade off between energy securities an ecological security, ecological safeguard measures have been proposed in the form of Approved Wildlife Conservation Plan and Approved Soil Moisture Conservation Plan.
  - xiii. The State Government has informed that the diversion of forest land required for mining purposes only. As per User Agency, it has already established all infrastructure facilities such as Electricity Line, Coal Stock Yard and Coal Transportation Route etc. as per requirement in Non-Forest Land only. Surface layout plan showing existing Infrastructures such as electricity line and coal transportation route etc. have been provided.
  - xiv. The State Government has informed that the User Agency has prepared the revised cost benefit analyse as per new handbook of guidelines issued on dated 28.03.2011. Cost benefit is calculated 1:7.921.
  - xv. The State Government has informed that Approved Wildlife Conservation Plan as well as Approved SMC Plan has been prepared and approved. User agency also commits to pay the Lump Sum amount i.e. 0.2% & 0.5% of the project cost as per MoEF & CC circular dated 7 June 2023 towards implementation of Comprehensive Wildlife Conservation Plan and Comprehensive Soil Moisture Conservation Plan respectively as part of compliance of the condition if any delay occurs in approval of the said plans. User Agency has also committed to bear any additional cost to be incurred in respect of approved Wildlife Conservation Plan as we as SMC Plan.
  - xvi. Regarding some area between the two forest patches has not been included in the present diversion proposal, the State Government has informed that as per supporting documents provided by U/A, the mentioned Plot Nos. 2864 & 2873 are also part of the existing mining lease as per a schedule received from MoC, GOI.
  - xvii. The detailed component wise KML & breakup of Forest & Non-forest land has been submitted as per the details given below:

| Component                           | Forest (Ha)   | Non-Forest (Ha) | Total Area (Ha) |
|-------------------------------------|---------------|-----------------|-----------------|
| Mine Quarry including Back Filling  | 213.51        | 217.81          | 431.32          |
| Excavated Void                      | 105.85        | 72.49           | 178.34          |
| Top Soil Dump                       | 0.72          | 1.09            | 1.81            |
| Safety Zone                         | 3.85          | 4.74            | 8.59            |
| Nala Diversion                      | 7.20          | 4.07            | 11.27           |
| Road & Infrastructure               | 5.91          | 5.27            | 11.18           |
| Garland Drain                       | Nil           | 2.25            | 2.25            |
| Untouched Area/Mining Rights for UG | 1.05          | 36.58           | 37.63           |
| Others                              | 0.65          | Nil             | 0.65            |
| <b>Total</b>                        | <b>338.74</b> | <b>344.30</b>   | <b>683.04</b>   |

- xviii. No plantation work was carried out by the Forest department in Forest Land Proposed for Diversion in Village Ghutgoria, Survey No 2689.
- xix. The State Government has informed that diversion of Tartora Nala will be as per approved Mine Plan (2nd Rev.) of Barjora (North) Coal Mine. In this regard, necessary approval from authorities concerned shall be obtained by User Agency (if required). Undertaking has been received from User Agency.
- xx. Regarding suitability of the proposed CA land the State Govt. has revised the CA area and submitted the revised site suitability. The DFO Barnkua vide letter dated 25.01.2024 has submitted the site suitability certificate for 8.98 ha and 9.20 ha and stated that the patches are contiguous to existing forest. The land has growth of few shrubs, but it is mostly blank. Soil condition is suitable. Hence, the site is suitable for CA. Further, DFO Bankura (Norh Division has already provided site suitability certificate for 63.49 ha vide letter dated 13.03.2022.
- xxi. the State Government has informed that Barjora (North) Coal Block was earlier allocated to M/s DVC EMTA Coal Mines Ltd. Mining activity in Non-forest land of the block started in Jan, 2011 and production of coal continued till 31 March, 2015. Thereafter by order of Hon'ble Supreme Court the Coal Block was deallocated and reallocated by Gol to WBPDCCL vide letter no: 103/07/2015/NA dated 31.03.2015 as per Coal Mines (Special Provisions) Ordinance, 2014 with a provision of end use of coal for its Power Plants situated in West Bengal. After reallocation of Coal Block, WBPDCCL has obtained necessary approvals and started mining operation in 260.14 Ha in Non-Forest land. Mining Lease obtained by DVC EMTA has been transferred in favour of WBPDCCL by Gol. Hence working is continued in same Mining Lease Area in non-forest land. Detailed Chronology of Mining Lease both Non-forest & Forest land as well others requisite permissions has been provided by the UA in the proposal.
- xxii. Regarding proposed non-site specific activities on the forest land the State Government has informed that the component wise break-up of the area of 14.17 ha. (Other use). 11.18 (road & infrastructure area) and 37.63 ha (undisturbed area) which falls under forest land and non-forest land has been prepared by User Agency with justification as per Approved 2nd Revision Mine Plan & Mine Closure Plan.
- xxiii. The Regional Office, Bhubaneswar has carried out the site inspection report in this proposal. During the examination of the SIR it has been observed that the clear recommendation of the DDGF (Central) has not been provided.

However, they have mentioned that proposal may be considered subject to following conditions:

- a. The instant proposal is for diversion of 338.74 ha of forest land for coal mining in Barjora North Coal Mine Block in Bankura District of West Bengal by West Bengal Power Development Corporation Ltd. The legal status of forest land proposed for diversion is Protected Forest.
- b. The forest is Dry Deciduous Sal forests. The species enumerated for felling are Sal, Mahua, Pipal, Acacia and Eucalyptus. Total 67,755 nos. of trees enumerated to be felled. Out of which about 64,033 nos. (94% of total enumerated) of trees are less than 60 cm girth. Trees should be felled in a phased manner and when it is absolutely required to remove to minimize the adverse impact on the eco-system.
- c. It is reported that adjoining forest patch of Barjora has been utilized by the herd of Asian Elephants. The forest patch of Barjora is the terminal point of the migration route of Elephant and the proposed site of forest land is at north-western edge of the Barjora Forest Patch. The forest land proposed for diversion is not part of any recognized elephant corridor. The CWLW, West Bengal has recommended the proposal with the observation that "Considering the above, it is estimated that the impact of the proposed project could be kept at a manageable level using extraction technology that does not require blasting and adopting the safeguards proposed by the Divisional Forest Officer, Bankura (N) Division and Chief Conservator of Forests, Central Circle. The proposal therefore is recommended". To mitigate the impact of mining on wildlife available in the area, the State Govt. should implement Wildlife Conservation Plan duly approved by CWLW, West Bengal at the project cost.
- d. The "Tartora Nala" flows from west to east of the proposed mine boundary and needs to be diverted as per the approved Mining Plan. As per approved Mining Plan, total length of the diverted nalla will be 6.30 Km and based on the present flow, width and depth of the nala has been considered as 3 meter and 2.5 mter respectively. So, safety zone with plantation of at least 50 meter width may be maintained along the lease boundary close to nala. Efforts should be made to ensure that no discharge leads to the Tartora nalla from the mining lease area by constructing embankment towards the lease boundary of the river.
- e. Soil and moisture conservation measures may be done in forest landscape to check soil erosion and for recharging of ground water.
- f. The reclamation of mined out area will be undertaken as per the approved Progressive Mine Closure Plan. As reported by the inspecting officer, the previous allottee (DVC-EMTA) has already completed Rehabilitation and Resettlement as per the approved plan. No shifting of person is involved in the present revised Mining Plan.
- g. Since, the proposed forest land is part of the elephant micro-habitat, a proper bio-fencing need to be installed to prevent entrance of migrated Asian Elephants into mining lease area. Also during mining of the adjacent to the forest boundary, advanced technology should be adopted for blasting to minimize vibrations.



- h. Total 338.84 ha of non-forest land has been identified compensatory afforestation in lieu of diversion of 338.74 ha of forest land. Approximately, 30 ha of the non-forest land proposed for CA is adjacent to the forest boundary. As reported, identified non-forest land is suitable for plantation.
- xxiv. The committee observed that the PCCF(HoFF) has recommended the proposal however, his report is silent on the concerns raised by the Nodal Officer in recommendations. The details in this regard are required to be sought from the PCCF(HoFF).
- xxv. The Committee also observed that Barjora (North) Coal Block was earlier allocated to M/s DVC EMTA Coal Mines Ltd. Mining activity in Non-forest land of the block started in Jan, 2011 and production of coal continued till 31 March, 2015. Thereafter by order of Hon'ble Supreme Court the Coal Block was de-allocated and reallocated by GoI to WBPDCCL vide letter no: 103/07/2015/NA dated 31.03.2015 as per Coal Mines (Special Provisions) Ordinance, 2014 with a provision of end use of coal for its Power Plants situated in West Bengal. After reallocation of Coal Block, WBPDCCL has obtained necessary approvals and started mining operation in 260.14 Ha in Non-Forest land. Mining Lease obtained by DVC EMTA has been transferred in favour of WBPDCCL by GoI.
- xxvi. The Committee observed that the CWLW while recommending the proposal has mentioned that the impact of the proposed project could be kept at manageable level using extraction technology that does not require blasting. In this regard, the state may intimate whether the mining is proposed to be done with the extraction technology without blasting or otherwise.
- xxvii. The Committee observed that the compensatory afforestation has been proposed over non-forest land. The regional Office in the SIR has reported that about 169.41 ha area in Jalpaiguri district is in the riverine area of Teesta river. The suitability of the same has to be ensured. Further, it has been informed that during site inspection, only some of the areas proposed for CA in Bankura District were physically inspected. The Regional Office needs to inspect the remaining areas proposed for CA and ensure their suitability. A detailed report in this regard is required from the Regional Office.
- xxviii. The Committee observed that a brief profile of the lessee/company should be submitted giving details of their existing mining leases for coal in the State with their capacity of production, the present level of average annual production, location of these pits and the status of reclamation of forest land where mining is completed. Along with this, the State Government should also submit the details of all other coal-mining leases with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening the proposed mining lease on forest land.
- xxix. The "Tartora Nala" flows from west to east of the proposed mine boundary and needs to be diverted as per the approved Mining Plan. A justification for the diversion of the Nala needs to be submitted. The state shall examine the same and give a reasoned justification as to why the diversion of nala is essential and why it is not possible to retain the nala within the mining lease with a safety zone along the nala.
- xxx. The above facts were considered in the Advisory Committee meeting held on 14.10.2024. The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Bhubaneswar and Nodal Officer,

Government of West Bengal decided to defer the proposal. The Ministry vide letter dated 21.10.2024 requested the State Government to submit information as per recommendation of Advisory Committee. The State Government vide their letter no. 395-FR/O/L/10T-107/23 dated 21.01.2025 submitted their reply.

- xxxi. The State Government has informed that as per reply of user agency and as per Geological Report and Graphic Litholog Data of Boreholes of Barjora (North) Coal Mines, the top most strata (6m - 21m) approximately is alluvium and may not require blasting operation and can be excavated without blasting whereas in hard strata Blasting is essential for removal overburden. Controlled deep hole blasting technique will be used with electronic detonator as per DGMS guidelines, so that there will be no adverse impacts of blasting on surrounding flora & fauna. However, the coal mining will be done through surface minor without blasting method. The Blasting Operation will be done following the recommendations of Scientific Study of CIMFR & Guidelines of DGMS in order to keep the ground vibration & Sound etc. within threshold limit value that no harms will cause to flora & fauna Adequate numbers of blast induced ground vibration monitoring instruments & Noise Level Monitoring instruments will be used to monitor the vibration & noise for continuous check and balance mechanism to ensure that there is no harm to flora & fauna. Further control blasting technique will be adopted to eliminate the possibility generation of fly rocks as per Scientific Study Report by CIMFR. User Agency committed to adhere the norms of air over pressure/noise threshold level 136 dB(L) as per DGMS standard as recommended in scientific study report by CIMFR.
- xxxii. The State government has submitted the profile of WBPDCCL, of their existing mining leases for coal in the State wherein informed that - MoC GoI has allocated 6 coal blocks to WBPDCCL. Out of 6 WBPDCCL started coal production from 4 coal mines namely Pachwara (N), Barjora (N) Gangaramchak, Borjore and Tara (E&W) since 2018 onward. Reserve of Borjore exhausted Mine closure activity is under progress.
- xxxiii. The User Agency has informed that Tartora Nala, which is a seasonal Nala (3 km in length & avg. 20m in width within Mining Lease area) flows from west to east through the southern part of the proposed Forest Diversion area. Up to 10th year Nala will be remain in its original course and only after 10th year of mining operations it will be diverted as per Approved Mine Plan & Mine Closure Plan. It is essential to divert the Nala as because beneath the Nala approx. 2.5 million tonne Coal reserve is there and as per the approved Mine Plan & Mine Closure Plan, coal reserve cannot be left out without mining. As per Approve Mine Plan & Mine Closure Plan the detail diversion Plan of Tartora Nala and its Design & Section are attached. If WBPDCCL retain the Nala as it is, with a safety zone of both side from the Nala, approx. 2.5 million tonne of coal reserve will be blocked under the Nala. As per Approved Mine Plan & Mine Closure Plan, reserve cannot be left out without mining as this already taken within total extractable Coal reserve considering conservation point of natural resource and safe working of the mine.
- xxxiv. Justification for the diversion of the "Tartora Nala". There are mainly three reasons for diversion of Tartora Nala. Approved Mine Plan: As per approved Mine Plan & Mine Closure Plan, the entire Nala falling within Core Mining Zone, therefore diversion is essential. Stage Plan of 10th to 15th year is

Attached. Coal Reserve: Beneath the Nala approx. 2.5 million tonne coal reserve is there, which cannot be left out as per Approved Mine Plan & Mine Closure Plan by Ministry of Coal (MoC), Govt. of India. DGMS Safety Guidelines: As per DGMS circular No. DGMS/SOMA/(Tech) circular no. 02, dated 22nd May, 2024 Precaution against the danger of inundation due to the surface water & underground water have been provided under Regulations 149 & 150 of CMR, 2017, & DGMS Circular no. DGMS/SOMA/(Tech) Circular No. 02, dated 22nd May, 2024 attached. Therefore, if Nala is not diverted there will be threat of inundation during rainy season due to overflow and inrush of water by breaking the embankment when Mining Operations approach towards Nala.

- xxxv. Further, the DFO/CCF has mentioned that the Tartora Nala need to be diverted as coal reserve falls beneath the Nala. The diversion of Nala will be after 10 years of mining operation as per approved mining plan & mine closure plan and for that diversion plan submitted by User Agency is annexed.
- xxxvi. The PCCF (HoFF) vide their letter dated 31.12.2024 has informed that the specific concerns raised by the then Nodal Officer have been addressed in the recommendations made by the PCCF/Wildlife & Chief Wildlife Warden, West Bengal. The Barjora North Coal Mine proposal in favour of West Bengal Power Development Corporation Limited (WBPDC) is therefore recommended in public interest. Further, the State Government has also informed that Out of 2100 ha (approx.) of forest area in mouza Baguli, Barapukhuria, Ghutgaria, Manohar, Sharjora & Tikargram, 338.74 ha land is proposed for diversion. Out of total 338.74 ha area of this only 45 ha very dense, 107 ha moderately dense and 57 ha open forest area as per DSS analysis by MoEF & CC.
- xxxvii. In order to mitigate and balance the detrimental impact due to mining activity, State Forest Department has prepared the comprehensive Wildlife Conservation Plan & comprehensive Soil Moisture Conservation Plan with a Financial Outlay of ₹90,13,54,162/- and of ₹16,23,65,280/- respectively. Further compensatory afforestation scheme with a financial outlay of ₹22,27,54,343/- has been prepared implementation for the entire implementation cost will be borne by WBPDC. Further, the User Agency has committed to bear any additional plantation as compensatory measure, if directed by State Forest Department, WBPDC commits to adhere the instruction in totality. In post closure of the mine, the used forest land will be reclaimed biologically & technically and will be handed over to State Department prescribed norms. WBPDC, being a State PSU, is dedicated to compensate any impacts due to diversion of the forest land as per directions/guidelines of Forest Department. In view of the above the proposal of Forest Diversion may kindly be considered it is unavoidable in order to meet the Power requirement of the State of West Bengal.
- xxxviii. The State Government has informed that availability & suitability of 338.84 Ha Non-forest land has been obtained from Concerned Authority for Compensatory Afforestation (CA) against 338.74 Ha of Forest Land Proposed for Diversion. Further, the Regional Office, Bhubaneswar vide their letter No. FP/WB/MIN/43000/2019/49 dated 07.02.2025 submitted the CA site inspection report and recommendation of the Regional Office in response to Ministry's letter dated 20.10.2024.

- xxxix. The Regional Office, Bhubaneswar vide letter dated 07.02.2025 submitted the CA site inspection report and recommendation of the Regional Office in response to Ministry's letter 20.10.2024. The RO has submitted that:
- The blasting operation will be done by controlled deep hole blasting technique by using Electronic Detonator to keep the ground vibration & sound within the limit value & no harms will be cause to surrounding flora & fauna. The deep hole blasting with Electronic Detonator in day time may be considered for the entire forest land for imminent situation with continuous monitoring of vibration/ noise level.
  - Total six coal blocks (one in Jharkhand & five in West Bengal) are allotted in the name of UA. Out of which one coal block is exhausted (Barjora) & in one coal block (Deucha-Pachmi) mining operation is yet to start since the project is at very early stage due to complicated coal seam:

| Coal Block             | Remaining Mineable Reserve | Peak Capacity (MTPA) | Rated | Expected Production FY 24-25 (MT) |
|------------------------|----------------------------|----------------------|-------|-----------------------------------|
| Pachwara (North)       | 408.07                     | 15                   |       | 15                                |
| <b>Barjora (North)</b> | <b>65</b>                  | <b>3</b>             |       | <b>1</b>                          |
| Tara (East & West)     | 17.68                      | 4                    |       | 2.5                               |
| Gangaramchak-Badulia   | 5.63                       | 3                    |       | 1                                 |
| Barjora                | Exhausted                  |                      |       |                                   |
| Deucha-Pachmi          | 1240.353                   | -                    |       | -                                 |
| <b>Total</b>           |                            |                      |       | <b>19.5</b>                       |

Their annual requirement is 21.5 MT for their six TPP with capacity 4265 MW (another 660 MW expected in operation in FY 2024-25).

- The "Tartora Nala" is passing through non-forest land and divided the proposed forest land in one-third part. The User Agency submitted that beneath the Nala, there is 2.5 million tonne coal reserve. It has been reported that Nala diversion will be required after 10th year & onwards of mining period. The UA needs to obtain the necessary no objection certificate from concerned department (s) before the diversion of the Nala & 50 m safety zone to be developed on lease side of the nala.
  - The specific concerns raised by the then Nodal Officer have been addressed in the recommendations made by the PCCF/ Wildlife & Chief Wildlife Warden, West Bengal in the matter earlier and are endorsed by the PCCF (HoFF). The PCCF (HoFF), West Bengal has recommended the proposal in public interest.
  - The CA site inspection conducted by the Regional Office is attached. All the CA sites can be accepted for Compensatory afforestation.
- xl. Based on the information submitted by the Chief Wildlife Warden & recommendations of the PCCF (HoFF), West Bengal, the proposal has been recommended with the following stipulation by the Regional office:
- Only controlled deep hole blasting technique will be used with electronic detonator in the entire proposed forest land for hard starta breaking in unavoidable situation without harming the surrounding flora & fauna.

- b. Trees should be felled in a phased manner and when it is absolutely required to remove to minimize the adverse impact on eco-system. Mining also be done in phased manner as per the approved Mining Plan.
  - c. The approved Wildlife Conservation Plan (including the Habitat Enrichment & Wildlife Conflict Mitigation Plan) shall be included in the immediate Annual Plan of Operation of the State after receiving approval in the proposal and implemented strictly in due time to strengthen the Barjora Elephant Micro-Habitat.
  - d. Diversion of Nala should be done after obtaining permission from the Water Resource Department. After diversion of "Tartora Nala", a safety zone with plantation of at least 50 meter width may be maintained along the lease boundary close to nala. Efforts should be made to ensure that no discharge leads to the Tartora nalla from the mining lease area by constructing embankment towards the lease boundary of the river.
  - e. Soil and moisture conservation measures may be done in forest landscape to check soil erosion and for recharging of ground water.
  - f. The reclamation of mined out area will be undertaken as per the approved Progressive Mine Closure Plan.
  - g. Existing natural forest under Safety Zone will not be disturbed and a proper bio fencing should be installed to prevent entrance of migrated elephants in OCP area.
  - h. Regular monitoring should be done by the State Forest Department regarding movement of the migratory elephant in that area and accordingly mitigative measures should be taken to prevent from any kind of conflict/ injuries of the elephant.
- xli. The Nodal Officer, West Bengal who was present in the meeting emphasized that the proposal is site specific in nature and all due precautions/mitigation measures have been proposed by the State to address the concerns of biodiversity conservation and human elephant conflict.
  - xlii. He further clarified that the State Govt. as well as PCCF/PCCF Wildlife have already given their recommendations for the project and the present proposal will help in the economic development and increase the livelihood options for the local people.
  - xliii. The Committee however observed that the proposal was not recommended by the Nodal Officer and concerns were also raised by the concerned DFO and CCF. Though it has been mentioned that mining is already being done in the vicinity of the proposed area, however the area is part of a bigger patch of approximately 2900 hectares, the presence of elephant has been reported in the landscape, therefore it would be better if the area is visited by a sub-committee consisting of representatives from the Wildlife Institute of India and the Project elephant Division of the Ministry.
4. **Decision of Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Bhubaneswar and Nodal Officer, Government of West Bengal, decided to defer the proposal and recommended that a sub committee consisting of following members shall visit the project area and holistically examine the proposal keeping in view the facts of the case and other ecological considerations important for considering such

proposals along with the aspects of elephant movement and human elephant conflict:

- i. Sh. Nityanand Srivastava, Non- Official Member of Advisory Committee.
- ii. DDGF (Central), RO Bhubaneswar.
- iii. Representative of Project Elephant Division of MoEFCC
- iv. A scientist/representative from WII, Dehradun

The above sub-committee will be assisted by Nodal Officer, Government of West Bengal for all needful support and logistics.

### **Agenda No. 11**

#### **Online Proposal No. 5-ORC288/2016-BHU**

**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 23.80 ha of forest land (as per Sabik records as on 25.10.1980) including 2.240 ha of forest land in safety zone area for chromite ore mining of Kalarangiatta Chromite Mines by M/s Ferro Alloys Corporation Ltd. (FACOR Ltd.) in Cuttack Forest Division coming under jurisdiction of Sukinda Tehsil of Jajpur District, Odisha (Online proposal no. FP/OR/MIN/16453/2015)**

1. The agenda note for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 05.03.2025. 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 State Govt. has informed that M/s FACOR Ltd. applied for grant of lease on 19.03.1993 for Chromite over an area of 1261.476 ha in village Kalarangiatta, Ransol etc. in Jajpur district which was earlier held by TISCO Ltd. However, the State Govt. in Steel & Mines Department vide letter dated 26.06.1997 had recommended the above application to Ministry of Mines, Govt. of India for approval under Section 5 (1) of MMDR Act, 1957 for grant of mining lease over an area of 39.318 ha only.
  - ii. Govt. of India, Ministry of Mines vide letter dated 16.04.1999 had conveyed approval to the grant of mining leases over 419.181 ha that includes 39.318 ha of M/s FACOR Ltd. Thereafter, Company was asked by Steel & Mines Department vide letter dated 03.11.2001 to accept the terms and conditions under which the ML was proposed to be considered for grant. The Company vide letter dated 06.11.2001 accepted those conditions.

- iii. Subsequently, the Company represented on 18.06.2004 to split up the proposed ML area of 39.318 ha into two separate blocks i.e. Block-I of 23.80 ha and Block-II for 15.518 ha. State Govt. vide letter dated 10.06.2005 had accepted the above proposal of the Company.
- iv. Further, the Company vide representation dated 04.04.2006 intimated the State Govt. in Steel & Mines Department that they do not require earlier proposed Block-II for 15.518 ha considering such land being non-mineralized area. Having considered the revised request of the Company, the State Govt. in Steel & Mines Department vide Proceeding No.6177/SM dated 17.07.2007 granted a mining lease for Chromite over an area of 23.80 ha in village Kalarangiatta, Ransol etc. of Sukinda Tehsil of Jajpur district in favour of M/s FACOR Ltd.
- v. The mining lease deed for this ML area of 23.80 ha was executed on 18.04.2008 for a period of 30 years. As reported, the mines operation commenced from 01.11.2011 and continuing.
- vi. It is informed that Hal Settlement was published in the year 1992-93 in which the entire mining lease area of 23.80 ha was non-forest land. As per grant/execution of mining lease as per Hal settlement record, mining operation is going on in this lease and as reported by DFO, Cuttack entire mining lease has been broken up in the course of mining.
- vii. However, in pursuant to MoEF&CC guidelines letter No. 8-78/1996-FC (pt) dated 10.03.2015, the status of entire ML area of 23.80 ha of non-forest land in Hal record was found to be classified as Revenue Forest land as per Sabik Settlement record i.e. as on 25.10.1980. Accordingly, the user agency has now filed forest diversion proposal for this Sabik kism forest land of 23.80 ha for obtaining approval of MoEF&CC under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- viii. The total ML area of 23.80 ha which was non-forest land as per Hal record, was found to be having Sabik kism forest land as on 25.10.1980 entirely including 2.24 ha in safety zone. The purpose wise land use patter has been furnished as below:

| Sl. No.      | Purpose/Component                 | Sabik Kism Forest land (in ha) as on 25.10.1980 |
|--------------|-----------------------------------|---|
| 1.           | Opencast Quarry                   | 7.819   |
| 2.           | Waste Dump                        | 5.770   |
| 3.           | One Stack Yard                    | 1.377   |
| 4.           | Low grade Stack yard              | 0.713   |
| 5.           | Nickel Dump                       | 0.553   |
| 6.           | Top Soil stack yard               | 0.454   |
| 7.           | Essential infrastructure & Colony | 1.290   |
| 8.           | ETP with Settling Tank            | 0.687   |
| 9.           | Drain                             | 0.591   |
| 10.          | Road                              | 1.494   |
| 11.          | Peripheral Area                   | 0.812   |
| 12.          | Safety Zone                       | 2.240   |
| <b>Total</b> |                                   | <b>23.800</b>                                   |

- ix. As reported by the DFO, Cuttack, the entire applied forest area in the ML area has been broken up in course of mining during the existing mining lease period.
- x. Vegetation density of 0.4 (Eco-class I) with 48 nos. of trees (above 30 cm girth) and 6500 nos. of saplings (below 30 cm girth) have been reported by the State.
- xi. Area proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/Tiger Reserve or Elephant corridor. No rare/endangered/unique species of flora and fauna is found in the applied area. No protected archaeological structure/heritage site/defence establishment or any other important monument is located in the applied area.
- xii. The project does not involve displacement of any human habitation and hence Rehabilitation & Resettlement Plan is not required. The DFO, Cuttack has reported that the requirement of forest land as proposed by the user agency is unavoidable and bare minimum for the project.
- xiii. The project area proposed for diversion comes within a distance of 9.13 Km from the proposed Tiger corridor in Daitary DPF of Sukinda Range in Jajpur District.
- xiv. The DFO, Cuttack has reported that fauna found are Ratel, Sloth Bear, Migratory elephant, King Cobra & Pangolin. The Flora found are Sal, Sissoo, Kangada, Asan, Bahada, Apart from this other species like Kusum, Jamun, Mahul, Mango, Rai, Kumbhi trees are also available in the nearby area of the mine project,
- xv. The user agency has furnished a copy of approved Mining Plan with Progressive Mine Closure Plan with the diversion proposal. State Govt. has reported that the mining lease has estimated mineral reserve of 3.125 Million tones. Considering 0.05 MTPA of chrome ore production, the life of mines is estimated at 50 years.
- xvi. The Environmental Clearance for production of 0.05 MTPA of chrome ore has been granted by MoEF, Govt. of India vide letter No.J-11015/183/2007-IA.II(M) dated 13.05.2009.
- xvii. Compliance of the Schedules Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been furnished.
- xviii. The State Govt. has informed that due care is to be taken for Conservation of Wildlife available in the area. The user agency is therefore required to contribute proportionately towards implementation of Regional Wildlife Management Plan revised rate @ ₹43,000/- per ha over the lease hold area of 23.80 ha. It is informed that the user agency has already deposited an amount of ₹4,76,000/- towards proportionate cost of Regional Wildlife Management Plan at pre-revised rate of ₹20,000/-. Therefore, the user agency is required to deposit the differential cost of Regional Wildlife Management Plan for this mining project.
- xix. In addition to above, State Govt. has recommended for a Site-Specific Wildlife Conservation Plan duly approved by CWLW, Odisha is required to be executed in the mining as well as mining impact area at project cost.
- xx. On examination of the proposal, RO Bhubaneswar vide letter dated 12.08.2016 requested some essential details which were furnished by



State Govt. on 28.09.2016. On examination of shape files of CA area in DSS, it is observed that out of 24 ha of CA area, 10 ha area contains MDF and balance 14 ha is open forest, so the RO vide letter dated 18.11.2016 requested the State Govt. to identify alternate patch of non-forest land for C.A. and submit the same along with shape file.

- xxi. The proposal was discussed in REC meeting held on 20.02.2018 and observed that the information as asked by RO is yet to be submitted by State Govt. and accordingly, the proposal was deferred in want of the desired information.
- xxii. In compliance to RO letter dated 18.11.2016, the CF (Nodal), Odisha vide letter dated 19.08.2022 has furnished the details of C.A. and additional C.A. Schemes.
- xxiii. The proposal was again discussed in the REC meeting held on 30.08.2022. The REC deliberated upon the proposal. State Govt. has informed that as per stipulation of MoEF&CC guidelines letter No. 8-78/1996-FC (pt) dated 10.03.2015, the lessee has deposited an amount of ₹1,73,74,000/- towards NPV for 23.80 ha of forest land (as per Sabik record) @ ₹7,30,000/- with Adhoc CAMPA on 26.06.2015. The user agency has submitted diversion proposal to the Nodal Office on 11.11.2015 and the State Govt. has recommended the instant proposal on 27.07.2016. But the additional information sought by the RO, Bhubaneswar vide letter dated 28.11.2016 was submitted by the State Govt. on 24.08.2022, after a gap of about 6 years. In the light of Ministry's letter No. 8-78/1996 (pt) dated 10.03.2015, the REC desired that State Government shall provide the following additional information before placing the proposal in the next REC meeting:
- a. Justification for delay in submission of information/ reply sought by IRO, Bhubaneswar vide letter dated 28.11.2016 (The information sought was received from State Govt. on 24.08.2022).
  - b. Whether mining activity is being carried out by the user agency during this period?
- xxiv. The State Govt. vide letter dated 30.12.2022 has furnished the the information on the point wise observation of REC.
- xxv. The State has informed that delay was done due to A. Non-availability of CA land in nearby district, Initiation of CIRP by NCLT against the company i.e. FACOR, the User Agency and Covid-19 Pandemic & its consequences on the country.
- xxvi. Regarding the mining activity during the intervening period the State has informed that the Hon'ble High Court, Orissa in connection with WP (C) No. 19486 of 2016 has passed an order dated 20.12.2016 that "Accordingly, similar order of status quo as on date regarding mining operation shall be maintained by the parties till the next date" and order dated 16.01.2017 that "Interim order to continue till the next date of listing".
- xxvii. The Deputy Director of Mines, Jajpur Road Circle, Jajpur Road vide letter dated 12.12.2022 has reiterated that the mining operation of the above mining lease has been continuing till date. Also, the production and dispatch figures for carrying out mining operation of Kalarangiatta Chromite Mines of M/s FACOR Ltd. duly authenticated by the DDM, Jajpur Road for the period from January, 2016 to September, 2022 is

- furnished. The DFO, Cuttack has also reported that the mining operation has also been verified by the Assistant Conservator of Forests of his division.
- xxviii. Further, the DFO, Cuttack vide his Memo dated 17.12.2022 addressed to the RCCF, Angul Circle has informed that the above WP (C) No.19486 of 2016 has not been listed after dated 16.01.2017 in the Hon'ble High Court, Orissa.
- xxix. The proposal was again discussed in the REC meeting held on 09.01.2023. The REC deliberated upon the proposal as well as the reply furnished by the State Govt. The REC observed that the user agency has deposited an amount of ₹1,73,74,000/- towards NPV for 23.80 ha of forest land (as per Sabik record) @ ₹7,30,000/- with Adhoc CAMPA on 26.06.2015. as per MoEF&CC guidelines letter No. 8-78/1996-FC (pt) dated 10.03.2015. The user agency has also submitted diversion proposal on 11.11.2015. In the meantime, the user agency moved to the Hon'ble High Court wherein the High Court in it's order dated 20.12.2016 in WP (C) No. 19486 of 2016 passed that "Accordingly, similar order of status quo as on date regarding mining operation shall be maintained by the parties till the next date". Later on in order dated 16.01.2017 of Hon'ble High Court passed that "Interim order to continue till the next date of listing". The user agency is presently doing mining operation as per the interim order of Hon'ble High Court. The final order is yet to come. With the above observations, the REC unanimously opined to forward the proposal to MoEF&CC, New Delhi for necessary action.
- xxx. The DDGF (Central), RO Bhubaneswar dated 18.01.2023 forwarded the proposal to Ministry for consideration as UA is doing mining operations as per interim order of Hon'ble High Court and final order yet to come in this matter.
- xxxi. In the meantime, RO Bhubaneswar vide letter dated 08.02.2023 forwarded the copy of final order dated 25.01.2023 passed by Hon'ble High Court disposing the above court matter.
- xxxii. After the examination of the proposal in the Ministry, the proposal was returned to the RO for want of certain informations / clarifications.
- xxxiii. Accordingly, the proposal was discussed in the REC meeting held on 13.03.2023 and the REC deferred the proposal for want of certain information. The RO vide letter dated 23.03.2023 has sought the information from the State Govt. as desired by the REC. The PCCF (Nodal), Odisha has furnished the point wise reply.
- xxxiv. Regarding transfer of forest clearance from TISCO to M/s FACOR Ltd. The State has informed that the earlier lease held by TISCO Ltd. was granted Forest Clearance over 73.697 ha by the Govt. of India, MoEF, New Delhi vide letter No.8-78/96-FC dated 27.01.1998 and mining lease granted over 1813 ha of area by Raja Sukindagarh for a period of 20 years w.e.f. 22.10.1952. Subsequently, it was ratified with Orissa Estate Abolition Act, 1952 for a period of 20 years w.e.f. 12.01.1953. In the first renewal of mining lease, TISCO has been granted 1261.476 ha of reduced mining lease area in village Kalarangiatta of Jajpur District for a period of 20 years w.e.f. 12.01.1973 to 11.01.1993. Before the aforesaid lease could expiry by efflux of time, TISCO Ltd. on 03.10.1991 had

- applied for second renewal of the mining lease over 1261.476 ha for 20 more years under Section 8(3) of the MMDR Act, 1957.
- xxxv. Meanwhile M/s Ferro Alloys Corporation Ltd. (FACOR) along with the other mining lease holders of Odisha claimed for the mining lease area of TISCO indicating that Second Renewal of lease of the entire chromite mining area in favour of TISCO once again would not be in the interest of development of mineral in the State and also would not be in national interest. As such Ferro Alloys Corporation Ltd. has applied for mining lease in the village Kalarangiatta of Jajpur District, Odisha on 19.10.1993 out of the 1261.476 ha mining lease area of TISCO. The Central Government, in compliance with the order of the High Court dated 10.05.1995 in the Case of SLP (C) No.10830/95 and as a follow up action, appointed a High Power Expert Committee under the Chairmanship of Shri S.D. Sharma, Joint Secretary in the Ministry of Mines, to consider the submissions of filed before the Central Government by various parties.
- xxxvi. As per the said Sharma Committee Report, the Second Renewal of TISCO was recommended for a reduced area of 406.00 ha and the balance area of 855.476 ha to be released by TISCO, on the basis of proportionate requirements of the chrome ore for these parties as assessed by the committee, in a fair, just, equitable and contiguous manner in consultation with Indian Bureau of Mines. Finally, out of 1261.476 ha of TISCO land, an area of 855.476 ha was retrieved and granted in favour of M/s Jindal Strips Ltd. (89.00 ha), M/s Ispat Alloys Ltd. (64.463 ha), M/s IMFA (116.76 ha) and 39.318 ha in favour of M/s Ferro Alloys Corporation Ltd. (M/s FACOR).
- xxxvii. M/s FACOR vide its representation dated 18.06.2004 has prayed before the Govt. of Odisha to split the granted 39.318 ha lease area into two Blocks i.e. Block-1 for 23.80 ha Non-forest land and Block No.2 for 15.512 ha which consists both forest and non-forest land. Further, FACOR has surrendered Block No.2 ha area to the Government.
- xxxviii. The aforesaid representation of FACOR has been accepted by the Government on 10.06.2005 and Department of Steel and Mines vide Proceedings No.6177 dated 17.07.2007 has granted 23.80 ha of non-forest land to FACOR for 30 years. Pursuant to the said grant order, the lease deed has been executed by Collector, Jajpur on 18.04.2008. Subsequently, Surface Right has been granted by Collector, Jajpur vide its letter dated 05.05.2010 and mining operation of Kalarangiatta Chromite Mines of M/s FACOR has commenced w.e.f. 01.11.2011. Copies of the Surface Right order and notice intimating commencement of mining operation are provided with the reply.
- xxxix. Forest Clearance over 73.697 ha granted to TISCO on 27.01.1998 has not been transferred to M/s FACOR Ltd. because the mining lease area of 23.80 ha of Kalarangiatta Chromite Mines is located outside of the mining lease area of TISCO lease area of 406.00 ha. Further, the mining lease granted to FACOR was non-forest land upto the time of execution of lease deed in the year 2008, hence forest clearance was not required for Kalarangiatta Chromite Mines at that time. As far as the forest land of 73.697 ha of TISCO Ltd. is concerned, Forest Clearance was granted for

the said area in the year 1998 during Second Mining Lease (406.00 ha) Renewal period.

- xli. Subsequently, TISCO has also submitted before MoEF for re-diversion of the same forest area vide its proposal No.FP/OR/MIN/3817/2011 on dated 07.01.2011. Upon superimposing the forest clearance map of TISCO Ltd. certified by ORSAC, over the mining lease area of Kalarangiatta Mines (23.80 ha) of FACOR, it is evident that the forest area of TISCO is outside of mining lease area of Kalarangiatta Mines of FACOR.
- xlii. The total area held by earlier lessee i.e. TISCO Ltd. was 1813 ha.
- xlii. In the instant case transfer of Forest Clearance is not required as Kalarangiatta Chromite Mines is a Non-auctioned Mine. In this context, it is pertinent to mention here that the provision of transfer of forest clearance to the subsequent lessee has been inserted in the MMDR Act, 1957 vide Gazette Notification dated 10.01.2020 as Section-8B of the Act. This provision is applicable only for those mines which have been allotted through Auction process.
- xliii. The final order was passed by the Hon'ble High Court of Odisha on 25.01.2023. As per the final order of Hon'ble High Court of Orissa, the State Govt. was asked to provide their views with respect to mining beyond 31.12.2016 as per Ministry's letter No.8-78/1996-FC (Pt.) dated 30.09.2016 without prior approval of the Central Govt. and accordingly Penal NPV, Penal CA and applicability of WP (C) No.114/2014 (Common Cause Vrs. Union of India) in the instant case.
- xliv. In this regard the State Govt. has informed that the Kalarangiatta Chromite Mines of M/s FACOR Ltd. was on operation from 31.12.2016 to 25.01.2023 by virtue of interim stay order granted by Hon'ble High Court in consideration of WP (C) Mp.19486/2016 vide order No.03 dated 20.12.2016 & No.04 dated 16.01.2017.
- xlv. Finally, vide order dated 25.01.2023 in Para 7 & 8 the Hon'ble High Court denied interim stay order & opined that "7. Having heard learned counsel for the parties and after going through the records, this Court finds that though the petitioner has sought permission for environmental clearance, but it has not received the same. Consequently, it can not operate the quarry. Therefore, in absence of forest clearance certificate if any order has been passed by the Divisional Forest Officer, Cuttack Forest Division, vide letter dated 11.03.2016 under Annexure-15, to submit the proposal for diversion of forest land for onward transmission, no illegality or irregularity has been committed by the authority so as to warrant interference of this Court. Furthermore, a similar matter was considered by the apex court in M/s Balasore Alloys Ltd. (Supra) which was withdrawn by the petitioner therein. Similarly, relying upon the order of apex Court in the aforesaid case, W.P. (C) No.12830 of 2016 filed by M/s TATA Steel Ltd. and W.P. (C) No.3996 of 2016 filed by M/s Indian Metal and Ferro Alloys Ltd. have already been withdrawn by the respective parties. "8. In the above view of the matter, this court is not inclined to entertain this writ petition, as the quarry is going on without any forest clearance, which is the mandatory requirement for its operation. Accordingly, the writ petition stands disposed of".

- xlvi. It is worthwhile to mention here that the Hon'ble High Court of Orissa has "not inclined to entertain this writ petition" in consideration of W.P. (C) No.19486/2016 as the quarry is going on without any forest clearance which is the mandatory requirement for operation vide order No.05 dated 25.01.2023. In this context the interim order granted by Hon'ble High Court, Orissa vide order No.03 dated 20.12.2016 and dated 16.09.2017 have no merit.
- xlvii. The User Agency i.e. M/s Ferro Alloys Corporation Ltd. (FACOR) has admitted in their letter dated 17.04.2023 addressed to DFO, Cuttack Forest Division that the Mining Operation from 31.12.2016 upto 25.01.2023 was continuing. So, it is clearly evident that the User Agency has violated the provisions of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 from 31.12.2016 upto 25.01.2023 for which he is liable pay Penal NPV and Penal CA over 23.80 ha for mining without forest clearance.
- xlviii. Further, in course of compliance to EDS the applicability of WP (C) No.114/2014 (Common Cause Vrs. Union of India) in the instant case i.e. working of Kalarangiatta mines from 31.12.2016 to 25.01.2023 which attract the provision for violation, the matter has been referred by PCCF (FD & NO) FC Act, O/o the PCCF & HoFF, Odisha, Bhubaneswar to Director of Mines & Geology vide letter No.8711/9F (MG)-368/2016 dated 06.05.2023 & letter No.20507/9F (MG)-368/2016 dated 16.10.2023. In the meantime, the user agency has submitted an undertaking dated 05.08.2024 wherein the user agency has furnished their commitment to pay any legal demand if so arrived out of violation if any, in the light of WP (C) no.114 of 2014 (Common Cause Vrs. Union of India).
- xlix. The proposal was again discussed in the REC meeting held on 30.10.2024. The Committee deliberated upon the proposal and examined the reply of the State Govt. State Govt. informed that Kalarangiatta Chromite Mines of M/s FACOR Ltd. was on operation from 31.12.2016 to 25.01.2023 by virtue of interim stay order granted by Hon'ble High Court in consideration of WP (C) Mp.19486/2016 vide order dated 20.12.2016 & dated 16.01.2017 and finally disposed the case on 25.01.2023 and viewed that this court is not inclined to entertain this writ petition, as the quarry is going on without any forest clearance, which is the mandatory requirement for its operation. The State Govt. has also reported that the User Agency i.e. M/s Ferro Alloys Corporation Ltd. (FACOR) has admitted in their letter dated 17.04.2023 addressed to DFO, Cuttack Forest Division that the Mining Operation from 31.12.2016 upto 25.01.2023 was continuing. So, it is clearly evident that the User Agency has violated the provisions of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 from 31.12.2016 upto 25.01.2023 for which he is liable pay Penal NPV and Penal CA over 23.80 ha for mining without forest clearance. The Committee wanted to know the actual date from which the violation was continued. The Nodal Officer, Odisha present in the meeting said the Ministry vide letter No.8-78/1996-FC (Pt.) dated 10.03.2015 has allowed the concerned user agencies to continue the mining operation for a period not exceeding one year, in such already broken forest area which were or recorded as 'forest' in the

Government record on or after 25th October 1980, but while processing and or approving the proposals under FC Act, 1980 for use of forest land located in such mining leases for non-forest purpose, were treated as 'non-forest', provided the other statutory requirement and Rules are otherwise being complied with and NPV of such broken up areas has already been realized from the user agency. The Ministry vide letter dated 09.03.2016 the period of one year stipulated in the above letter was extended 30th September, 2016 and further extended upto 31st December, 2016 vide letter dated 30.09.2016. Hence, the date of violation which has been treated as 31.12.2016.

- i. Based on the fact submitted by the State Govt. and information provided by CCF (Nodal), Odisha the Committee decided to recommend the proposal to Ministry with following penal provision as desired by Ministry:
    - a. The State Govt. shall realize 5 times Penal NPV with penal interest from the date of violation i.e. 31.12.2016 and Penal CA from the user agency for violation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. After the examination of the proposal in the Ministry, the RO has requested to submit the SIR vide letter dated 23.12.2024 and also requested the State Govt. vide letter dated 23.12.2024 to submit the additional information in the instant proposal. The Regional Office, Bhubaneswar vide their letter No. 5-ORC288/2016-BHU dated 16.01.2025.
  - iii. The Govt. of Odisha vide letter No. FE-DIV-FLD-0021-2017-3740 dated 13.02.2015 has submitted the reply in the response of the Ministry's letter dated 23.12.2024 and requested to take further follow up action on the matter. The point wise reply submitted by the APCCF cum Nodal officer Govt. of Odisha vide letter dated 31.01.2025 is enclosed.
  - iiii. The Committee observed that the Ministry had issued a detailed guideline in the year 2015 regarding the issue of forestlands wherein a variation in Kisam was there in the Sabik and Hal records. This guideline provided an opportunity for all relevant parties to continue mining operations for a specified period and seek approval for forestland diversion. However, the user agency failed to obtain the necessary approval within the stipulated timeframe and proceeded with mining activities. Although mining continued based on a court order, it remained the responsibility of the user agency to secure the approval for forestland diversion. Since the required approval was not obtained, the user agency is liable to pay the applicable penalties.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Bhubaneswar and ACCF cum Nodal Officer, Govt. of Odisha, recommended the proposal for grant of '*in-principle*' approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 23.80 ha of forest land (as per Sabik records as on 25.10.1980) including 2.240 ha of forest land in safety zone area for chromite ore mining of Kalarangiatta Chromite Mines by M/s Ferro Alloys Corporation Ltd. (FACOR Ltd.) in Cuttack Forest Division coming under jurisdiction of Sukinda Tehsil of Jajpur District,

Odisha (Online proposal no. FP/OR/MIN/16453/2015), subject to the general, standard and following specific conditions:

- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation w.e.f. 31.12.2016 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 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. 12**

#### **1. Policy Agenda 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)**

Due to paucity of time the agenda was deferred to next meeting

### **Additional Agenda No.1**

**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 05.03.2025. 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 MTPA 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 from 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 by DDM, Joda |
| Block-B2           | 7.689               | 5.097                    | 2.592                                     |   |
| Block-B3           | 1.012               | 0.000                    | 1.012                                     |   |
| Block-C            | 1.902               | 0.166                    | 1.736                                     |   |
| <b>Total</b>       | <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<br>Mineral Processing Unity & Stocking Yard with Env.                       | 0.000                                 | (+) 0.885   | 0.885   | 18.185                                     | 19.07               |

|             |   |   |           |  |        |        |
|-------------|---|---|-----------|--|--------|--------|
|             | Protective Measures   |   |           |  |        |        |
|             | 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.No.              | 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                                     |
| <b>Grand Total</b> |   |   | <b>89.961</b>                     |   |

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:

| Mining Lease Block | Lease Area (In Ha.) | Present Status |
|--------------------|---------------------|----------------|
| 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> |   |

- xxxv. 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.
- xlii. The proposal involved land use change over 10.594 ha of already diverted area.
- xliii. 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.
- xliv. 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.

- xliv. 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) Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued on 29.12.2023 wherein it has been mentioned that:

The transfer fee will not be applicable in the proposals pertaining to change of UA due to change in legal heir. However, a request for change in the name of the UA/legal heir form the State Govt. is required.

- 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.
- xlvii. 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) 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.

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 Govt. as well as Regional Office Bhubaneswar:

- i. 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.

- ii. The area proposed for diversion is falling in high conservation zone. The State Govt. shall justify the requirement of the same with cogent reasons.
- iii. 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.

**(confirmed through e-mail)**  
Pro. KR Sree Harsha  
(non-official Member)

**(confirmed through e-mail)**  
Shri Nityanand Srivastava  
(non-official Member)

**(confirmed through e-mail)**  
Shri Manoj Pant  
(non-official Member)

**(confirmed through e-mail)**  
Dr. Mehraj AS  
Deputy Commissioner (NRM)  
(Member)

**(confirmed through e-mail)**  
Shri Anjan Kumar Mohanty  
Additional Director General of Forests  
(FC and WL)  
(Member)

**(confirmed)**  
Shri Ramesh Kumar Pandey  
Inspector General of Forests  
(Member Secretary)

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