

(PARIVESH 1.0)**Minutes of the Meeting of the Advisory Committee (AC) meeting held on
26.05.2025****Agenda No. 06****File No. 8-8/2018-FC**

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s South Eastern Coalfield Limited for non-forestry use of 402.966 ha of forest land for Kushmunda and Laxman Opencast Coal Mining Projects in Korba District of Chhattisgarh– Modification in the condition of Stage-1 approval-regarding

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer, Govt. of Chhattisgarh and DDGF (Central), Regional Office, MoEF&CC, Nagpur 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. Based on the recommendation of Advisory Committee Meeting dated 22.3.2018, the above mentioned proposal has been granted Stage-I approval vide this Ministry's letter No. 8-8/2018-FC dated 26.04.2018 subject to fulfillment of certain conditions prescribed therein.
 - ii. The condition No. (ii) and (iii) of Stage-1 approval read as follows:-
Since the SECL has willfully violated the provisions of Forest Conservation Act and though obtained the environment clearance (EC) but continued mining without the FC under section 2(ii) of FC Act. Therefore, strict action under section 3A/3B of FC Act against the in-charge of the Kusmunda OCP should be initiated by Regional Office, Nagpur.
 - iii. Penalty should be imposed, as per guidelines no 11-42/2017-FC dated 29.01.2018, on SECL for unauthorised diversion of forest land without prior approval.
 - iv. Government of Chhattisgarh vide letter dated 5th April, 2021 has submitted a report on the compliance of conditions stipulated in the Stage-I approval dated 26.04.2018. In response to the compliance of condition No. (ii) and (iii), State Government informed that the user agency had acquired the land under the category of government land, which is recorded as chote bade jhaad ka jungle As per the order passed by the Hon'ble Supreme Court on 12.12.1996, the proposal for regularization of the said forest land (Chhote Bade Jhad ki Jungle) was submitted in three phases, which was later consolidated and a diversion proposal of 402.966 hectares was submitted. Out of the total

area the revenue land of 20.671 ha was used by the user agency for construction of buildings, mining etc. before 25.10.1980, and the remaining was used between 25.10.1980 and 12.12.1996. As per the order of the Hon'ble Supreme Court, the provisions of the Forest(Conservation) Act,1980 became applicable on the said land therefore process for the diversion of forest land was initiated. Hence, no punitive action is liable against the officers.

- v. The compliance report of the State Government was examined and the Ministry vide its letter dated 23.08.2021 requested the State Government to submit complete compliance of Stage-I approval dated 24.04.2018 and inter-alia raised the following queries:-
 - (i) No relevant records establishing the non-forestry use of forest land before 1980 and before 12.12.1996 have been submitted by the State Government to support their claim. Details of relevant records may be furnished to the Ministry for consideration.
- vi. The RO, Raipur vide letter dated 23.8.2021 was requested to submit its report in compliance of condition No. (ii) of Stage-1 approval. IRO, Raipur vide letter dated 28.04.2022 submitted its report. The IRO has informed that construction on the revenue forest land, which was regarded as violation of the Forest (Conservation) Act, 1980 by the Ministry were undertaken by the user agency before 12.12.1996. Before 12.12.1996, the provisions of FC Act, 1980 were not being applied in the state on the revenue forest land. The RO, Raipur vide their letter no. FC-II/CH-20/2015-NGP/687 dated 28.04.2022 submitted its report, mentioning that:-
 It is pertinent to mention that IRO, Nagpur had carried out inspection as per the direction of the ministry and submitted its report vide its No.-FC-Ministry-02/RON/2018-NGP/3429 dtd. 19th March 2018. The then APCCF had inter-alia, commented "
-----The User Agency is continuously enjoying the possession of land after 12.12.1996, without obtaining prior approval of the Central Government, a view may be taken at the MoEF & CC level whether possession of land by User Agency after 12.12.1996 amounts to violation of the Forest (Conservation) Act, 1980. Given the fact that proposal is for regularization of the Revenue Forest land which is already put under non forestry use by the user agency before 12.12.1996.....
- vii. The said land was acquired by SECL under CBA in 1960, 1978 and 1981 as government land. Forest (Conservation) Act came into force in 1980.
- viii. Further, it has been informed that after the Order of the Hon'ble Supreme Court of India dtd 12-12-1996 clarified the definition of the term "forests", the then MP Govt. fixed the responsibility for identification of such land on District Collectors. As a compliance of the Hon'ble Supreme Court's Order, the Principal Secretary (Revenue) and Secretary (Forest), Govt. of MP vide letter no. 16-10-SAT/2A/93 dated 13.1.1997, directed the District Collectors to initiate action in the matter.

- ix. In 2004, the Conservator of Forest Bilaspur Circle, Bilaspur directed SECL to get the said revenue land used for mining, regularized in accordance with the provisions of the Forest (Conservation) Act 1980. In response, SECL submitted its application on 18-04-2005 for regularization of the land as per the provisions of FC Act 1980.
- x. The undersigned visited Kusmunda, Gevra and Laxman mines from 23/02/2022 to 24/02/2022. I visited mine sites, colony and office construction area, reclamation sites and afforestation sites and also held meetings with the SECL officials. It was found that the structures were constructed mostly from 1984 up to 1995 as found from the inauguration stones.
- xi. The condition at Sr no. (xi) of the stage-1 approval stipulated that since the reclaimed forest land is revenue forest, the state government should notify the area as protected forest under Indian Forest Act or State Forest Act/rules. No further change in the schedule for surrendering of forest land should be allowed. Accordingly, the Ministry vide letter dated 08.01.2024 requested the State to provide the copy of notification of the reclaimed forest land of 52.164 ha as RF/PF under Indian Forest Act or State Forest Acts/rules. The Govt. of Chhattisgarh vide letter dated 16.01.2024 informed that the land is revenue land which is to be returned back to the revenue department and cannot be notified as forest.
- xii. Further, the matter was discussed in the AC meeting held on 17.01.2024 when the linked project of the instant proposal was deliberated and it was discussed that:
 "(xv) The compliance report of the above Stage-I approval is under consideration in the Ministry and it has been noticed by the Committee that in the Stage-I approval dated 26.04.2018 a condition regarding notification of reclaimed revenue forest land was stipulated which read as: "Since the reclaimed forest land is revenue forest, the state government should notify the area as protected forest under Indian Forest Act or State Forest Act/rules. No further change in the schedule for surrendering of forest land should be allowed.
 (xvi) The Committee held detailed discussion on this issue and informed the Nodal Officer (FCA) Govt. of Chhattisgarh, that the reclaimed area is to be notified as Protected Forest as per the conditions of Stage-1 approval. The Committee asked the Nodal Officer (FCA) Govt. of Chhattisgarh to comply with this condition. The Nodal Officer (FCA) Govt. of Chhattisgarh agreed that they will notify the said area as per the condition of the State-I approval of the linked project and submit the compliance report of the stage-1 approval."
- xiii. Accordingly, the Ministry vide letter dated 09.02.2024 informed the State Govt. that the matter was discussed in the AC meeting held on 17.01.2024 and it has been reiterated that reclaimed revenue forest land has to be notified into RF to complete the compliance of stage -I approval dated 26.04.2018. Therefore, State Govt. was requested to notify the said revenue forest land into RF/PF as per the condition stipulated in the Stage-I approval.
- xiv. The State Govt. of Chhattisgarh vide letter dated 22.01.2025 has forwarded a copy of notification dated 10.01.2025 for notification of

33.564 ha as Reserved Forest and appoints the Sub-Divisional Officer (Revenue) Katghora Sub-Division to act as the Forest Settlement Officer to inquire in to and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised in the said Schedule or in or over any forest- produce and to deal with same in accordance with the provisions of Chapter-II of the Indian Forest Act.

- xv. The reply submitted by State Government was examined and the Ministry vide its letter dated 20th February, 2025 informed the State Government that as per the earlier information provided by State Govt. vide letter dated 07.12.2023 the total mined out reclaimed revenue forest land proposed for surrendering to Forest Department for notification under IFA, 1927 is 52.164 ha. However, as per the letter no. F 5-04/2007/10-2 dated 22.01.2025, State Govt. has now submitted notification of only 33.564 ha of revenue forest land under Sub- section (1) of section 4 of IFA, 1927 as 'Reserved Forest'. Therefore, the State Govt. was requested to furnish the notification of total reclaimed revenue forest land (52.164ha) as per the condition (xi) stipulated in the Stage-I approval.
 - xvi. The State Government vide letter dated 19.3.2025 informed that the user agency has informed that at present there is no mining activity going on in the area of 33.564 hectares of Durpa, Khamhariya and Jarhajer villages, tree plantation has been done on the said area. The said revenue forest land has been notified as reserved forest on 10.01.2025. The remaining area of 18.60 hectares of revenue forest land of Barkuta and Dallapur villages is currently not in a position to be surrendered. In the Village Jatraj and Sonpuri near the mine area, rehabilitation of the villagers has not been completed and the villagers are still residing in the nearby villages who will be relocated in the near future. Mining work is in progress in the remaining area of 18.60 hectares. After completion of the procedures, the said remaining revenue forest land will be surrendered.
 - xvii. The Committee observed that the mining in the area continued after 12.12.1996, however as intimated by the state, the area was put to non-forestry use prior to 12.12.1996, when the provisions of the FC, Act were not being applied to such revenue areas in the State. The Committee further observed that the 18.60 ha area is still under use and the same can be fully reclaimed and handed over once the work is complete.
4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO, Nagpur and Nodal Officer, Govt. of Chhattisgarh and after going through the facts of the proposal the Committee recommended to delete the condition no (ii) and (iii) of the Stage-1 approval dated 26.04.2018. The committee further recommended to accept the notification of the 33.564 ha revenue land as RF/PF and allow the issuance of Stage-II/Final approval in case of diversion of 402.966 ha of forest land for Kushmunda and Laxman Opencast Coal Mining Projects in Korba District of Chhattisgarh

Agenda No. 7

File No. FC/HPB/02/38/2021

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Jal Shakti Vibhag for non-forestry use of 1.3463 ha forest land (DPF and UPF) for construction of Source Level Augmentation of WSS/LWSS by providing LWSS from Govind Sagar Lake at Kut Bounger within the jurisdiction of Bilaspur Forest Division, District- Bilaspur in the State of Himachal Pradesh (Online Proposal No. FP/HP/Water/118984/2021)- regarding.

1. The agenda item was considered by the AC in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Nodal Officer-cum-APCCF (FCA), Government of Himachal Pradesh vide his letter No. Ft.48-5248 (FCA) dated 16.11.2021 submitted the above mentioned proposal to the RO, Chandigarh on 18.11.2021 for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposal was examined at Regional Office, Chandigarh and certain shortcomings were observed and the same was communicated to the State Government on 07.12.2021. Reply from State Government was received on 02.06.2022. Examination of the reply received from the State Government revealed that the incomplete information was submitted and the same was communicated to the State Government on 29.04.2022. Reply from State Government was received on 25.07.2022. Due to submission of incomplete information, State Government was requested to submit information on 24.08.2022. Reply to the same was submitted by the State Government on 28.10.2024.
 - iii. The proposed diversion area is 1.3463 ha and the density of vegetation is 0.1 having Eco-class 5. Trees proposed to be felled in the proposal are 103.
 - iv. It has been mentioned in the proposal that the proposed area for diversion is located at aerial distance of approximately 2 Km from Shree Naina Devi Ji. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect have been submitted by DFO concerned.

- v. Compensatory Afforestation has been proposed over 2.7 ha degraded forest land in Survey No./ Compartment No. H43E11, Village- DPF Badoh, Tehsil- Shree Naina Dev Ji, District- Bilaspur. CA scheme with 10 years of maintenance is provided. Site suitability certificate has been furnished by the concerned DFO.
- vi. The proposal involves violation as mentioned in Part-II. The State Government has informed in its letter dated 28.10.2024 that user agency has intimated that out of 1.3463 ha., violation in 0.0598 ha. has been done by user agency. The violation was done during the year of 2022 (mentioned in Part- II). The user agency and CF, Bilaspur has submitted that compensation amounting to ₹3,49,047/- has been realized from the violators of FCA, 1980 and User Agency is ready to pay Penal NPV. Further, it is mentioned that CF Bilaspur has intimated that upon finding out a possible violation of the Forest (Conservation) Act, 1980 in 2022, the field staff immediately stopped the work and issued damage reports in 2023. Determining the exact status of boundaries of the proposed land was delayed due to the absence of boundary pillars. Once the boundaries were clarified, the field staff issued the damage reports. Despite having recovered compensation, warning was issued to the concerned official due to the negligence involved be cautioned in the future. The violation was attributed to unintentional negligence by the field staff, rather than deliberate actions.
- vii. As per SIR of RO, the proposal involves violation. The proposal was submitted on Parivesh portal in the year 2021 and violation carried out in 2022 before granting approval, thus the same is violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as per para 1.16 (ii) of guidelines. As per the proposal, the proposal involves violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 over an area of 0.0598 ha.
- viii. Further, the Committee was also informed that the site inspection of the instant proposal was conducted by Technical Officer, MoEF&CC, Regional Office, Chandigarh on 13.02.2025 along with the officials of the State Forest Department and representatives of User Agency. The SIR has also been recommended by DDGF (C) of RO on 17.04.2025. Summary of the same are as under:

A. Legal status of the forest land proposed for diversion:

DPF & UPF

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

Sl. No.	Component	Forest land (ha.)	Non-forest Land (ha.)
1.	Pipeline Proposed for Diversion	0.1624	0.5122
2.	Proposed WTP at Mehfuja Mehduda at Kut Bounger	0.8466	0
3.	Proposed P/House at Gangloh	0.135	0

4.	Proposed Water Storage Tank at Changrot	0.0075	0
5.	Proposed Water Storage Tank at Tihri (Gornahri)	0.0188	0
6.	Proposed Water Storage Tank at Silwin (Kheri Tindi)	0.0113	0
7.	Proposed Water Storage Tank at Malhot	0.0113	0
8.	Proposed Water Storage Tank at Salwar	0.0113	0
9.	Proposed Water Storage Tank at Jhamrarian	0.0075	0
10.	Proposed Water Storage Tank at Balh Seena	0.0038	0
11.	Proposed Water Storage Tank at Malraon	0.01	0
12.	Proposed Dumping site	0.0624	0
13.	Approach Road	0.0584	0
14.	Proposed Storage Tank at Jol	0	0.1167
15.	Proposed Storage Tank at Kothi	0	0.0188
16.	Storage Tank at Bhukhar	0	0.0323
17.	Proposed Tank at Tihar	0	0.0188
18.	New Tanks In Dudhiya	0	0.0525
19.	Proposed Tank at Kot	0	0.0375
20.	Proposed Tank at Jarot	0	0.0113
21.	Proposed Tank at Bhaliar	0	0.03
22.	Proposed tank at Kalol Tikker	0	0.015
	Total	1.3463	0.8451

C. Background on the proposal:

The Government of Himachal Pradesh submitted the fresh proposal on 17.11.2021 to obtain prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 1.3463 ha. of forest land in favour of Jal Shakti Division for the construction of source level Augmentation of WSS/LWSS from Govind Sagm Lake at Kut Bounger within the jurisdiction of Bilaspur Forest Division, District Bilaspur Himachal Pradesh (Online Proposal No. FP/HP/Water/1 18984/2021).

The proposal involves violation and as per the Van (Samakshan Evam Samvard:han) Adhiniyam, 1980, and the Van (Sanrakshan Evam Samvardhan) Rules, 2023, issued on 29.12.2023, under Rule, 10 (2) (V), this proposal shall be examined and disposed by the Central Govt.

Also, as per the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and the Van (Sanrakshan Evam Samvardhan) Rules, 2023 under Rule 10 (4), "Site inspection report shall be prepared for proposals specified in sub-rule (2) by the Regional Office and the

same shall be submitted to the Central Government for consideration by the Advisory Committee".

D. Whether proposal involves violation of Van (Sanrakshan evam Samvardhan) Adhiniyam 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:

The proposal involves violation. The proposal submitted on Parivesh portal in year 2021 and violation carried out in 2022 before granting approval thus the same is violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as per para 1.16 (ii) of guidelines. During site visit some structure noticed (as per attached photograph) and found that violation carried out in 0.0598 ha area. Further, illegal felling of 32 trees also carried out by contractor of user agency. Further, challan has been generated and the compensation amount has been realized by the forest department from the user agency for breaking of land and illegal cutting of trees.

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

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

As per record, the land being diverted has no socio-cultural/religious value.

Situation w.r.t. any Protected Area:

As per record, the instant proposal is not falling in any protected area.

F. Field observations/ Actionable Points/recommendations:

- The user agency started the work and allegedly felled 32 trees before seeking prior approval under Van (Sanrakshan evam Samvardhan) Adhiniyam 1980 hence violates the provision of Van (Sanrakshan evam Samvardhan) Adhiniyam 1980. Details of the 32 trees allegedly felled by the user agency is attached at Annexure I.
- Violation carried out in 0.0598 ha area
- The proposal involves 1.3463 ha forest area and 0.8451 ha non forest area.
- The proposal was submitted for seeking prior approval in Parivesh portal on 17. 11.2021. The period of commencement of work and felling of trees as per violation report is 2022. Since the date of violation is later than the date of application. Hence, there is violation of Van (Sanrakshan Evam Samvardhan)

Adhiniyam, 1980. As per data uploaded in PARIVESH portal violation carried out in 0.0598 ha area. The violation area was verified on ground and found correct during site inspection. Accordingly, the violation need to be dealt as per the provisions under the Para 1.16 (ii) of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

G. Recommendations of the Deputy Director General of Forests (Central), Regional Office, Chandigarh:

- a. The findings and recommendation of the inspecting officer of the RO, Chandigarh is attached herewith and same is agreed and recommended.
 - b. The proposal is for public utility and has been recommended by the State Government, accordingly same is recommended for consideration in the Advisory Committee as per the extant Rules and Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh, recommended the proposal for grant of '*in-principle*' approval for diversion of 1.3463 ha forest land (DPF and UPF) for construction of Source Level Augmentation of WSS/LWSS by providing LWSS from Govind Sagar Lake at Kut Bounger within the jurisdiction of Bilaspur Forest Division, District- Bilaspur in the State of Himachal Pradesh subject to the general, standard and following specific conditions:
- i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
 - ii. Action under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 be initiated by Regional Office, Chandigarh.
 - iii. State Government shall submit detailed violation report along with Stage- I compliance report.
 - iv. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.

Agenda No. 8

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 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi

were present in the meeting. Dy. Director, Waste Land Development Board representing Nodal Officer, Government of Jharkhand 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. 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:
"57. The Minutes of the Meeting held on 27.08.2024 further mentions that after the letter of the State Government recommending levying of penal CA and penal NPV in respect of 37.2 Ha. of forest land used by the user agency in violation of the Forest (Conservation) Act, 1980, the Regional Office, MoEF & CC, Ranchi, submitted letter dated 25.11.2022 referred to in the Agenda No.8 of the Minutes of the Meeting with a site Inspection Report and assessed the area involved in violation to be 156 Ha. and made a tentative assessment of penalty amounting to Rs.81,89,82,060/- (Rupees Eighty-One Crore Eighty-Nine Lakhs Eighty-Two Thousand and Sixty only). We have considered this aspect of the matter and we find that this 156 Ha. was already a part of the entire mining area other than the mining area of 37.2 Ha. of forest land falling within the Do Muhani Nallah area and, therefore, it cannot be said that the damage or degradation caused to the environment as a result of the mining activities of the Appellant would be in violation of Condition No.8 of Stage-II Forest Clearance over the entire area of 156 Ha. We also find that in the letter of the Regional Office, MoEF & CC dated 25.11.2022 it is acknowledged that as per the Forest Conservation Guidelines Handbook penal NPV is two times of the normal NPV as per para 1.21 (iii) of the Forest Conservation Guidelines Handbook yet it has assessed penalty for "Fait-accomplì" violation at 156 X 35 times NPV + Afforestation cost amounting to Rs.81,89,82,060/- (Rupees Eighty-One Crore Eighty-Nine Lakhs Eighty-Two Thousand and Sixty only). We find that there is absolutely

no basis for computing penal NPV at 3.5 times of the NPV and the Respondents have to strictly follow the FC Guidelines Para 1.21 (iii) of the Forest Conservation Guidelines Handbook and penal NPV cannot be computed at more than two times of the normal NPV. We also do not find any basis for extending the total area of violation of forest area to be 1026.438 Ha. when in fact the area which is actually affected as assessed by the State Government is 37.2 Ha.

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 Paise 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 proposal was placed before the Advisory Committee (AC) in its meeting held on 05.03.2025. 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.
- xxii. The Advisory 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. The recommendation of Advisory Committee was conveyed to the State Government vide Ministry's letter dated 13.03.2025.
- xxiii. Thereafter the proposal was again placed before the Advisory Committee in its meeting held on 16.04.2025 and keeping in view the orders of Hon'ble NGT, the Committee observed that a detailed analysis of the area involved in the entire stretch of the nala is required to be done for further clarity and decision in the matter. Accordingly, the committee deferred the proposal and desired that a detailed DSS analysis of the area involved in the entire stretch of Dumuhani Nala

shall be carried out and placed before the Advisory Committee for further decision in the matter. The recommendation of Advisory Committee was conveyed to the State Government vide Ministry's letter dated 30.04.2025.

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 and keeping in view the orders of Hon'ble NGT, the Committee decided to defer the proposal for discussion separately along with policy agenda.

Agenda No. 9

File No. 8-537/1988-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 non-forestry use of 247.50 ha of forest land out of total lease area of 1936.06 ha in favour of M/s Steel Authority of India Limited (SAIL) for iron ore mining in Kiriburu- Meghahatuburu group of Iron Ore mines located in District West Singhbhum, Jharkhand State- regarding.

1. The agenda for above subject proposal was considered by the Advisory Committee in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi were present in the meeting. Dy. Director, Waste Land Development Board representing Nodal Officer, Government of Jharkhand 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. While deliberating on the proposal, Advisory Committee observed that:
 - i.
 - ii. The instant proposal was granted Stage-I approval vide this Ministry's letter of even no. dated 18.10.2010 read with letter dated 7.05.2014 subject to fulfilment of certain conditions. Compliance of Stage-I approval was submitted by the State in 2014. However, due to incompleteness of CA and other information, proposal was not considered for Stage-II approval and deficit information was sought from the State. Subsequently, Ministry after receipt of carrying capacity study of Saranda forest prepared a Management Plan for Sustainable Mining (MPSM), which was finally approved in 2018, and pending preparation of MPSM no approval in the area was considered by the Ministry. After the finalization of the MPSM, there has been correspondence with the State on the compliance of Stage-I approval dated 18.10.2010. However, for want of submission of complete information specifically suitable CA land, Stage-II approval was not considered by the Ministry.

- iii. Subsequently with regard to non-compliance of certain conditions and changes affected in the lease area, the proposal was placed before the AC in its meeting held on 16.08.2021, 15.07.2022 and 27.01.2023 wherein AC deferred the proposal and sought the following information:
 - a. It has been observed that an area of 1.70 ha has been used for Township/Housing Colony, whereas the project proponent has reported that there is no construction of any permanent structure in the mining in violation of FCA. 1980. The IRO shall examine the matter and submit a report/justification in this regard.
 - b. The IRO, Ranchi shall ensure that the entire CA area proposed in Khunti Forest Division consisting of 8 different patches is suitable for Compensatory Afforestation.
 - c. It has been informed that the CA area proposed in Gumla Forest Division is already planted. Since the area has been already planted therefore there is no justification for considering the same as suitable for Compensatory Afforestation. The IRO in consultation with State Govt. shall ensure that suitable DFL which is free from encumbrances is provided for Compensatory Afforestation.
 - d. The IRO in consultation with State Government shall explore the possibility of handing over of equivalent reclaimed area by the user agency from their other mines in the State and submit the details for further consideration by the Committee.
 - e. The IRO shall submit a report on above points within a period of four weeks.
- iv. The Ministry vide its letter dated 22.02.2023 requested the RO, Ranchi to submit inspection report as per recommendation of Advisory Committee within a period of four weeks.
- v. The Government of Jharkhand vide their letter No. Van Bhumi-29/2008- 1757/V.P. dated 11.05.2023 which was received in the Ministry on 24.05.2023, furnish information as desired by the AC from the IRO, Ranchi.
- vi. The Ministry vide its letter of even No. dated 30.05.2023 again requested the IRO, Ranchi to expedite the detailed report as desired by the AC. A copy of State Government's letter dated 11.05.2023 was also forwarded to the IRO, Ranchi for their reference.
- vii. The RO, Ranchi vide their letter no. FP/JH/MIN/790/2008/1141 dated 31.05.2023 submitted point wise reply in response to Ministry's letter dated 22.02.2023. The same is summarized as under:
 - a. IRO, Ranchi reported that it is apprised by the user agency that 1.70 ha of land constitutes part of tailing pond and the same is not for any infrastructural activity e.g. township/housing. IRO in its previous report (dated 7-8.11.2022) also has given detailed breakup of land wherever 1.7 ha is mentioned for tailing pond purpose.
 - b. IRO, Ranchi reported that DFO Khunti was present in the meeting dated 21.03.2023 held in IRO, Ranchi and all the CA patches proposed against the proposal was individually examined. DFO Khunti explained that few encroachments would be evicted whereas few has already been evicted and

- plantation/advance action has already begun in few areas. Dedicated site suitability certificate for each individual patches have been produced by DFO, Khunti.
- c. IRO, Ranchi reported that CA area against the proposal situated in Gumla Forest Division has already been planted. DFO, Gumla has apprised that this plantation has been done against the extant proposal only.
 - d. IRO, Ranchi reported that the representative of user agency apprised that apart from the mining area under consideration, they (SAIL) have two more mining areas namely Gua and Manoharpur in Jharkhand and only 304.10 ha of forest land all together is under mining activities in these two mines. Since there are no exhausted mine sites in these two, therefore user agency has expressed its inability in handing over of equivalent reclaimed forest land from their other mining areas. The claim was consented by SFD representatives.
- viii. The proposed area is very important from Wildlife point of view as it forms core area of Singbhum Elephant Reserve.
 - ix. As per the inspection report of RO, Ranchi dated 21.12.2022 it has been mentioned that the User agency has 2897.499 ha of entire lease area (all in forest) comprising in three different leases of 1936.06 ha, 879.439 ha and 82 ha respectively. Till date 726.09 ha area is diverted and 247.5 ha area is under application for diversion in extant case. Rest more than 1800 ha area within the lease is undisturbed and under possession of user agency. Representative of user agency emphasized that if the matching area needs to be surrendered before issuance of Stage-II, it can be taken from this undisturbed area.
 - x. With regard to the status of reclamation and handing over land back to state forest department user agency has communicated to the concerned DFO that they have 78.3 ha (51.4 ha+26.9 ha) of land readily available with them to be handed over to State Forest Department.
 - xi. The user agency has a total lease of 2897.499 ha comprising of three leases, Lease-I of 1936.06 ha, Lease –II of 879.439 ha & Lease III of 82 ha area (all in forest). Out of 1936.06 ha of lease –I, 644.26 ha (726.09 Ha in total) area is already diverted for mining and allied activities in which iron ore mining is happening since 1962. This already diverted area is renewed too under proposal no. FP/JH/MIN/678/2009 (A Proposal to renew the mining lease in 644.26 ha forest land) for which Final approval (Stage –II) was accorded vide Ministry's letter dated 29/3/2010.
 - xii. The proposal was placed before the Advisory Committee in its meeting held on 12.06.2023 and the AC deferred the proposal and sought additional information from the State Government as under:
 - a.
 - b. *The proposed area is very important from Wildlife point of view and falls in Singbhum Elephant Reserve. The State Govt. shall submit Site Specific Management Plan and Integrated Wildlife Management Plan duly recommended by the Chief Wildlife Warden.*

- c. *As per IRO, Ranchi's report, more than 1800 ha area within the lease is undisturbed and under possession of user agency. Representative of user agency emphasized that if the matching area needs to be surrendered before issuance of Stage-II, it can be taken from this undisturbed area. The State Govt. shall submit the comments of PCCF (HoFF) along with an undertaking from user agency regarding handing over of undisturbed area against the proposed diversion. The State Govt. shall submit the details of future plans for the said 1800 ha undisturbed area.*
 - d. *The user agency has communicated to the concerned DFO that they have 78.3 ha (51.4 ha+26.9 ha) of land readily available with them to be handed over to State Forest Department. The State Govt. shall submit the action taken on the request of user agency and provide the updated legal status of the said land.*
 - e. *The State Govt. shall also submit the detailed land use plan for the entire lease area along with land reclamation plan with timelines for handing over/surrender to forest department.*
 - f. *The State Govt. shall submit the status of encroachment in the lease area and the proposed CA land along with a detailed plan of action regarding prevention and eviction of the encroachment.*
 - g. *The State Govt. shall submit the compliance report of previous approvals granted in the mining lease by the Ministry and same shall be examined by IRO, Ranchi.*
- xiii. The State Govt. has reported that in compliance with the Environmental Clearance (EC) condition specified in Letter No. J-11015/272/2007-IA.II(M) dated 23.09.2014, a Site-Specific Wildlife and Biodiversity Conservation Plan has been prepared and implemented in consultation with the State Forest and Wildlife Department. A copy of the plan has been submitted by the user agency as part of their compliance report, and the work is being executed under the supervision of the Saranda Forest Division. Regarding the deposition of funds, the Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Jharkhand, vide letter no. 269 dated 28.02.2022, clarified that for plans prepared under Environmental Clearance conditions, funds are not to be deposited in the CAMPA account. Instead, as per the approved mechanism in Jharkhand, such funds are to be deposited into the Government Treasury under the Head "Van Preshan Lok Lekha (Praptiyan) - Head 8782" in favor of the Divisional Forest Officer (DFO), Saranda Forest Division. Accordingly, the user agency has deposited the required amount into the Chaibasa District Treasury, and a copy of the bank draft/challan has been attached in their compliance report.
- xiv. The State Govt. has informed that user agency has submitted the proposed land use plan for the 1800 ha of undisturbed forest land within its lease area, which is as follows:

Sl. No.	Proposed Land Use	Area (in ha)
1	Detailed exploration for iron ore resources	963.370
2	Storage of tailings after mine expansion	56.070
3	Area for future expansion of the project	823.539

Total	1842.979
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- xv. Further, the State Govt. has submitted that the Divisional Forest Officer (DFO), Saranda Forest Division, has reported that the user agency has proposed to return 78.30 ha of reclaimed forest land to the Forest Department. For the balance forest land requirement (169.20 ha) under the diversion proposal, the user agency has submitted an undertaking to surrender virgin forest land from within its undisturbed lease area. Relevant maps and documentation have been provided. A joint field inspection of the proposed 169.20 ha virgin forest land was conducted on 19.08.2023 by the DFO, Saranda Forest Division, along with Forest Range Officer, Sasangda Range, field staff, and representatives of M/s SAIL, Kiriburu-Meghahatuburu Iron Ore Project. It was confirmed that the identified area is entirely undisturbed and falls within the user agency's leasehold. Based on the site inspection and findings, the DFO has recommended acceptance of the area for handover, subject to boundary demarcation. Comments from the Principal Chief Conservator of Forests (HoFF), Jharkhand, have also been obtained.
- xvi. The State Govt. has informed that as per the report of the DFO, Saranda, the user agency has proposed to hand over 51.40 ha of reclaimed forest land to the Forest Department in compliance with Stage-I clearance conditions (MoEF&CC letter dated 18.10.2010). The remaining 26.9 ha virgin forest land was inspected on 19.08.2023 and found suitable for handover. The user agency has been directed to demarcate the area, and the DFO has recommended its acceptance, subject to demarcation.
- xvii. The State Govt. has informed that the user agency has submitted a detailed land use plan for the entire 2897.499 ha lease area. Key components include mining excavations, overburden dumps, infrastructure, township, proposed diversion, exploration, and future expansion. A 5-year reclamation and surrender plan for the 247.50 ha diverted land has also been submitted, with 78.30 ha already rehabilitated and the remaining 169.20 ha to be surrendered in phases.
- xviii. The State Govt. has informed that the user agency, with the support of the District Administration and Forest Department, is working to remove encroachments from the lease area. A detailed Encroachment Prevention and Eviction Plan has been submitted for approval to the Regional CCF, Singhbhum (Letter No. 1951 dated 26.10.2023), along with a financial commitment from the user agency. Regarding the proposed Compensatory Afforestation (CA) land:
 - a. In Khunti Forest Division, advance CA work for 2022–23 has been completed in Ichadih, Bandu, Tamar, Kolma, and Neemdihi villages, and planned for 2023–24 in Mankidihi, Sarjamdihi, and Gomiyadihi.
 - b. In Gumla Forest Division, 61.00 ha of CA land in Jehangutwa village has been developed, and third-year maintenance is ongoing.
- xix. The Regional Office, Ranchi vide letter No. FP/JH/MIN/790/2008/31 has submitted the monitoring report of earlier approvals.

- xx. The Committee observed that a Site-Specific Wildlife and Biodiversity Conservation Plan has been prepared in consultation with the State Forest and Wildlife Department, under the supervision of Saranda Forest Division. However, the State Govt. has informed that the same is done in compliance with the Environmental Clearance (EC) condition (Letter No. J-11015/272/2007-IA.II(M) dated 23.09.2014). Further, it has been informed that the funds for such plans under EC conditions are deposited into the State Government Treasury (Head 8782) and not in the CAMPA account.
 - xxi. The committee observed that since a condition has been imposed regarding wildlife management with respect to the proposal for diversion of forest land, the funds pertaining to said plan are required to be deposited into CAMPA account.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Ranchi, the Committee recommended the proposal for grant of '**Final**' approval for non-forestry use of 247.50 ha of forest land out of total lease area of 1936.06 ha in favour of M/s Steel Authority of India Limited (SAIL) for iron ore mining in Kiriburu- Meghahatuburu group of Iron Ore mines located in District West Singhbhum, Jharkhand State subject to receipt of following information:
- i. The State Govt. shall submit an undertaking that the funds w.r.t Site-Specific Wildlife and Biodiversity Conservation Plan which have been deposited into the State Government Treasury will be transferred to the CAMPA account.

Agenda No. 13

File No. 8-08/2024-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 49.320 ha Reserved forest land (34.45 ha in Sendhwa Forest Division and 14.87 ha in Khargon Forest Division) in favour of Water Resource Department for the construction of Sonkhedi Tank Project under Barwani District of Madhya Pradesh State (Online No FP/MP/IRRIG/155614/2022) - regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:

- i. The Government of Madhya Pradesh vide their letter No. F-3/129/2022/10-11/10/1903 dated 02.04.2024 forwarded a fresh 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 49.320 ha Reserved forest land (34.45 ha in Sendhwa Forest Division and 14.87 ha in Khargon Forest Division) in favour of Water Resource Department for the construction of Sonkhedi Tank Project under Barwani District of Madhya Pradesh State.
- ii. Legal Status of the forest involved is Reserve Forest having Eco-Class 3 & Canopy Density is 0.4.
- iii. The State Govt. has reported that the Project is located in a very backward and remote area. The area is mostly inhabited by poor tribals. The economy is mostly dependent on agriculture. Due to scarcity of water, the agricultural production is very poor. A seasonal nala called Amba Pani flows through the area and drains into Aner nadi and ultimately drains into river Tapti. To harness the water in Amba pani stream for the benefit of local poor farmers, the project has been envisaged.
- iv. The Sonkhedi Tank Project Project is proposed to be taken up under Tribal Plan. The site is located in Sendhwa block of Barwani District. The project is located on local Nalla near village Sonkhedi which is approachable through 117 km By Tar road from Barwani district and then 3 Km by cart track near village Sonkhedi. The project requires 49.32 ha reserved forest land and 2.47 ha Non-forest land.
- v. The component wise break-up is as under:

S.no	Component	Forest Land (ha.)	Non-Forest Land (ha.)
1	Dam	2.63	0
2	Submergence	41.644	0
3	Waste Weir	1.876	0
4	Canal	3.17	2.47
Total		49.32	2.47

- vi. An earthen dam of 500656m earthen embankment been proposed to be constructed. The maximum height of Earthen bund is 26.46 m. The net catchment area at the proposal tank site is 25.03 sq.km. The Sendhwa rain gauge station has been considered for hydrological calculations being the nearest to the site. The rainfall record of 41 years (1974-2014-15) has been considered for hydrological calculations. The mean annual rainfall is 825.561 mm and corresponding mean annual yield is 5.494 MCM with diminishing factor of 0.9. The 75% dependable annual rainfall is 659.5 mm and corresponding 75% dependable annual yield has been computed is 3.412 M.cum. with diminishing factor of 0.9. The project on completion will extend irrigation facilities to 533. of Rabl. The irrigation benefits will be drawn by 100% Tribal cultivators. During construction the scheme will provide employment to 20% Tribal local population.
- vii. The State reported that there are 22 number of families dependent on the proposed forest land and will be affected due to instant project but

this is a minor irrigation project of the under the Madhya Pradesh Water Resources Department. Notably, the department's minor irrigation projects do not include provisions for rehabilitation and resettlement. Therefore, for the affected families, compensation for land and housing will be provided in accordance with the **Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013**.

- viii. The committee also observed that, as per the DSS analysis the instant project is located at a distance of 0.50 Km from the inter-state border of Maharashtra State. In this reference, the Nodal officer, Govt. of Madhya Pradesh informed the committee that the main dam site of the proposed project is located 1.80 km from the Maharashtra state border. The tail end of the canal does not cross into Maharashtra but is situated 0.50 km away from the border. The project is not being constructed on the Anner River, which forms part of the Maharashtra-Madhya Pradesh border. The catchment area of the Anner River at the Maharashtra-Madhya Pradesh border is 988.084 square kilometers. In contrast, the proposed irrigation scheme aims to store water from a small stream in Madhya Pradesh, covering an area of 25.03 square kilometers at the dam site. This constitutes only 2.59% of the Anner River's catchment area at the border. Therefore, the construction of the dam is expected to have a negligible impact on the water flow of the Anner River. Additionally, there are no existing or proposed irrigation schemes by the Madhya Pradesh Water Resources Department on the Anner River along the Maharashtra border. Therefore, the proposed project is not anticipated to have any significant adverse effects on the Anner River or its surrounding environment.
- ix. It has been noticed that a waste weir in the project. However the forest land in-between the waste weir and Dam line has not been included in the proposal. In this context, the State confirmed that the forest land in between the waste weir and the dam line will not be utilized for any construction work. Additionally, the trees located in this area will not be affected in any manner. Therefore, this land has not been included in the instant forest diversion proposal.
- x. The committee members asked about the hydrological assessment report along with details of study (if any) carried out in the basin and details about the Impact of the project on the flow of water downstream wherein the Nodal officer, Govt. of Madhya Pradesh apprised that this is a small-scale irrigation project proposed to store 25.03 square kilometers of water. The project aims to irrigate 535 hectares across three villages. The proposed forest area for the project is 0.4932 square kilometers, constituting 0.07% of the geographical area of Tehsil Varla. The impact on fauna, birds, other wildlife, and the environment in this forest area is expected to be negligible. The construction of the project will result in a live water storage of 3.41 million cubic meters. Even after the monsoon, due to minimal seepage from the dam, water flow will persist in the downstream of the stream up to approximately 10 kilometers, benefiting wildlife, birds, and providing water for irrigation. Additionally, the surrounding area is expected to experience an increase in groundwater levels.

- xi. The proposed diversion area comprises of main dam, submergence area, Waste weir and Canal. The dam is situated between two hill ranges having open forest. The submergence area is in the valley and submerging the foot hills having open forest with very sparse vegetation. The area more than 10 kms from the nearest protected area i.e. Devgarh Sanctuary in Maharashtra and it also does not fall in any notified wildlife corridor. The water impounded due to the project would help the surrounding vegetation and also provide drinking water to wildlife and local cattle in addition to the local people.
- xii. The State Govt. has identified degraded forest land for plantation work in order to accommodate the balance saplings which cannot be planted over proposed non forest land for CA. In this context, the Nodal officer, Govt. of Madhya Pradesh apprised the committee that due to presence of 24320 number of trees in the Non-forest land proposed for CA in Khasra No. 164, Village Fatayapur, it has been proposed to plant the remaining 25,000 saplings in the degraded forest land in Forest Compartment No. 404, located in the Sendhwa Range
- xiii. The DDGF(c), RO, Bhopal informed the committee that the Sonkhedi tank project is situated on a seasonal stream called Amba pani which drains into Aner nadi and ultimately drains into river Tapti. The main dam is proposed to be constructed in Sendha forest division of Barwani district. The submergence area due to the dam is spread into Sendhwa and Khargone forest divisions of Barwani district. The area is in Satpura mountain ranges. The seasonal nala Amba, pani originates in Satpura ranges and ultimately drains into Tapti River. The average annual rainfall in the area is about 700-750 mm. Due to undulating terrain, most of the population living in the area are on hills or in valleys. Due to poor rainfall, the agricultural production for the poor tribals living in the area are very poor. Normally, the rainwater during rainy season drains through the Amba pani stream carrying a lot of silt from the catchment areas into the river Tapti without being used by local people. Therefore, to harness the rain water during rainy season, the project has been envisaged. The dam will cause impounding of water for longer duration in an year and will help in providing drinking water and irrigation for agriculture, thereby boosting the economy and standard of life for the local people.
- xiv. The committee observed that the hydrological impact assessment, though briefly addressed by the State Government, lacks detailed scientific data or third-party validation. The potential impact on the downstream flow, especially in inter-state river systems, requires more comprehensive evaluation to ensure minimal adverse effect on downstream ecology and communities.
- xv. The committee noted that the proposed diversion of forest land lies within 6.51 km of Yawal Wildlife Sanctuary in Maharashtra. However, comments/recommendations from the Chief Wildlife Warden (CWLW), especially in light of the Wildlife (Protection) Act, 1972, have not been submitted.
- xvi. The committee also observed that the project is located within 0.50 km of the Maharashtra border, with part of the canal in proximity to the inter-state boundary. While the State Government has provided a

justification regarding the limited impact on the Aner River and its catchment, the No-Objection Certificate (NOC) or formal comments have not been received from the State of Maharashtra.

- xvii. The committee noted that the instant project has not obtained approval from the State Dam Safety Organization as per the provision mentioned under the Dam Safety Act, 2021. Moreover, recommendation of the NDSA has not been obtained.
 - xviii. The Advisory Committee observed that the details regarding overall impact/ benefits of the project to local people/villages needs to be examined in detail. The details about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted and the likely impact of the project on cropping pattern in future is essential for evaluating the socio-economic benefits of the project.
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 '**deferred**' the proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion 49.320 ha Reserved forest land (34.45 ha in Sendhwa Forest Division and 14.87 ha in Khargon Forest Division) in favour of Water Resource Department for the construction of Sonkhedi Tank Project under Barwani District of Madhya Pradesh State for want of following information:
- i. The State Government shall furnish a comprehensive report indicating the impact of the proposed project on downstream flow of water.
 - ii. The proposed diversion of forest land is located within a distance of 6.51 km from Yawal Wildlife Sanctuary in the State of Maharashtra. Therefore, the comments and clear recommendations of the Chief Wildlife Warden (CWLW), shall be submitted.
 - iii. The proposed project is located within 0.50 km of the inter-state boundary with Maharashtra, and a portion of the canal alignment lies in close proximity to this border. In view of the possible downstream and inter-state implications of the project, the State Government shall obtain and submit the "No Objection Certificate" from the Government of Maharashtra.
 - iv. The user agency shall furnish a report from the State Dam Safety Organisation (SDSO) regarding all technical aspects wrt the safety of the dam. The recommendations shall be implemented by the user agency to avoid any possible unforeseen conditions.
 - v. Further, the State Government shall obtain approval of the National Dam Safety Authority (NDSA) on the recommendations made by the State Dam Safety Organisation (SDSO) and submit the same.
 - vi. The details about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted and the likely impact of the project on cropping pattern in future is essential for evaluating the socio-economic benefits of the project. The State shall submit a detailed report on these aspects.

Agenda No. 16**File No. 8-16/2023-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 2250.05 ha (instead of 2272.05 ha) forest land for construction of Morand - Ganjal Irrigation Project located in Hoshangabad, Betul, Harda and Khandwa Districts of Madhya Pradesh State in favour of M/s Narmada Valley Development Authority (Online No. FP/MP/IRRIG/36231/2018) – regarding.

1. The agenda item was considered by the AC in its meeting held on 26.05.2025. The corresponding agenda note may be seen at 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 above mentioned project proposal was considered in the Advisory Committee meeting held on 27.01.2025 . After detailed discussion, the Committee recommended that:

To examine the proposal holistically 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 with clear recommendations for further needful. The Sub-Committee shall comprise of the following members:

- a. *Shri Anjan Kumar Mohanty, Additional Director General of Forests (Forest Conservation), MoEF&CC, New Delhi. (Chairperson)*
- b. *Shri Nityanand Srivastava, Non- Official Member of Advisory Committee, (Member)*
- c. *DDGF (Central), Regional Office, MoEF&CC, Bhopal, (Member)*
- d. *A representative from National Tiger Conservation Authority, MoEF&CC, New Delhi (Member)*
- e. *Dr. Mehraj Sheikh, Additional Commissioner (Soil Conservation), Ministry of Agriculture and Farmers' Welfare (Member)*

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

- ii. The above recommendation was communicated to the State Government and Sub- Committee Chairman and members vide letter dated 03.02.2025.

- iii. The Sub-Committee has visited the project area on 27th and 28th March, 2025 under the Chairmanship Shri Anjan Kumar Mohanty, ADG(FC).
 - iv. At the time of circulating the agenda, the report of the Sub-Committee was under finalization and it was mentioned that it will be shared separately and will also be presented during the meeting by the sub-committee. However, the sub-committee has informed in the meeting that the report has not been finalized yet.
4. **Decision of the Advisory Committee:** The proposal has been “deferred” till finalization and submission of the sub-committee report.

Agenda No. 17

File No. 8-85/2005-FCVol.

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 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 26.05.2025. The corresponding agenda note may be seen at 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.
 - ii. 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.
 - iii. 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.
 - iv. The State Govt. has informed 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.

- v. 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
Total		53.142

- vi. 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.

- vii. 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.
- viii. 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.
- ix. 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.
- x. The Govt. of Madhya Pradesh informed that the 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.
- xi. The State Govt. has reported 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. 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
Total		

- xii. 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.
- xiii. The RO, Bhopal has reported 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, Buchnanian 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.
- xiv. The Govt. of Madhya Pradesh informed that as per the Mining plan, numerous seasonal nallas 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

- xv. The State Govt. has submitted 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.
- xvi. The proposal was considered in the Advisory Committee meeting held on 05.03.2025 wherein 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.

- xvii. Based on the said recommendation of the Advisory Committee, the Ministry has issued a letter dated 13.03.2025 to the Sub-Committee. In this regard, the said Sub-Committee has submitted its report via email dated 23.05.2025. The report of the sub-committee inter-alia mentions the following:

The Khadia Expansion Opencast Coal Mine Project is an expansion project of existing Khadia project. The approvals for the diversion of forest land in the Khadia and other adjoining mines have been obtained by the user agencies at various intervals in the past.

The Nodal officer, Govt. of Madhya Pradesh and the representatives of the user agency apprised the sub-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 are 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. 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
Total	904.765	

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
Total		53.142

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.

The user agency informed that the NCL has been assigned the target of about 140 MTPA during FY 2025-26. To meet demand on NCL for supply of coal by coal consumers, thermal power plants & others, present expansion of Khadia OCP is needed. At NCL, production of some mines is tapering phase and there is limited balance life of these mines. To meet the demand of coal along with to compensate the loss of production due to tapering phase, there is dire need to enhance the production capacity and acquisition of coal bearing land wherever there is scope.

Due to following reasons, it is difficult for NCL to meet incremental coal production by enhancing capacity of adjacent mines, keeping capacity of Khadia OCP at current level only:

Coal mines of NCL are operating at a designed capacity and producing coal at the optimum designed capacity.

Each mine has a specified strike length within its designated mine boundary and only limited nos. of HEMMs/equipment's can be deployed over the strike length for excavation of coal

Further, each mine has corresponding coal evacuation capacity. The coal from one mine can be produced upto the matching evacuation capacity.

Also, dump plan is designed in such a way that overburden being removed concurrent to coal excavation can be accommodated with required factor of safety, slope angle and available space for overburden dumping. Many mines of NCL are under constraint of space to accommodate overburden.

Each mine has dedicated coal consumers with whom long term Fuel Supply Agreement (FSA) had been executed to supply the coal for specified grade and quantity. Each mine has to sustain the coal production level to meet the predefined FSA criteria.

Approximately on average basis about 2 ha land is required per year for excavation of 1 MT coal which can vary on mine to mine depending on the thickness of seams, strike length, nos. of working seams and gradient of seams.

Also to meet the 1 billion tonne coal production by Coal India Limited, there is urgent need to enhance and optimize the production capacity of mine wherever possible.

Mine working is going deeper day by day and hence to maintain orientation and geometry of the mine working, land lying towards dip side is required to be possessed well in advance.

The subcommittee during inspection observed that:

The proposed area is hilly with undulating terrain, sandy loam soil having excellent depth. The area is having excellent forest growth. The canopy however is not closed type as majority of plants are at pole stage. There is excellent regeneration of species such as *Shorea robusta*, *Diospyros melanoxylon*, *Butea monosperma*, *Buchnanian lanzan*, *Terminalia tomentosa*, *Terminalia arjuna*, *Terminalia bellirica*, *Phoenix*, etc.

The entire landscape is dominated by various mines of the NCL. The proposed area is on the boundary of Madhya Pradesh and Uttar Pradesh states. The area proposed is a dense forest patch with abundant pole stage plants.

The area is however surrounded by other mines for which approval for diversion has already been obtained by the NCL. The user agency submitted a map depicting various mines and the detail of approval obtained in the past. As per the map provided (Copy enclosed) it is evident that the surrounding areas are already proposed/approved for mining. The proposed forest land is surrounded by existing NCL mines—Dudhichua to the west and North West, Bina to the east and North East and Khadia OCP in the South. Therefore, if left out of mining the proposed area would come out as an island without any ecological linkage or connectivity to the nearby forested areas.

The user agency submitted the justification for not maintaining the safety zone around individual mines and intimated that it is not technically possible as the coal bearing area excavated from both sides on the boundary of two mines is liable to catch fire. In this regard considering the fact that all the mines belong to NCL, the cluster approach may be accepted and the user agency be asked to ensure the maintenance of the safety zone around the entire cluster of mines. A part of the area earlier diverted for the Bina OCP is proposed to be used for Khadia OCP. In this regard the state has to ensure that such transfer is allowed only with the prior approval of the central

government. Reclamation works have been done by the User agencies in various mines in the landscape. However, there is a need to strengthen and improve upon the reclamations. At many places gully erosions due to rainfall were noticed which are required to be controlled by employing various bioengineering measures.

- xviii. The Advisory Committee observed that as per report of the sub-Committee the sub-Committee has recommended the following:

The sub-committee after site inspection and detailed discussions with the Nodal Officer, Madhya Pradesh, other officers of the State and the representatives of the user agency observed that the proposed diversion proposal is for the expansion of the existing Khadia OCP of NCL and the proposed area is surrounded by various other proposed/existing mining areas. Keeping the same in view, the sub-committee recommends the proposal for the diversion of 53.142 ha forest land for Khadia Expansion Open Cast Coal Mine Project by M/s Northern Coalfields Ltd. (NCL) under Singrauli District of Madhya Pradesh State with following conditions:

- a. The user agency/NCL may ensure the maintenance of the safety zone around the entire cluster of operational mines in the landscape.
- b. A part of the area earlier diverted for the Bina OCP is proposed to be used for Khadia OCP. In this regard the state has to ensure that such transfer is allowed only with the prior approval of the central government.
- c. Reclamation works have been done by the User agencies in various mines in the landscape. However, there is a need to strengthen and improve upon the reclamations. At many places gully erosions due to rainfall were noticed which are required to be controlled by employing various appropriate measures. A plan for the restoration/reclamation of such areas shall be prepared and executed by the user agency in consultation with the state forest department.

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 the proposal for grant of '**in-principle**' approval 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 subject to the general, standard and following specific conditions:

- i. The user agency/NCL shall ensure the maintenance of the safety zone around the entire cluster of operational mines in the landscape.
- ii. A part of the area earlier diverted for the Bina OCP is proposed to be used for Khadia OCP. In this regard the state has to ensure that such transfer is allowed only with the prior approval of the central government.

- iii. Reclamation works have been done by the User agencies in various mines in the landscape. However, there is a need to strengthen and improve upon the reclamations. At many places gully erosions due to rainfall were noticed which are required to be controlled by employing various appropriate measures. A plan for the restoration/reclamation of such areas shall be prepared and executed by the user agency in consultation with the state forest department.

Agenda No. 18**File No. 8-61/2016-FC**

Subject: Proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for 153.09 ha forest land for Iron Ore mining at village Surjagad Wooria Hill Bhamragad, Tahsil Etapali, Dist. Gadchiroli in Maharashtra State in favour of M/s Gopani Iron & Power (India) Pvt. Ltd - regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 26.05.2025. The corresponding agenda note may be seen at 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. 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 Maharashtra vide their letter No. letter No. FLD 36A16/C.R.402/F-10 dated 15.12.2016 has submitted a proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposal was placed before the Advisory Committee in its meeting held on 26.12.2016, 25.04.2017, 20.07.2017, 26.10.2017 and 16.04.2025.
 - iii. Brief facts regarding the proposed forest land which was then placed before the Advisory Committee are as under:
 - a. The project is located in the Bhamragarh (Gadchiroli) forest, District Gadchiroli, Maharashtra.
 - b. The legal status of the forest land is Reserved Forest (153.09ha).
 - c. The area falls under Eco-class- 3 and the vegetation density is 0.4.
 - d. It is reported that the herbivorous and Carnivorous animals seen rarely in this area (1) Cheetal (Axis) 2 hare (Lepus ruficaudatus) 3 Wolf (Canis lupus pallipes).
 - e. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
 - f. No protected archaeological/ heritage site/defense establishment or any other important monuments is located in the area.
 - g. No work in violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was reported.
 - h. The compliance on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is pending.
 - i. As per information available on the PARIVESH, no proposal for this Mining Lease has been submitted for approval under section 2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - iv. The Ministry vide letter dated 08.02.2017 has requested the State Governments to provide a list of existing mining leases executed on or before 11.1.2017 status of validity of all mining leases which had been saved under the provisions of MMDR Act, 2015, and pending in this

Ministry for consideration under Section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- v. The Government of Maharashtra vide their letter dated 24.03.2017 enclosing the letter dated 06.03.2017 of Nodal Officer has provided the status of various pending proposals including the present status of M/s Gopani Iron & Power (India) Pvt. Ltd. wherein it has been mentioned that *"Approval under Section 5 (1) of MMDR Act, 1957 issued by GOI, Ministry of Mines on 1.6.2006 and LOI issued by GOM, Industries, Energy and Labour Department on 28.6.2006. The matter related to validity of the mining lease is subjudice in the Hon'ble Bombay High Court, Nagpur Bench"*.
- vi. Thereafter the Advisory Committee (AC) in its meeting held on 25.04.2017 recommended the proposal for approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 subject to certain conditions including specific conditions and the final decision of Hon'ble high court of Bombay.
- vii. Further, while submitting the file for the approval of competent authority it was observed that the matter is sub-judice and involves the interpretation of section 10-A (2)(C) of MMDR Act and Lol is not valid till the finality of the applicability of sub rule (4) of rule 8 which stipulates that where the lease has not been executed and registered before 11th January 2017, the right of the applicants (Lol holders) under clause (C) of sub section 10A for grant of a mining lease shall be forfeited and it would not be mandatory for the State Government to issue any order in this regard. In this regard, considering FCA guidelines 2.1 (vi) vide which State Government are advised not to consider/process cases, which are pending in various courts or sub-judice to avoid all sorts of administrative and legal complications. In this backdrop in the absence of the valid Lol after 11th January 2017, the AC should not recommend permission under section 2 (1) (iii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to execute the mining lease till the final order of the Hon'ble High Court and clarification regarding the applicability of provisions of section 10-A (2) (C) of MMDR Act and validity of Lol issued by the Government in favour of the user agency is clarified from the Ministry of mines and the State Government. In the light of facts stated above, The said guidelines was brought to the notice of AC and do not recommend such cases till the final orders of Hon'ble High Court in this matter is received.
- viii. The file was processed and placed before competent authority for approval. The competent authority observed as follows *"Have we received any new document after the FAC meeting? Better such issues are resolved at AC level itself. Since there are two different opinions about Lol in this case, call the concerned for a meeting at DGF&SS level and obtain the facts. Also please keep in view the order of the Hon'ble High Court, Nagpur"*.
- ix. Accordingly, the facts were placed before the Advisory Committee in its meeting held on 20.07.2017 and the AC observed that the State Government had reported that the matter related to validity of letter of intent is sub-judice. Representative of the user agency apprised that the matter is listed in the Hon'ble high court on 2nd August 2017. In this regard, the Forest (Conservation) Act guidelines 2.1 (vi) was pursued. It clearly says that "State Government are advised not to consider/process cases, which are pending in various courts or sub-judice to avoid all sorts of

administrative and legal complications". The AC inter alia recommended that:

"Considering the fact placed before the AC, it recommended not to grant permission to the state Government under section 2(iii) of FC Act till the final orders of the Hon'ble High Court on applicability of provisions of section 10-A (2) (c) of MMDR Act.2015 are passed".

- x. The Ministry vide its letter dated 19.09.2017 communicated the State Government that the approval of competent authority under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for not to grant prior approval for 153.09 ha forest land for Iron Ore mining at village Surjagad Wooria Hill Bhamragad, Tehsil Etapali, Dist. Gadchiroli in favour of Gopani Iron & Power (India) Pvt. Ltd till the final order of the Hon'ble High Court.
- xi. Thereafter the user agency i.e. M/s Gopani Iron & Power (India) Pvt. Ltd. vide their letter dated 18.09.2017 submitted a copy of Hon'ble Bombay High Court (Nagpur Branch) Judgement dated 12.09.2017 (Pg. 224/c) in response to Writ Petition No. 126 of 2017 for processing the proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for 153.09 ha forest land for Iron Ore mining at village Surjagad Wooria Hill Bhamragad, Tehsil Etapali, Dist. Gadchiroli in favour of Gopani Iron & Power (India) Pvt. Ltd.
- xii. The Hon'ble Bombay High Court (Nagpur Branch) in order dated 12.09.2017 passed order that:
*".....it is apparent that the favourable recommendation to the Forest Advisory Committee dated 25.04.2017 needs to be looked into on merits by respondent No. 1 and pendency of petition before this court cannot be a ground to postpone it.
 Accordingly, we direct respondent No. 1 to consider that recommendation on merits, within a period of three months from today."*
- xiii. The said proposal was placed before the Advisory Committee (AC) in its meeting held on 26.10.2017 and the Committee observed that M/s Gopani Iron & Power (India) Pvt. Ltd. vide their letter dated 18.09.2017 submitted a copy of Hon'ble Bombay High Court (Nagpur Branch) Judgement dated 12.09.2017 in response to Writ Petition No. 126 of 2017 for processing the proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for 153.09 ha forest land for Iron Ore mining at village Surjagad Wooria Hill Bhamragad, Tehsil Etapali, Dist. Gadchiroli in favour of Gopani Iron & Power (India) Pvt. Ltd. In light of direction of Hon'ble Bombay High Court (Nagpur Branch) in order dated 12.09.2017, the FAC, after detailed discussion on the issue, *recommended that the present application under section 2(iii) may be kept in abeyance till a speaking order regarding validity of letter of intent (LOI) in favour of M/S Gopani Iron & Power (India) Pvt. Ltd valid after 11.01.17 is received from the competent authority in the State Government in compliance of the Court order dated 12.09.2017.*
- xiv. The above said decision of the Advisory Committee was communicated to the Government of Maharashtra vide this Ministry letter No 8-61/2016-FC dated 22.01.2018 & dated 16.08.2018.

- xv. The Government of Maharashtra vide their letter No FLD-36A16/CR-402/F-10 dated 26.09.2024 and while advertising the letter of the Addl. PCCF & Nodal officer letter Desk-17/FCA-S1/PID-19549/Gadchiroli/1310 dated 30.08.2024 submitted the following information:
- a. M/s. Gopani Iron & Power (India) Private Limited vide letter dated 09.04.2007 had submitted the proposal for seeking prior approval of the Central Government under the Section 2 (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Accordingly the State Government recommended the aforesaid proposal to the MoEF&CC, Government of India under the Section 2 (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - b. Accordingly, the Advisory Committee (AC) in its meeting held on 26/10/2017 has recommended that the proposal under section 2 (iii) may be kept in abeyance, till a speaking order regarding validity of letter of intent (LOI) in favour of M/s Gopani Iron & Power (India) Private Limited Valid after 11/01/2017 is received from the competent Authority in the State Government in compliance of the Court Order dated 12/09/2017.
 - c. In compliance with the recommendation of the AC the Joint Secretary, Government of Maharashtra, Department of Industry, Labour, Energy and Mining vide their letter dated 19.12.2023 conveyed that letter of Intent (LoI) issued by the State Government on 04.09.2006 is still valid after 11.01.2017.
 - d. However, out of the area 153.09 ha. proposed for the diversion 5.00 ha. forest land has already been accorded Stage-II by the Central Government in favour of the Superintendent of Police, Gadchiroli. Similarly, 0.599 ha. forest land, which is part of a diversion proposal of 370.65 ha. has already been accorded Stage-II by the Government of India in favour of M/s Lloyds Metals and Energy Limited. Also, the proposal for diversion of 19.227 ha. forest land under Section-2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 Pg. 650-651/c for above ground conveyor along with road for maintenance & emergency road and transmission line in Taluka Etapalli, District Gadchiroli in the State of Maharashtra was accepted by the PSC-I in the Project Screening Committee held on the 08th May 2024, recommended by the Project Screening Committee-II held on the 25th June 2024 and thereafter this office requested the State Government to consider and submit the proposal to the Ministry of Environment, Forests & Climate Change, Government of India for approval under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 vide this office letter No.Desk-17/FCA-S1/PID-467926/Gadchiroli/767, dated 28/06/2024.
 - e. Considering the above facts, the remaining area of 145.231 ha. should be considered for diversion excluding 7.859 ha. area of above mention proposals.
- xvi. The LOI was issued by the State Government on 04.09.2006 but the user agency has not obtained Forest clearance on time. In this reference, the Nodal officer, Govt. of Maharashtra informed that the forest diversion proposal was initiated by the user agency on 23/04/2007. A lot of time has passed for procedural queries and due compliances. Further, due to the ongoing legal proceedings in the court regarding the said proposal and

pandemic period of COVID-19, there was an in-ordinate delay in getting the validity of LOI.

- xvii. The DDGF(c), RO, Nagpur informed that the 5,107 trees have been enumerated in the forest area proposed for diversion. The dominant species include *Tectona grandis*, *Pterocarpus marsupium*, *Terminalia tomentosa*, *Anogeissus latifolia*, *Olea beriga latifolia*, and *Adina cordifolia*, along with other miscellaneous species. During the inspection, it was noted that the trees had been marked. A few enumerated trees were cross-verified and found to be correctly listed in the enumerated tree data.
- xviii. The Nodal Officer, Govt. of Maharashtra apprised that in the past three proposals have been accorded approval under the Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980 in the landscape. The first proposal was 370.65 ha. (amended in place of 374.90 ha. originally approved) proposal for Iron Ore Mining, transmission line and approach road of M/s. Lloyds Metals and Energy Limited. The said proposal was submitted by M/s. Lloyds Metals and Energy Limited on 24/03/2005 and accorded Final Approval by Government of India, Ministry of Environment & Forest (FC Division) vide Letter No. F. NO. 8-31/2005-FC, Dt. 23/03/2007 area amended vide letter dated 12/09/2008 by Central Government which was before any case filed by the M/s. Gopani Iron & Power (India) Pvt. Ltd. The second proposal was for diversion of 5.00 Ha forest land for construction of the Sub Police Station at Surjagad of Superintendent of Police, Gadchiroli. The said proposal has been initiated by Superintendent of Police, Gadchiroli on 01/12/2018 for seeking approval under Forest (Conservation) Act, 1980, under the provision of Government of India, Ministry of Environment and Forest (FC Division) guidelines No. F.No.11-9/98-FC, Dt. 01/02/2013 for not more than 5.00 ha of forest land in each case Left Wing Extremism (LWE) affected district. The said proposal for diversion of 5.00 Ha. consist of the requirement of forest land for construction of New Administrative building and residential Quarters for Officers and Police Staff purposes like transportation, good communication and controlling Naxal activities. Area of Bande beat bears a wide forest cover so, it is highly sensitive in view of Naxal activities. To implement effective anti-naxal operations in order to prevent naxal- activities and maintain law and order situations, the Arm Out Post at Surjagad hill should be started at the earliest. Construction of Administrative Building is necessary for keeping Arms and communication, while residential quarters are essential for accommodation of Police officers and men. The proposed forest land was used by the Police Department of the Government of Maharashtra for public interest. In view of this, the proposal was recommended for approval under section 2(ii) of Forest (Conservation) Act, 1980. The third 19.227 Ha. proposal for above ground conveyor along with road for conveyor maintenance & emergency road and transmission line at Villages Bande, Hedri & Bhamragad RF under Etapalli Tehsil of Gadchiroli District in the State of Maharashtra in favour of M/s Lloyds Metals and Energy Limited. The said proposal was submitted by M/s. Lloyds Metals and Energy Limited) on 22/04/2024. As a leading public limited company in mining and an industry in and around the Gadchiroli district, recently M/s Lloyds Metals and Energy Limited signed MoU with Govt. of Maharashtra to facilitate investment in respect of the proposed mineral based Steel Plant and other

supporting projects. Out of 7.859 ha, an extent of 2.26 ha is the area which overlaps with the area proposed for diversion under the said proposal. As the area over an extent of 2.26 ha is already excluded from the proposal of Gopani Iron & Power (India) Private Limited, hence requested to consider the said proposal under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- xix. The lease area of the User Agency is bifurcated into two sections by an approach road leading to the mining lease of M/s Lloyds Metals Limited, reducing the originally proposed area by 0.474 hectares. Additionally, an area of 2.26 ha + 5.00 ha + 0.125 ha was excluded from the original 153.09 ha proposed for diversion. Considering these adjustments, the State Government has sought approval under Section 2(1) (iii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, for a revised area of 145.231 hectares.
- xx. The DDGF(C), RO, Nagpur apprised the committee, due to the diversion of 0.474 ha for the road in favor of M/s Lloyds Metals Limited and 2.26 ha for a conveyor belt for the same company, the lease area of the User Agency is now divided into three parts. Further, it was observed that two of these mining lease areas can be accessed via existing roads, which have been diverted in favor of M/s Lloyds Metals Limited and the PWD road. Moreover, M/s Lloyds Metals Limited has issued a No Objection Certificate (NOC) stating that M/s Gopani Iron & Power (India) Pvt. Ltd. can use the existing roads. However, a 72.38-hectare section remains inaccessible due to M/s Lloyds Metals Limited's conveyor belt. To access this patch, either M/s Lloyds Metals Limited must allow M/s Gopani Iron & Power (India) Pvt. Ltd. to pass through their mining area, or M/s Gopani Iron & Power (India) Pvt. Ltd. must propose a fresh diversion of forest land for an access road, which would require additional forest clearance and tree felling. Considering the practical constraints, it is noteworthy that before granting in-principle approval, the User Agency may submit a re-diversion proposal for an appropriate portion of land beneath the conveyor belt to gain access to the 72.38 ha patch.
- xxi. The instant proposal was kept in abeyance mainly due to the issue of validity of Lol/lease in view of the amended provisions of MMDR Act. Further, as per the Rule 8 of the Mineral Concession Rules, 2016 which came into force on 4.03.2015, it is inter-alia provided that the applicant in whose favour the State Government has issued Letter of Intent in writing before January 12, 2015 for grant of a mining lease for minerals, the mining lease shall be executed and registered on or before 11.01.2017 failing which rights of such an applicant for grant of mining lease shall be forfeited. Thus, the instant proposal comes under purview of the Section 10-A(2)(c) of the amended provision of the MMDR Act, 2015 which says that "where the Central Government has communicated previous approval as required under sub section (1) of section 5 for grant of a mining lease, or if a letter of intent (by whatever name called) has been issued by the State Government to grant a mining lease, before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, the mining lease shall be granted subject to fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act" and the cut-off date set for the LOI

issued in the instant project as per Section 10-A(2)(c) of the amended provision of the MMDR Act, 2015 was 11.01.2017. However, the Joint Secretary, Government of Maharashtra. Department of Industry, Labour, Energy and Mining vide their letter dated 19.12.2023 conveyed that Letter of Intent (LOI) issued by the State Government on 04/09/2006 is still valid after 11.01.2017. Therefore, keeping in view the provisions of MMDR Act and the validity of the LOI as conveyed by the State Govt. of Maharashtra, the matter needs to be examined in detail and it would be appropriate to seek the opinion of the ministry of mines on the matter.

- xxii. The Committee noted that, in consonance of Para-7.2 (5) of Chapter-7 given under the Consolidated handbook of Guidelines issued under Van (Sanrakshan Evam Samvardhan), Adhiniyam,1980, the user agency seeking assignment of forest land for mining shall submit Mining Plan, approved by the competent authority, indicating the detailed pre-mining and post mining land use plan, mine Closure Plan and for activities other than mining a detailed Project Report or Plan indicating the activities proposed on the forest land along with the proposal.
- xxiii. Thereafter the proposal was placed before the Advisory Committee (AC) in its meeting held on 16.04.2025 and the Committee 'deferred' the proposal for want of following information:
 - a. The State Govt. shall submit updated and approved mining plan indicating the detailed pre-mining and post mining land use plan, mine Closure Plan and for activities other than mining a detailed Project Report or Plan indicating the activities proposed on the forest land shall be submitted.
 - b. Keeping in view the provisions of MMDR Act and the validity of the LOI as conveyed by the State Govt. of Maharashtra, the matter needs to be examined in detail and in this regard the Ministry shall seek the opinion/comments from the Ministry of Mines.
- xxiv. The above said decision of the Advisory Committee was communicated to the State Government / Ministry of Mines to provide information to the Ministry vide Ministry letter 30.04.2025.
- xxv. The committee observed that the State Government vide their letter dated 14.05.2025 has informed that the Mining Plan along with progressive Mine closure plan indicating detailed pre-mining and post mining land use plan, mine Closure Plan of Surjagad Wooria Hill Iron Ore deposit in Gadchiroli district of Maharashtra State was prepared for grant of lease under Rule 22 of MCR, 1960 & was approved by the Regional Controller, Indian Bureau of Mines, Nagpur vide letter No. GAD/FE/MPLAN/943-NGP, dated 15.12.2006 in exercise of the power conferred by the Clause (b) of Sub Section (2) of Section 5 of the Mines & Minerals (Development & Regulation) Act, 1957 read with Government of India Order No. S.O.445 (E) dated 28.04.1987. Under sub rule 6 of Rule 22-MCR 1960, the mining plan once approved shall be valid for the entire duration of the lease with provisions that any modification or modifications of the mining plan shall be approved by the competent authority and such approval of the modified mining plan shall remain valid for the balance duration of the mining lease. It is again to be brought to your kind attention that the mining plan has incorporated a tentative scheme of mining and annual programme and plan for excavation from 1st year to 5th year for five years; effective from the date of execution

of Mining lease for newly grant mines in compliance with sub rule 5 (v) of Rule 22-MCR 1960. Accordingly, the same was mentioned in the approved mining plan.

- xxvi. The Committee further noted that the instant proposal was kept in abeyance mainly due to the issue of validity of Lol/lease in view of the amended provisions of MMDR Act. Further, as per the Rule 8 of the Mineral Concession Rules, 2016 which came into force on 4.03.2015, it is inter-alia provided that the applicant in whose favour the State Government has issued Letter of Intent in writing before January 12, 2015 for grant of a mining lease for minerals, the mining lease shall be executed and registered on or before 11.01.2017 failing which rights of such an applicant for grant of mining lease shall be forfeited. However, the Joint Secretary, Government of Maharashtra. Department of Industry, Labour, Energy and Mining vide their letter dated 19.12.2023 conveyed that Letter of Intent (LOI) issued by the State Government on 04/09/2006 is still valid after 11.01.2017. Therefore, keeping in view the provisions of MMDR Act and the validity of the LOI the Ministry vide letter dt. 30.04.2025 and reminder dated 22.05.2025 has requested the Ministry of Mines to provide their opinion/comments.
- xxvii. The Committee observed that the State has earlier informed that the Letter of Intent (LOI) issued by the State Government on 04/09/2006 is still valid after 11.01.2017. Further, the Hon'ble High Court of Judicature at Bombay, Nagpur Bench vide its order dated 12.09.2017 has inter-alia mentioned that *...when the provisions of above-mentioned Act were amended in January, 2015, the only forest clearance was under consideration. Because of last date for execution of lease stipulated to be 11/01/2017 under Section 10 (A) of the above mentioned Act, the present petition came to be filed on 04/01/2017. This court directed on 06/01/2017 that the proposal of the petitioner shall not lapse merely because lease was not executed by the said date...*
- xxviii. The Committee further observed that the comments have not yet been received from the Ministry of Mines, however, the State Government has affirmed the validity of the Letter of Intent (Lol). Further, the Rule 11(7) provides that the State has to ensure the compliance of all other Acts and Rules before issuing the order for diversion. Moreover, the process of prior approval for diversion of forest land is an independent process and it is incumbent upon the State to ensure the compliance of all other Acts/Rules including the MMDR Act as applicable. The non-compliance if any is to be appropriately dealt as per the provisions of concerned Acts/Rules.
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 Nodal Officer, Government of Maharashtra, the Committee recommended the '*in-principle*' approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for **145.231 ha** forest land for Iron Ore mining lease at village Surjagad Wooria Hill Bhamragad, Tehsil Etapali, Dist. Gadchiroli in Maharashtra State in favour of M/s Gopani Iron & Power (India) Pvt. Ltd subject to the General, Standard and following specific conditions:
- i. No breaking of forest land shall be allowed
 - ii. Mining operations in the forestland located within the mining lease can be undertaken only after obtaining the approval for diversion of the

forest area under clause (ii) of sub-section (1) of section 2 of the said Adhiniyam following the procedure prescribed under the rules made thereunder.

- iii. Grant of approval under clause (iii) of sub-section (1) of section 2 of the said Adhiniyam does not, in any manner, create any right or equity in favour of the user agency for grant of approval under clause (ii) of sub-section (1) of section 2 of the said Adhiniyam and decision on the proposals under clause (ii) of sub-section (1) of section 2 shall be taken on merit and the facts of the proposal.

Agenda No. 19

File No. 8-15/2007-FC(Vol.)

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 0.4620 ha Reserved forest land for construction of link road between two defence complexes in Survey No. 102, at Village Kothrud, Tal.-Haveli, District Pune in the State of Maharashtra in favour of Armament Research & Development Establishment (Online No. FP/MH/ROAD/144314/2021) - regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 26.05.2025. The corresponding agenda note may be seen at 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 their letter No. FLD-2022/CR-265/F-10 dated 25.01.2023 uploaded on PARIVESH portal on 05.07.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposal is for diversion of 0.4620 ha reserved forest land for construction of link road between two defence complexes at Village Kothrud, District Pune in the State of Maharashtra in favour of Armament Research & Development Establishment.
 - iii. The instant proposal is part of earlier proposal which was approved by the Ministry vide letter no. 8-15/2007-FC dated 24.07.2008.
 - iv. Legal status of the land proposed for diversion is Reserved Forest. Canopy density of the proposed area is reported as 0.1 with Eco Class III. There is no tree felling involved in the proposal.
 - v. The Proposed land for diversion does not form a part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. and no rare/ endangered/ unique species of flora and fauna found in the area proposed for diversion.

- vi. The forest land proposed for diversion is not located within the eco-sensitive zone (ESZ) of the protected Area notified under Wildlife (Protection) Act, 1972 and No protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area proposed for diversion.
- vii. Compensatory afforestation has been proposed over the 1.00 ha Degraded Forest Land in compartment No Gut No 791,792, Baramati Range of Pune Forest Division.
- viii. The Committee noted that in Year 1971 Maharashtra Govt. letter No. FLD-1971/32250-W dt. 09/11/1971 has granted 105.74 ha. Forest land of survey no 102 of village- Kothrud to ARAI on lease basis for 30 years. In above letter condition no. 5 is ARAI has allowed to construct only 2 ha area on the said land. But ARAI has constructed 7.695 ha on forest area. Meanwhile Forest Conservation Act 1980 has enacted on dt. 25.10.1980 lease stands terminated. But remaining 98.045 ha. area was and is in the possession of forest department. During 2007 ARAI has submitted 55.74 ha forest land diversion proposal under Forest conservation Act 1980. This 55.74 ha forest land has been approved for diversion to ARAI by the Ministry vide letter dt. 24.07.2008.
- ix. The Committee observed that the PCCF & HoFF, State of Maharashtra vide their letter no. 581/09-10 dated 29.06.2009 has instructed to CCF (T), Pune office that *"As per the instructions of the Government, ARAI, Pune, the project body has not furnished certificate the Scheduled Tribes and Other Traditional Forest Dwellers (Enforcement of Forest Rights) Act, 2006, hence until the further orders of the State government area (55.74 ha) should not be handed over to ARAI."* Till date area is not handed over to ARAI, hence proposal for diversion of 0.462 ha. forest land to ARDE including overlapping 0.15 ha. overlapping area be treated as fresh proposal.
- x. The State has informed that on ground joint inspection was done and from Defence land records and Forest land records, it is verified that; no Forest Land is in possession of ARDE (DRDO) nor transferred to ARDE Pashan Pune. It is true that a narrow strip of land \ chicken neck bearing Survey Number 38 extended into the premises of the Armament Research and Development Establish ment (ARDE), Pune (Map attached). This parcel of land was originally under the possession of the Pune Municipal Corporation and was formally handed over to the Forest Department on 18\8\1988 for conservation and management. Since then, the Forest Department has maintained possession of the said land.
- xi. Further, it has been informed that as per the Forest Department's classification, Survey Number 38 is recorded as a Unclass Forest, the formal process for declaring this land as Reserved Forest under the Indian Forest Act, 1927 has not yet been undertaken. Total area of survey no 38 is 37.04 Ha out of which 1 1.7 ha ie., 28.9-acre area is surrounded by ARDE campus from three sides. It has come to the notice of the Forest Department that ARDE has carried out repair work on a road traversing through Survey Number 38. A preliminary offence no.E-01\2025 Dated 07\03\2025 has been booked under relevant forest laws, and verification is currently underway to determine the legal and historical status of the road, including whether it existed prior to the land's transfer to the Forest

- Department ie 18\8\1988. It is confirmed that forest land bearing survey no 38 having total area 37.04 ha is in possession of forest department and not a part of Defence land.
- xii. As per the DSS analysis, a road has already been constructed after the year 2019 in the area proposed for diversion. Whereas the State Govt. has not reported any violation of FCA, 1980 in the instant case. In this regard the state has intimated that that the diversion route proposed by ARDE is a route used by the Forest Department for protection and conservation of the said area. Although the said diversion route has been proposed by ARDE, it will be also used by the Forest Department. There is no violation of FCA, 1980 at this place.
 - xiii. The committee observed that the complete KML file of the area proposed for diversion has not been submitted by the state. The area of the KML file is 0.393 ha which is less than the proosed area because the kml file for the entire stretch of the proposed road has not been submitted. In this regard the nodal officer informed that the actual area involved in 0.462 ha only and complete kml file will be submitted along with the compliance report of the Stage-1 approval.
 - xiv. The committee noted that RO, Nagpur has recommended the proposal.
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 Nodal Officer, Government of Maharashtra, the Committee recommended the proposal for grant of '**in-principle**' approval for diversion of 0.4620 ha Reserved forest land for construction of link road between two defence complexes in Survey No. 102, at Village Kothrud, Tal.- Haveli, District Pune in the State of Maharashtra in favour of Armament Research & Development Establishment with general, standard and following specific conditions:
- i. Compensatory Afforestation shall be carried over the identified 1.00 ha Degraded Forest Land in compartment No Gut No 791,792, Baramati Range of Pune Forest Division of Maharashtra State.
 - ii. The complete KML file depicting the entire stretch of the road proposed for diversion shall be submitted by the State.

Agenda No. 20

File No. FC-I/MH-348/2023-NGP

Subject: 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 0.34 ha. forest land for rehabilitation and upgradation of Nagpur-Katol-Warud National Highway (NH-353J) from existing Km 60+100 (End of Katol bypass) to 101+085 (Warud up to Joint Junction) to two lane with paved shoulder in Villages-Paradsinga and Bharsingi, Taluka- Katol and Narkhed, District- Nagpur in the State Maharashtra in favour of National Highways Authority of India (Online No. : FPMH/ROAD/115795/2020) - regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 26.05.2025. The corresponding agenda note may be seen at

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. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Govt. of Maharashtra vide their letter No FLD-3423/CR-201/F-10 dated 20.07.2023 has submitted a proposal on the above cited subject to obtain Ex-post facto approval of the Central Government. The instant proposal was initially submitted by the State Govt. to the Regional office, Nagpur of the Ministry.
 - ii. Since the proposal involved violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Therefore, in view of the Ministry guideline dated 08.09.2022 the proposal was forwarded to the Ministry for further processing.
 - iii. The proposal is for rehabilitation and upgradation of Nagpur-Katol-Warud National Highway.
 - iv. Legal status of forest land is 0.26 ha Protected forest and 0.08 ha Zudpi jungle and Canopy density of the proposed forest land is reported as 0.4 with Eco Class III.
 - v. The User Agency has reported that the diversion of forest land has been restricted to the minimum required to meet National Highway Standards. Since the proposed road passes through the centre of the forest area and no alternative route is available, bypassing the forest is not feasible. Hence, the present alignment has been proposed for diversion.
 - vi. The State Government has reported that the forest area proposed for diversion does not fall within any National Park or Wildlife Sanctuary. It has been reported that no Protected Area falls within the 10 km radius from the project road. Nearest Protected Area i.e. Bor Tiger Reserve which is radially 24 km away from the alignment of project.
 - vii. Compensatory Afforestation has been proposed over 1 ha Zudpi Jungle land in Compartment No 10, Range Kondhali, Nagpur District of Maharashtra.
 - viii. The DDGF (C), Regional Office, Nagpur has apprised the committee that the total area proposed for diversion is 0.34 ha, comprising two patches i.e. 0.26 ha - Protected Forest and 0.08 ha - Zudpi Jungle. No violations of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, were observed in the 0.26 ha Protected Forest area. However, a violation was noted over the 0.08 ha Zudpi Jungle area, where two cement pillars had been constructed by the User Agency. It was informed that the work commenced under the belief that the land, being recorded as Zudpi Jungle in revenue records and under the control of the revenue authority, did not require prior forest clearance. Following intervention by the Forest Department, the work was stopped. The Revenue Authority has issued a show cause notice to the User Agency.

- ix. The DDGF (C), Regional Office, Nagpur has also apprised the committee that during site inspection entire alignment was examined and it was found that no alternative alignment is available.
- x. The committee noted that RO, Nagpur has recommended the proposal subject to following conditions:
 - a. A penalty shall be imposed, as per the Ministry's guidelines, for the area of 0.08 ha of Zudpi Jungle where the User Agency has carried out work in violation of the VSSA, 1980. Appropriate action shall also be taken against the violators by the State government.
 - b. The cost towards raising 100 trees shall be recovered from the User Agency as per the provisions of the VSS Rules, 2023, and the guidelines issue thereunder.
- 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 Nodal Officer, Government of Maharashtra, the Committee recommended the proposal for grant of '**in-principle**' approval for ex-post facto approval for diversion of 0.34 ha. forest land for rehabilitation and upgradation of Nagpur-Katol-Warud National Highway (NH-353J) from existing Km 60+100 (End of Katol bypass) to 101+085 (Warud up to Joint Junction) to two lane with paved shoulder in Villages-Paradsinga and Bharsingi, Taluka- Katol and Narkhed, District- Nagpur in the State Maharashtra in favour of National Highways Authority of India with 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 State Government shall initiate the action as applicable under section 3A/3B for the violation of the Adhiniyam.
 - iii. Compensatory Afforestation shall be carried over identified 1.00 ha Zudpi Jungle land in Compartment No 10, Range Kondhali, Nagpur District of Maharashtra State.
 - iv. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.

Agenda No. 24

F. No. 8-13/2023-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Kashvi Power & Steel Pvt. Ltd. for non-forestry use of 60.508 ha of forest land including 2.331 ha of safety zone in Dholta Pahar Iron Ore

Block for iron ore mining in Bonai Forest Division under Sundargarh District, Odisha –reg. (Online No. FP/OR/MIN/150522/2021)

1. The above-mentioned subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.01.2025. In this meeting after thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and CCF cum Nodal, Govt. of Odisha, the Committee deferred the proposal and decided to constitute a sub-committee to visit the area, examine the proposal holistically and give recommendations in view of the area being in High Conservation Zone as per Decision Rule 1 and 2 of DSS, and reported elephant movement in the area. Further, as per extant rules and guidelines a comprehensive proposal including the road and transmission line was required to be submitted, whereas the state has mentioned that separate proposals are being submitted for road and transmission line. The committee shall therefore also examine the necessity and justification of the separate proposals for road and transmission line. **The Sub-committee shall have following members.**
 - a. Shri Anjan Kumar Mohanty, Additional Director General of Forests (Forest Conservation), MoEF&CC, New Delhi, (Chairperson)
 - b. Shri Manoj Pant, Non-Official Member- (Member)
 - c. Prof. K.R Shree Harsha, Non-Official Member- (Member).
 - d. DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar, (Member).
2. As per the decision of the last AC meeting, the sub-committee had visited the area on 3rd and 4th of May 2025. At the time of circulating the agenda, the report of the Sub-Committee was under finalization and it was mentioned that it will be shared separately and will also be presented during the meeting by the sub-committee. However, the sub-committee has informed in the meeting that the report has not been finalized yet. Therefore, the proposal could not be discussed in the meeting.
3. **Decision of the Advisory Committee:** The proposal deferred till finalization and submission of the sub-committee report.

Agenda No. 25

File No. 8-31/2015-FC

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

1. The agenda note for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The Government of Odisha vide their letter No. 10F (Cons.) 179/2015/16479/F & E Bhubaneswar dated 15.09.2015 submitted above subject proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980.
 - ii. The total forest area under the proposal was 101.171 ha which is located in Baitarani Reserved Forest of Keonjhar Forest Division. Leases of the user agency were comprised of five blocks namely Block-A, Block – B1, Block-B2, Block – B3 and Block-C comprising of forest area 89.9612 ha, 0.607 ha, 1.012 ha, 7.689 ha and 1.902 ha, respectively. Out of the total forest land 101.171 ha, 16.464 ha forest land including safety zone of 0.887 ha has been reported to be broken prior to 1980 and was earlier approved by Government of India, MoEF&CC vide letter No.8-103/2000-FC dated.14.11.2005.
 - iii. As per details furnished in the proposal, Mining Plan of 0.31 MPTA of iron ore and 0.094 MPTA of Manganese ore for a period of 2011-12 to 2015-16 was approved by the IBM vide letter No. MS/OTF-MECH/84-ORI/BHU/2010-11 dated 24.5.2011. Total reserves estimated in the mine are 1.449 MPTA of iron and 2.007 MPTA 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	
Total	101.171	16.464	84.707	

- 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	Mineral Processing Unity & Stocking Yard with Env. Protective Measures	0.000	(+) 0.885	0.885	18.185	19.07
	Storage of Topsoil	0.000	0.000	0.000	3.817	3.817
	Internal Road for Transporting	1.048 (including 0.025 ha of safety zone)	(-) 0.998	0.05 (including 0.025 ha of safety zone)	2.860	2.910
	Infrastructure (Office, Site service, Workshop, Creche, Elect. Substation, Cable, Parking Plaza & etc.)	0.000	0.000	0.000	2.754	2.754
4	Green Belt	0.000	(+) 0.500	0.500	4.857	5.357
5	Safety Zone Along the Lease Boundary	0.000	(+) 0.291	0.291	2.822	3.113
Grand Total		10.594	0.000	10.594	79.367	89.961

xxxii. Further, the DFO, Keonjhar Division has stated that, as the proposal is continuing since 2015 & in the subject it has been mentioned as 84.707 ha instead of 79.367 ha of fresh forest land and therefore, the user agency has requested for its necessary rectification.

xxxiii. As per the proposed land use details which are now provided by the state, it has been observed that 81.617 ha area has been proposed for mining, However, in the land use at the expiry of the lease period as per mining plan, it has been mentioned that 28.55 ha area would be under utility activities. The mined out forest area is actually required to be reclaimed and handed back to the forest department. In this regard that State Govt. has informed that the State Government has informed that the proposed land use of the ML area over 89.961 ha of the lease Block-A has been provided based on the approved modified Mining Plan, in which total

81.491 ha will be utilized for mining activities and the balance 8.47 ha will be maintained as greenbelt till end of the mining lease (in Conceptual Period). Out of the 81.491 ha of forest land, 40.05 ha of forest land has been proposed for utilization for mining activities and at the end of lease period, the said mined out area of 40.05 ha will be reclaimed. Similarly, waste dump area of 12.89 ha & utility service area of 28.551 ha will be rehabilitated as reflected in chapter-6.2.11 of modified mining plan and shown in Conceptual plan of the approved modified mining Plan. The approved modified Mining Plan is enclosed. The land use pattern and the reclamation & rehabilitation measures taken thereof are furnished below:

S.N o.	Pattern of Utilization		Area at the end of mines (In Ha.)	Post mines land use (Action will be taken after end of mines)
1	Mining Including Mines Road		40.05	Reclamation by back filling & plantation
2	Waste Dump Yard with Env. Protective Measures (Retaining wall, Garland drain &Settling Pond)		12.89	Rehabilitation by plantation
3	Utility Services (28.551 ha)	Mineral Processing Unity & Stocking Yard with Env. Protective Measures	19.07	Rehabilitation by plantation
		Storage of Topsoil	3.817	Rehabilitation by plantation
		Internal Road for Transporting	2.910	Rehabilitation by plantation
		Infrastructure (Office, Site service, Workshop, Creche, Elect. Substation, Cable, Parking Plaza & etc.)	2.754	Rehabilitation by plantation
	Total		81.491	
4	Safety Zone Along the Lease Boundary & Green Belt		8.470	Maintenance as Green Belt
Grand Total			89.961	

- xxxiv. The state has informed that based on a court order the issue of validity of the lease was considered afresh and the state govt. passed an order deciding not to declare and record the mining lease of Sri Avin Jain as lapsed without prejudice to any other proceedings pending against the lessee. In this regard, the state has reconfirmed the validity of the LOI/lease keeping in view the Section 10 A(2)(C) of the amended provisions of MMDR Act, 2015. The State Govt. has informed that initially the mining lease deed of Iron & Manganese Mines of 5 separate Blocks over 101.171 hain Baitarani Reserved Forest under Champua Forest Sub-Division of Keonjhar District was executed in favour of Dharm Chand Jain on 9th 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	
Total	101.171 Ha.	

- 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-UoI & 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 09thJune 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:

Mining Lease Block	Lease Area (In Ha.)	Present Status	Remarks
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		
Sub total	11.21		
Grand Total	101.171 Ha.		

- 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.
- xl.ii. The proposal involved land use change over 10.594 ha of already diverted area.
- xl.iii. 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.
 - xlv. The State has informed that the current authorized signatory (Project Proponent) Shri Avin Jain is the son of Late Sri Dharam Chand Jain (D. C. Jain) & Smt. Shobha Jain and he is the Power of Attorney holder of Smt. Shobha Jain (the legal heir of lessee Late Sri. D.C. Jain). The instant forest diversion proposal was submitted in the name of the lessee, Sri. D.C. Jain. Since he is no more, the documentation is being processed through his son & Power of Attorney holder, Sri Avin Jain. Therefore, the proposal involved change in the name of the UA and may be dealt as per the provisions of Chapter 5 Para 5.1 (v) of Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued on 29.12.2023 wherein it has been mentioned that:
 - xlvi. As the area proposed for diversion has been checked on DSS in 2015 and now. At that time the area was falling in high conservation zone and now there is no change in the area. The justification from the State Govt. is also required.
 - 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.
 - xlviii. The above facts were considered in the last Ac meeting held on 05.03.2025. After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and APCCF and Nodal Officer, Govt. of Odisha, the Committee decided to defer the proposal for want of the following information from the State Govt. as well as Regional Office Bhubaneswar:
 - a. The user agency at the time of submission of the proposal was Shri DC Jain who is no more now. The State shall examine the matter and submit the request/proposal for the change in the name of the user agency with requisite documents keeping in view the legal

- heirs/ person/agency having the valid Letter of intent with respect to the proposed mining lease.
- b. The area proposed for diversion is falling in high conservation zone. The State Govt. shall justify the requirement of the same with cogent reasons.
 - c. From the land use plan, it has also been learnt that 12.89 ha area is being proposed for Waste Dump Yard with Env. Protective Measures (Retaining wall, Garland drain & Settling Pond) and 28.551 for utility services most of which are non-site specific activities, and normally not considered on the forest land. The state govt. shall explore the possibility to shift the same to non-forest areas and provide the proper justification in this regard.
- xlix. Regarding change in the name of the User Agency the State Govt. has submitted that the User Agency has applied for change in the name of the user agency in "Form F" in the Parivesh 2.0 web portal vide Proposal No FP/OR/MIN/QRY/530182/2025 and Single Window No SW/240631/2025. However, the user agency has submitted an undertaking duly countersigned by the DFO, Keonjhar Division that, before the final forest clearance in respect of the aforesaid diversion proposal is accorded by the GoI, MOEF & CC, the name of user agency will be changed from Late Sri Dharmchand Jain to Sri Avin Jain Power of attorney holder of Smt. Sobha Jain (wife of late Dharm Chand Jain).
- i. Regarding area falling in High Conservation Zone, the State has informed that in 2015, the density of vegetation was reported to be 0.2 in Broken up & 0.5 in Virgin area. After almost 10 years, the density of the above proposed diversion area is hardly changed & it is the same as before i.e. 0.2 in Broken up area & 0.5 in virgin area and basically the area is not inviolate. There are so many mines operating within Baitarani RF-II around the Dalpahar Iron & Manganese mines (Block-A) & as the area is not broken up, the proposed area may not be treated as high conservation zone. The State Government vide their letter no. 8094/9F (MG) -18/2015 dated 09.04.2025 has submitted additional information along with DSS survey report and informed that – as per the GIS-DSS analysis report on 26.12.2024 the above area proposed for diversion is not inviolate.
 - ii. Regarding 12.89 ha. area proposed for OB dump over forest land which is a non-site specific activity, based on the given reasons in the reply by UA, the DFO has informed that, it could be concluded that the area over 12.89 ha of land for waste dump with its Environment Protective Measures and 28.551 ha for utility services are all site specific activities and as these have been approved in the Mining Plan, they need to be carried out inside the Mining lease area and no non-forest land available in the lease.
4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneshwar and APCCF and Nodal Officer, Govt. of Odisha, the Committee decided to **defer** the proposal for want of the following information from the State Government:
- i. As the user agency i.e. Shri DC Jain is no more and the proposal for change in the name has been submitted by the UA through PARIVESH 2.0 portal, vide online id no. FP/OR/MIN/QRY/530182/2025, therefore it would be appropriate that the State Govt. shall first complete the

process for approval of change in the name of the User Agency and resubmit the proposal thereafter.

Agenda No. 26

F. No. 5-ORA641/2024-BHU

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

1. The above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The PCCF cum Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The above-mentioned proposal has been forwarded by the Regional Office, Bhubaneswar since the proposal involves violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The Proposal envisages diversion of 136.966 ha (94.013 ha in Balliguda Division + 42.953 ha in Kalahandi North Division) of forest land for construction of 220/132/33 KV/DC Transmission line from existing 220/132/33 KV Grid Sub-Station at Kesinga of Kalahandi District to proposed 220/132/33 KV Grid Sub-Station at Sirtiguda of Kandhamal District by Deputy General Manager (EI), EHT Construction Division, OPTCL, Berhampur in Odisha.
 - iii. The canopy density of vegetation has been reported to be 0.7 in Kalahandi with Eco-class 1 and 0.5 in Balliguda with Eco Class-III with total 37816 nos. of project-affected trees.
 - iv. The Legal status of the proposed area is RF, PRF, DPF, Revenue Forest & DLC Forest.
 - v. The DFOs have reported that the applied does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. The applied area is not within any Eco Sensitive Zone of any Protected Area. However, the DFO, Kalahandi North Division has reported that it is the part of the elephant route that connects to the Uraladani-Kotgarh Corridor.
 - vi. The DFO, Balliguda has reported that there are no rare/ unique species of flora and fauna in the area applied for diversion. However, the DFO, Kalahandi North has reported that Leopard (Vulnerable), Pangoli (threatened), Mouse deer (threatened), endangered birds like Hill Myna (threatened), Brown fish owl (threatened), Jungle owlete (threatened), Rodents like Flying

squirrel (threatened) and reptiles like Indian Rock Python (threatened) are found in forest tract in Taprang RF.

- vii. The area required for diversion falls within prime elephant habitat in Taprang RF as well as the Gramya Jungle areas nearby which serve as a movement path for elephant herds from Madanpur Ramur Range to Narla Range and also to Balangir and Balliguda Divisions.
- viii. The proposal involves violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. It has been reported that 78 Nos. of towers have been constructed in both of the forest divisions over RF and Revenue Forest Land / Gramya Jungle area without forest clearance. Total land under violation for construction of transmission towers is reported to be 0.56 ha. The division wise total towers constructed in different land is as follows:

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

- ix. Regarding action taken by the Revenue authorities for illegal construction of towers in the Revenue Forest land, it has been informed by the State govt. that several encroachment cases have been booked by the Tahsildars under Revenue laws.
- x. Similarly, regarding action taken by the forest department against the erring officials and the user agency responsible for causing diversion of RF/DPF (Notified Forest land) for construction of several nos. of towers over notified forest land, several nos. of OR cases have been booked against the User Agency.
- xi. The State Govt. has reported that the proposed 220/132/33 KV Grid Sub-station can be connected to the system by drawing 102.037 Km of 220 KV/DC line from existing 220/132/33 KV Grid Sub-station at Kesinga for system strengthening purpose. It is proposed to install 2 x 40 MVA, 220/132 KV transformers adjacent to the existing 220/132/33 KV Grid Sub-station at Sirtiguda under K. Nuagaon Tahasil in Kandhamal District.
- xii. The total land involved in this project is 357.129 ha comprising of 136.966 ha of forest land and 220.163 ha of non-forest land. Out of 136.966 ha of forest land, 96.013 ha comes under Balliguda Forest Division and 42.953 ha comes under Kalahandi North Forest Division. Further, out of 220.163 ha of non-forest land, 65.660 ha comes under Balliguda Forest Division in Kandhamal District and 154.503 ha comes under Kalahandi North Forest Division in Kalahandi District.
- xiii. As reported by the State Govt. the forest land to be diverted falls within prime elephant habitat in Taprang RF as well as the Gramya Jungle areas nearby which serve as a movement path for elephant herds from Madanpur Ramur Range to Narla Range and also to Balangir and Balliguda Divisions.
- xiv. In lieu of 136.966 ha of forest land proposed for diversion, State Govt. has identified 275.00 ha of degraded forest land in Kalahandi North Division

(175.00 ha) and in Subarnapur Division (100.00 ha) for raising compensatory afforestation.

- xv. Regarding the CA site suitability the State govt. has reported that no metallic road along the CA land in Brahmani RF, Hatilimunda RF & Sinang RF, but there is existence of one earthen path of about 8-10 feet width present along the CA land of Sinang RF which is clear from the report of ACF, Kalahandi (N) Division dated 14.05.2024. Regarding plantation activity present in some portion of CA patch at Brahmani RF it is to inform that the Plantation Site "Podamundi AR 5 Ha plantation under GIM-2022-23 is overlapping with the CA land in Brahmani RF and hence about 3 Ha of CA land is covered with plantation. To exclude such patches of plantation taken up earlier, the area has been resurveyed and sent for DGPS survey to the User Agency vide Memo No.4604 dated 01.06.2024 of the DFO, Kalahandi (N) Division. Joint verification has also been carried out by the Forest & Revenue officials in presence of the User Agency. Regarding agricultural encroachment observed in CA patches of Thupadar Gundi DPF, it is to inform that the KML file of the CA patches uploaded in Parivesh portal was found to have some private lands. So, the area was resurveyed excluding the private plots whose DGPS Survey has been completed. Regarding agricultural encroachment observed in CA patches of Sinang RF it is to inform that the Tahasildar, Lanjigarh along with Forest officials have conducted joint verification and certified that the land is free from encroachment and encumbrances. As regards to the metallic road passing through the CA patches of Hatilimunda RF, the DFO, Subarnapur has reported that there no metallic road passing through the said patch of CA land.
- xvi. State Govt. has informed that the project does not involve displacement of people. Hence, resettlement and rehabilitation plan are not required.
- xvii. The Division wise purpose of utilization of forest and non-forest applied for diversion is furnished below:

Sl. No.	Purpose of utilization	Kalahandi (North) Forest Division		
		No. of towers/Length (in Km)/Forest land (in ha)	No. of towers/Length (in Km)/non-forest land (in ha)	Total No. of towers/Length (in Km)/Total land (in ha)
1	Towers	57 Nos. = 0.514 ha	162 Nos. = 1.144 ha	219 Nos. = 1.658 ha
2	Transmission line	12.272 Km= 42.439 ha	44.144 Km=153.359 ha	35.930 Km=195.798 ha
Total Area (in ha)		42.953 ha	154.503 ha	197.456 ha

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

line	ha		ha
Total Area (in ha)	94.013 ha	65.660 ha	159.673 ha

- xviii. As per the DSS analysis the proposed forest land for diversion falls under Kandhamal and Kalahandi district of Odisha State and its software-calculated area is found 356.468 ha (combined area of Forest and non-forest land). **The separate KML file of transmission line proposed on forest land is not available on the portal.**
- xix. The proposed forest area falls under Not-in High Conservation Value (HCV) Zone as per Decision Rule 2. **However, as per Decision Rule 1, the proposed area falls in High Conservation Value (HCV) Zone.**
- xx. The committee observed that only the area of towers constructed has been reported to be in violation whereas the total area including that involved in unauthorized stringing of wires is also required to be provided.
- xxi. The Committee also observed that some cases of the same user agency involving violation have been received in the past as well. A detail in this regard may be sought.
- xxii. The Regional Office, Bhubaneswar has recommended the proposal subject to the following conditions:
- The State Government shall ensure that penal Net Present Value and penal Compensatory Afforestation charges are imposed on the User Agency, as per the extent of violation under the relevant provisions of the VSSA, 1980, and appropriate action is taken as per clauses 3A/3B of the Act.
 - The State Government shall ensure that the proposed CA area is free from encroachments. The plantation, including the specified number of saplings, shall be carried out in accordance with the MoEF&CC guidelines dated 17.02.2025.
 - In view of the presence of wildlife, particularly elephants, in the proposed project area, the State Government shall identify sensitive locations along the project route that require wildlife mitigation measures. These measures shall be formulated with the approval of the Chief Wildlife Warden and implemented at the project cost by the State Forest Department.
 - The User Agency, in consultation with the State Forest Department, shall undertake the plantation of dwarf species-preferably medicinal plants-beneath the transmission line, in accordance with applicable rules and guidelines.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhubaneswar and Nodal Officer, Government of Odisha. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Odisha, the Committee **deferred** the proposal and sought clarification/information on the following for further consideration in the matter:
- The State Govt. shall provide the detail of all such cases where the User Agency (OPTCL) has violated the provisions of the Adhiniyam. The State Govt. shall also report the action taken under Section 3A/3B of the Adhiniyam in such cases.

- ii. The separate KML file of the transmission line indicating the proposed forest land is not available on the portal. The same shall be uploaded.
- iii. In view of the presence of wildlife, particularly elephants, in the proposed project area, the sensitive locations along the project route that require wildlife mitigation measures may be identified and a mitigation plan be formulated with the approval of the Chief Wildlife warden.
- iv. In case of violation, the state has only provided the area involved in the construction of towers, whereas the area involved in the stringing of the wires has not been calculated. The needful shall be done and the detail of the exact area involved in violation shall be accordingly intimated.

Agenda No. 27

File No. 5-ORC562/2023-BHU

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 23.983 ha of revenue forest land for construction of 220 KV LILO line from existing 220 KV of Bhanjanagar-Meramundali DC line to 220/33 KV Grid Sub-station at Daspalla from village Madhyakhanda to Gopalpur by M/s OPTCL under Nayagarh Forest Division of Nayagarh District, Odisha -reg (Online Proposal No. FP/OR/TRANS/146005/2021)-reg.

1. The above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The PCCF cum Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The Govt. of Odisha vide letter No. FE-DIV-FLD-0033-2023-7068 dated 10.04.2023 has submitted the above mentioned proposal to the Regional Office Bhubaneswar.
 - ii. The canopy density of vegetation has been reported to be 0.4 with Eco-class 1. The Legal status of the proposed area is Revenue forest land.
 - iii. There are no protected archaeological heritage site/defense establishments or any other important monument is located in area applied.
 - iv. Total 6736 nos. of trees has been enumerated over forest and non-forest land involved in this project. Out of which 4672 nos. trees over forest land, 748 nos. over non-forest Govt. land and 1316 nos. over Private land.
 - v. In lieu of 23.983 ha. of forest land proposed for diversion, State Govt. has identified 52.55 ha of degraded forest land. Out of which 40.34 ha of degraded forest land is in Bankamunda RF under Gania Range and 12.210 ha of degraded Revenue forest land in Nuagoan village Khandapada Tahasil of Nayagarh District.

- vi. Project area passes through Eco-Sensitive Zone Baisipalli Wildlife Sanctuary. About 2.30 Km of stretches passes within 1.0 Km distance from boundary of the Sanctuary and 15.09 Km passes within 10 Km radius of boundary of the Sanctuary.
- vii. The proposal envisage construction of 220 KV LILO line from existing Bhanjanagar-Meramundali DC line to 220/33 KV Grid Sub-station at Daspalla from village Madhyakhanda to Gopalpur by M/s OPTCL.
- viii. The proposal involved violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. User agency has constructed 18 nos. of towers over the proposed revenue forest land without forest clearance, which is a violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- ix. The total length of the proposed transmission line is 29.774 km (approx.), 6.852 Km (approx.) of lines passes through forest land and 22.646 Km (approx.) passes through non-forest land.
- x. Total land involved in this project is 104.209 ha comprising of 23.983 ha of Revenue forest land and 80.226 ha of non-forest land (Non-forest Govt. land 14.773 ha + Non-forest Private land 65.453 ha).
- xi. The total nos. of towers to be erected along the RoW of transmission line is 109 nos. out of which 14 nos. are to be erected over forest area and 95 nos. are to be erected over non-forest area.
- xii. The RoW of the transmission line is 35 meter and sagging height of 7.1 meter minimum.
- xiii. The Committee noted that 5 Km length transmission line is coming adjoining to Baisipalli Sanctuary as well as Satakosia Tiger Reserve. The minimum distance from the legal boundary is 50 meter and maximum distance 2 Km as such coming under Eco-Sensitive Zone.
- xiv. The Committee noted that project area passes through Eco-Sensitive Zone Baisipalli Wildlife Sanctuary. About 2.30 Km of stretches passes within 1.0 Km distance from boundary of the Sanctuary and 15.09 Km passes within 10 Km radius of boundary of the Sanctuary.
- xv. The Committee noted that Elephants and other wild animals use to cross the RoW the transmission line from Central RF to Makarprasad RF, Baisipalli RF and Matia RF of Nayagarh and Mahanadi (WL) Division.
- xvi. Giving Justification, State Govt. has reported that in order to improve voltage profile, minimize power interruption, reduction of transmission loss and strengthening of transmission system in the interior villages covering under Dihagaon, Nachhipur and Neliguda RI circles under Daspalla Tahsil, the route has been selected. The villages under these RI circles are located in the valley formed by high altitude forest block such Chhadesha RF, Central RF and Baisipalli RF which are the habitat of wild animals. Hence, to avoid the above forest blocks and depletion of wildlife habitat, alignment has been done in the valley in such a way that it passes through degraded and fragmented revenue forest patches. Besides, route selection as well as positioning of individual towers has been so decided that there is no impact on existing landscape. This will help to improve the socio economic conditions in the village located inside the valley by creating small and medium scale industries.
- xvii. The justification for locating the project in forest area. Parameters for selection of final route for construction of 220 KV LILO line from existing 220 KV of

Bhanjanagar to Meramundali DC line to 220/33 KV Grid Sub-station at Daspalla by M/s OPTCL is as under.

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

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

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

- xix. As per the boundaries available on DSS, the proposed forest area for diversion touches Satkosia Tiger reserve/ Baisipalli WLS.
- xx. Elephants and other wild animals use to cross the RoW the transmission line from Central RF to Makarprasad RF, Baisipalli RF and Matia RF of Nayagarh and Mahanadi (WL) Division.
- xxi. In lieu of 23.983 ha of forest land proposed for diversion, State Govt. has identified 52.55 ha of degraded forest land for raising CA. Out of which 40.34 ha of degraded forest land is in Bankamunda RF under Gania Range and 12.210 ha of degraded Revenue forest land in Nuagoan village Khandapada Tahasil of Nayagarh District.
- xxii. Regarding suitability of the proposed CA land the State has informed that the DFO, Nayagarh has reported that the proposed land identified for raising CA under this project is free from encroachment and encumbrance. In this regard the report of the Revenue Supervisor, Khandapara dated 15.02.2024 addressed to the Tahasildar, Khandapara is given.
- xxiii. State Government has furnished action taken report and reported the following:
- The Tahasildar, Daspalla has booked 14 nos. of OPLE case against the OPTCL for unauthorized encroachment of Revenue forest land, penalty and assessment has been realized for such encroachment and order of eviction has been issued to the OPTCL.
 - The Collector, Nayagarh vide letter dated 18.01.2025 has asked the Tahasildar, Daspalla to submit explanation under which circumstances OPTCL constructed 2220 KV LILO line from existing Bhanjanagar-Meramundali DC line to 22/33 KV Grid substation at Daspalla.
- xxiv. Regional Office, Bhubaneswar has recommended the proposal subject to the following conditions:

- a. The State Government and the User Agency shall ensure full compliance with the stipulations outlined under point no. 19 of the inspection report.
 - b. Compensatory afforestation, in terms of the number of saplings, shall be carried out in accordance with the MoEF&CC guidelines dated 17.02.2025.
 - c. Plantation of dwarf species—preferably medicinal plants—shall be undertaken beneath the transmission line, in accordance with the relevant rules and guidelines by the User Agency in consultation with the State Forest Department.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhubaneswar and Nodal Officer, Government of Odisha. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Odisha, the Committee deferred the proposal and sought clarification/information on the following for further consideration in the matter:
- i. The State Govt. shall provide the detail of all such cases where the User Agency (OPTCL) has violated the provisions of the Adhiniyam. The State Govt. shall also report the action taken under Section 3A/3B of the Adhiniyam in such cases.
 - ii. In view of the presence of wildlife, particularly elephants, in the proposed project area, the sensitive locations along the project route that require wildlife mitigation measures may be identified and a mitigation plan be formulated with the approval of the Chief Wildlife warden.
 - iii. As per DSS analysis the proposed transmission line is on the boundary of Satkosia Tiger reserve/ Baisipalli WLS. The state shall examine the matter and take necessary action for wildlife clearance accordingly, as applicable.
 - iv. In case of violation, the state has only provided the area involved in the construction of towers, whereas the area involved in the stringing of the wires has not been calculated. The needful shall be done and the detail of the exact area involved in violation shall be accordingly intimated.

Agenda No. 29**File No. 9-PBB414/2022-CHA**

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s. Raj Palace (Marriage Palace) for non-forestry use of 0.01034 ha. of Protected Forest for approach road at Village Shergarh Cheema on Malerkotla to Raikot Road, Tehsil Ahmedgarh, under forest Division and District Sangrur in the State of Punjab (Online Proposal No. FP/PB/Approach/149381/2021)- regarding.

1. The agenda item was considered by the AC in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh and CCF, Government of Punjab attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Addl. PCCF, Government of Punjab vide his letter No. FOREST-FCA0FC2S/7/2022-FCA dated 05.09.2022 submitted the above mentioned proposal to RO, Chandigarh on 17.10.2022 for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposal was examined at Regional Office, Chandigarh and certain shortcomings were observed and the same was communicated to the State Government on 28.10.2022. Reply from State Government was received on 02.11.2023. Examination of the reply received from the State Government revealed that the incomplete information was submitted and the same was communicated to the State Government on 17.11.2023. Further, Regional Office, Chandigarh vide letter dated 21.12.2023 informed State Government to process the proposal as per provisions mentioned in Sub-rule 8(b) of Rule 16 of Van (Sanrakshan Evam Samvardhan) Rules, 2023. Accordingly, State Government on 04.03.2024 along with violation report informed that user agency has made violation, hence forwarded as per para 1.16 (i) (a & b) of consolidated guidelines and clarifications issued under Chapter- 1.
 - iii. The proposal was received in the Ministry from Regional Office, Chandigarh on 05.04.2024. Since proposal involved violation of provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, accordingly, RO, Chandigarh was requested to carry out site inspection and submit detailed report along with recommendation to the Ministry on 11.06.2024. State Government was also requested to submit detailed violation report on 11.06.2024. Accordingly, State Government

uploaded information on PARIVESH portal on 29.04.2025. Further, RO, Chandigarh submitted site inspection report on 22.01.2025.

- iv. The proposed diversion area is 0.01034 ha and the density of vegetation is 0 having Eco-class 1. No tree felling is proposed.
- v. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect have been submitted by DFO concerned.
- vi. Compensatory Afforestation has been proposed over 0.100 ha degraded forest land in Survey No. GBC-RD 248 to 260 L/S out of 5 ha in District- Sangrur. CA scheme with 10 years of maintenance is provided. Site suitability certificate has been furnished by the concerned DFO.
- vii. The proposal involves violation as mentioned in Part-II. DFO, Sangrur has mentioned in violation report that the case was forwarded to the higher authorities. Later on user agency started construction work on concerned area. Range Officer, Malerkotla issued D.R. No. 41694 dated 18.11.2021 against user agency under IFA, 1927 and the user agency has deposited the penalty. The work done by the user agency has been closed by Forest Range Officer, Malerkotla.
- viii. As per SIR of RO, the proposal involves violation of IFA, 1927. The proposal was submitted by the User Agency online in PARIVESH Portal on 17.11.2021. As per the Detailed Violation Report, the Damage Report has been issued on 18.11.2021 vide receipt no. 41694 dated 18.11.2021. As per information submitted by Nodal Officer, user agency has deposited an amount of ₹14000/- vide receipt no. 340776 dated 01.12.2021. However, the instant proposal involves regularization of encroachment.
- ix. Further, the Committee was also informed that the site inspection of the instant proposal was conducted by Technical Officer, MoEF&CC, Regional Office, Chandigarh on 27.09.2024 along with the officials of the State Forest Department and representatives of User Agency. The SIR has also been recommended by DDGF (C) of RO on 22.01.2025. Summary of the same are as under:

H. Legal status of the forest land proposed for diversion:

Name: Sangrur, Punjab; Protected Forest.

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

Sl. No.	Component	Forest land (ha)	Non-Forest land (ha)
1	Project Site (Village Shergarh Cheema, District Sangrur)	0.01034	1.24643

2	Other Components	0	0
	Total	0.01034	1.24643

J. Background on the proposal:

This proposal is for diversion of 0.01034 Ha. of Forest Land for approach road to M/S RAJ PALACE (MARRIAGE PALACE) at Village Shergarh Cheema on Malerkotla to Raikot Road, Tehsil Ahmedgarh, Distt Sangrur, under Forest Division & District Sangrur, Punjab.

K. Whether proposal involves violation of Van (Sanrakshan evam Samvardhan) Adhiniyam 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:

The proposal involves violation as reported by DFO in Part-II. But, the violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980 is not clear.

- Details of Violation: Vill Shergarh Cheema, Tehsil and District Malerkotla, Punjab.
- Area involved in violation: 0.01034 ha
- Person responsible for violation: Smt. Baljeet Kaur, M/s Raj Palace.
- Action taken: Damage Report Issued against the offender vide receipt no. 41694 dated 18.11.2021.

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

As per record, the land being diverted has no socio-cultural/religious value.

Situation w.r.t. any Protected Area:

As per record, the instant proposal is not falling in or around any protected area.

M. Field observations/ Actionable Points/recommendations:

The proposal was submitted by the User Agency online in PARIVESH Portal on 17.11.2021. As per the Detailed Violation Report, the Damage Report has been issued on 18.11.2021 vide receipt no. 41694 dated 18.11.2021. As per the Site Inspection Report of DFO dated 24.08.2024 (Annexure-I)), it has been indicated that the User Agency has violated provisions of IFA, 1927.

The violation may be considered, violation of IFA, 1927 and further necessary action may be taken accordingly.

N. Recommendations of the Deputy Director General of Forests (Central), Regional Office, Chandigarh:

- c. The findings and recommendation of the inspecting officer of the RO, Chandigarh is attached herewith and same is agreed and recommended.
 - d. The proposal was submitted by the User Agency online in PARIVESH Portal on 17.11.2021. As per the Detailed Violation Report, the Damage Report has been issued on 18.11.2021 vide receipt no. 41694 dated 18.11.2021. As per the Site Inspection Report of DFO dated 24.08.2024 (attached), it has been indicated that the User Agency has violated provisions of IFA, 1927. The violation may be considered, violation of IFA, 1927 and further necessary action may be taken accordingly.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and CCF, Government of Punjab, recommended the proposal for grant of '*in-principle*' approval for diversion of 0.01034 ha of Protected Forest for approach road at Village Shergarh Cheema on Malerkotla to Raikot Road, Tehsil Ahmedgarh, under forest Division and District Sangrur in the State of Punjab subject to the general, standard and following specific conditions:
- i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
 - ii. Action under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 be initiated by Regional Office, Chandigarh.
 - iii. State Government shall submit detailed violation report along with Stage- I compliance report.
 - iv. The State Government shall carry out planting of 1100 seedlings at the cost of user agency at suitable place. Details of planting shall be submitted along with Stage- I compliance report.
 - v. 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. 30

File No. 8-34/2019-FC

Sub: Proposal for diversion of 286.47 ha. of forest land in favour of Executive Engineer, Water Resource Division III, Baran for Construction of Hathiyadeh Medium Irrigation project in Baran district, Rajasthan State (Online Proposal No.FP/RJ/IRRIG/27263/2017).

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer, Govt. of Rajasthan and DIGF (Central), Regional Office, MoEF&CC, Gandhinagar 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 Government of Rajasthan vide their letter No. P.1 (48) VAN/2019 part Jaipur dated 20th November, 2019 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 286.47 ha. of forest land in favour of Executive Engineer, Water Resource Division III, Baran for Construction of Hathiyadeh Medium Irrigation project in Baran district, Rajasthan State.
 - ii. The total forest area under the proposal is 286.47 ha of forest land which is located in Baran Territorial Forest Division District:-Baran, Rajasthan. The proposal also involved 580.17 ha of Non-Forest land.
 - iii. The proposed forest area is protected forest with canopy density of 0.3 (Eco Class-III) and 11,586 trees have been proposed to be felled.
 - iv. The Compensatory Afforestation has been proposed on area of non-forest land of 286.50 ha in three patches in Baran District.
 - v. The proposal is for an ambitious scheme run by the State Government to enhance the average life line of predominantly tribal populated area of Baran district. This project canal brings irrigation water to district Baran with object to cater 6885 hectare of Cultural Command Area of this district. Hathiyadeh Medium Irrigation project is proposed on Hathiyadeh Nallah, a tributary of Kul River to provide irrigation facilities to 37 villages of Kishanganj Tehsil of Baran district.
 - vi. As per DSS analysis, the calculated area of Shape file/ KML file of Forest land proposed for diversion is found 285.873 ha and Total area of submergence is found 930.673 Ha. High resolution satellite imagery shows that there is presence of Agricultural fields and Settlements inside the forest area applied for diversion. CA have been proposed in three Villages located under the Baran district and total area of proposed Compensatory afforestation land is found 287 ha (DSS calculated). Earlier, the CA land against the instant project i.e. Hathiyadeh Medium Irrigation project was totally proposed/ located in the Village Tikod Patunda out of which 44 ha CA land in village Tikod Patunda was falling in the Navnera Barrage Project (FP/RJ/IRRIG/35905/2018) and while according the Stage-I approval to the Navnera Barrage Project, the Ministry had deleted the 44 ha Non-forest land which was then included in the project. Accordingly, the State Govt. has now proposed and included 44 ha Non-forest/ Revenue land located in the villages Nachana Khera & Aklerasagar for CA in the instant proposal.
 - vii. The proposal examined in the Ministry and the Ministry vide EDS dated 11.12.2019 has sought additional information which includes a copy of

approved Catchment Area Treatment (CAT) Plan with the estimated cost of the plan, a copy of approved R & R plan duly approved by the Competent Authority and Site Suitability of proposed compensatory afforestation site viewing proximity with the river and located in flood plains.

- viii. The State Government vide letter dated 11.12.2020 informed that the CAT and R&R plan preparation is going on and will be submitted with compliance of 1st Stage. The State Govt. has submitted Undertaking by the user agency in this regard. The State Govt. also informed that the Site selected for CA 17 ha. area is in proximity with the river where there are chances of water during heavy rains. Plants which are suitable like *Acacia Nilotica* will be planted in the area.
- ix. The Integrated Regional Office (C) Jaipur vide his letter dated 09th December, 2020 forwarded the Site Inspection Report . The Site Inspection of has been carried out by the DIGF (C) on 30.10.2020. The following points were observed in SIR:-
 - a. It was informed by the concerned DFO that 44 ha of non-forest land allotted for Compensatory afforestation is coming under submergence area of Naunera dam. Hence, in place of this some other area of NFL needs to be proposed for CA.
 - b. Ministry's vide its letter dated 11.12.2019 has observed that "Examination of kml/shape file of land proposed for Compensatory Afforestation shows 17 ha of land (out of total area) falling in River and same is also depicted through Google earth imagery. This area is also part of 44 ha area mentioned above.
 - c. Some part of area proposed for CA is encroached. This needs to be assessed and, either encroachment needs to be evicted or revised area needs to be proposed for CA.
 - d. During the site visit it was observed that across dam line there is habitation on one side and forest block on the other side. If a permanent boundary wall is constructed, then this would help to protect the forest blocks. Thus, provision for demarcation and construction of permanent boundary of the forest block and installation of boundary pillars may be made in the proposal and the cost for the same shall be borne by the User Agency.
 - e. There are three triangular forest patches in between submergence area which shall be difficult for forest department from management point of view. It shall be cogent if possible an area equivalent to the area of these three triangular patches is given elsewhere to forest department, preferably adjacent to forest area for ease of management.
 - f. CAT plan and Rehabilitation and Reclamation Plan need to be submitted.
 - g. Muck Calculation and muck disposal scheme needs to be submitted.

- x. After examination of Site Inspection Report done by IRO, Jaipur and reply furnished by the State Govt., the Ministry has sought information vide letter dated 04.02.2021 which includes approved Catchment Area Treatment (CAT) Plan with the estimated cost of the plan and approved R&R plan, site suitability of compensatory afforestation and Muck Calculation and muck disposal scheme etc.
- xi. The Government of Rajasthan vide letter dated 04.10.2024 has forwarded the copy of Catchment Area Treatment (CAT) Plan with the total cost of Rs. 204.52 lakhs and R&R plan alongwith the undertaking by the User Agency to deposit the money for implement of CAT Plan. The State Government also informed that the user agency has removed encroached land and allocated new land at Iklerasagar (17.66 hectares) and Nachanakheda (26.336 hectares). The revised site suitability certificate also submitted. It was further informed that in the Nainera Barrage case, 119.409 hectares of land were set apart for the Forest Department. However, as per the Ministry of Environment, Forest and Climate Change (MoEF&CC) letter dated 26.08.2021, only 75.41 hectares of land has been approved for diversion. Therefore, the remaining 44 hectares have been approved for adjustment for the project (Hathiyadeh Irrigation Project) in villages Tikhed and Patunda, Tehsil Anta, as per the District Collector, Baran's order no. F Raj0/11066-77 dated 17.11.2022.
- xii. xii. Upon perusal of the SIR furnished by the then IRO, Jaipur revealed that the "proposal may be considered subject to recommendations of PCCF and State Government and compliance of observations raised in the Site Inspection Report". Hence, it was concluded that the clear recommendation on the Project has not been received from the Regional office (RO) of the Ministry. Accordingly, the RO, Gandhinagar was requested to carry out the site inspection of the land proposed for diversion as well the land proposed for CA by the Ministry.
- xiii. The examination of the information submitted by the State Govt., it was observed that the State has not submitted the complete information as per provisions contained under the Van (Sanrakshan Evam Samvardhan) Rules-2023. Accordingly, State Govt. vide letter dated 28.10.2024 requested to furnish the information including copy of CAT Plan duly approved by the Principal CCF &HoFF or any other officer authorized by him for the purpose, clarification on CA land, State shall also ensure that the area (NFL) proposed for CA is suitable for raising Compensatory Afforestation as per the provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023 and details about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefited and the likely impact of the project on cropping pattern in future etc.
- xiv. The State Government vide letter dated 04.04.2025 submitted the CAT plan. The State Government informed that Compensatory Afforestation is to be done on the non-forest land (NFL) given in lieu of the said

project. Since there is dense Juliflora on the given land, first all Juliflora will be removed from the spot and only after that compensatory afforestation will be done. No Degraded Forest Land (DFL) work of any kind will be done. Details of non-forest land have been submitted with the proposal. It was further informed that the canopy density of the NFL is less than 0.3. Compensatory Afforestation on the entire NFL land will be done only. All documents related to DFL have been removed from the proposal. The State Government further informed that with the implementation of the above project, there will be a significant change in the crop situation of 6885 hectares of land in about 54 villages. Earlier, only rain-fed Kharif crops like millet, sorghum etc. were cultivated on this land. The implementation of this project will increase the productivity of rain-fed Kharif crops. Also, additional irrigation facility will be available for Rabi crops like wheat, gram, mustard etc. With the completion of this project, the economic condition of the farmers of the area will improve and the social and economic status of about 80000 population including 25 thousand scheduled caste and tribal families of the area will improve. Due to increase in ground water level in the area, exploitation of traditional water sources will also reduce.

- xv. The Site Inspection of the proposal was carried out by Shri Shrawan Kumar Verma, DIGF, Regional Office, Gandhinagar. As per SIR, the proposal for diversion of 286.47 ha of forest land in favour of Executive Engineer Water Resource Division III Baran for construction of Hathiadeh Medium Irrigation Project in Rajasthan State recommended with following conditions:-
- a. The State Govt. shall provide of 44 ha Non-forest land in addition to the 242.50 ha NFL with all the details including the suitability and KML etc.
 - b. Proposopis juliflora shrubs shall be removed before carrying out CA plantations in NFL and DFL where balance plants to be planted at the cost of User Agency.
 - c. No construction other than Dam Structure shall be taken up in forest area by the User Agency.
 - d. The User Agency shall supply water for nursery and plantations free of cost as required by the Forest Department.
 - e. The earthen dam length is about 6 km and plantation of suitable species shall be taken up in down stream side at the cost of User Agency.
 - f. The User Agency shall construct 6 feet high wall along the boundaries land proposed for CA in all the patches.
 - g. User Agency shall provide at its cost required number of Solar Pumps as given by the Forest Department for irrigating the CA plantation.
 - h. The forest department shall ensure that no road or trek paths are allowed within the proposed land for CA.

4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DIGF (Central), RO, Gandhinagar and Nodal Officer, Govt. of Rajasthan and after going through the facts of the proposal, recommended the proposal for granting 'in-principle' approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 286.47 ha of forest land in favour of Executive Engineer, Water Resource Division III, Baran for construction of Hathiadeh Medium Irrigation Project in Rajasthan State subject to the general, standard and following specific conditions:-
- i. Submission of CAT Plan approved by the Principal CCF &HoFF or any other officer authorized by him for the purpose before the Stage-II/final approval along with the compliance of Stage I approval conditions.
 - ii. The user agency shall furnish a report from the State Dam Safety Organisation (SDSO) regarding all technical aspects wrt the dam as per the Dam Safety Act, 2021. The recommendations shall be implemented by the user agency to avoid any possible unforeseen conditions;
 - iii. Further, the State Government shall obtain approval of the National Dam Safety Authority (NDSA) on the recommendations made by the State Dam Safety Organisation (SDSO) and submit the same before Stage II approval along with the compliance of Stage I approval conditions.

Agenda No. 37

File No. 8B/UCP/01/81/2022/FC

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Uttarakhand Jal Vidyut Nigam (UJVN) Ltd. for non-forestry use of 29.997 ha. of Forest land for Construction of Sirkari Bhyol Rupsiabagar HEP, District- Pithoragarh in the State of Uttarakhand (Online No. FP/UK/HYD/119861/2021)- regarding.

1. The agenda item was considered by the AC in its meeting held on 16.04.2025. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), RO, Dehradun and Nodal Officer, Government of Uttarakhand were present in the meeting during the discussion of the above proposal. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. Government of Uttarakhand vide their letter 05.12.2022 submitted the proposal online proposal seeking prior approval of the Central Government

- under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- ii. Canopy density of the area proposed for diversion has been reported to be 0.2 having (Eco class 6) with 104 trees proposed to be felled.
 - iii. Area does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect have been submitted by DFO concerned.
 - iv. Compensatory Afforestation has been proposed over an area of 60.06 ha of Civil Soyam degraded land in 8 patches. CA scheme with 10 years of maintenance is provided. Site suitability certificate has been furnished by the concerned DFO.
 - v. No violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 have been reported. Certificate to this effect has been submitted by DFO concerned.
 - vi. The proposal has been examined by the Regional Empowered Committee of the Regional Office at Dehradun on 24.01.2024. The REC, in light of relevant provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 forwarded the proposal to MoEF&CC, New Delhi for further necessary action.
 - vii. The Ministry, after examination of the proposal sought certain additional information from the State Government viz. details of CA, number of project affected trees, cost benefit ratio, CAT plan, recommendation of the State Government and status of Carrying Capacity and Cumulative Impact Assessment Study.
 - viii. The State Government vide letter dated 11.03.2025 furnished the reply to the observations of the MoEF&CC which is summarized as under:
 - a. Details of CA land, along with attributes such as CA scheme, KML files, suitability certificate have been submitted. As per DSS analysis the area is suitable for raising CA.
 - b. State Government has reaffirmed that number of project affected trees is 104 and felling of trees will be restricted within the 6 ha of forest land out of total forest land of 29.997 ha.
 - c. the Cost benefit ratio has been revised and as per refined estimate the ratio is 1:197.73 which is due to generation of higher units(522.8 MU) of electricity using relatively very lesser forest area.
 - d. CAT Plan has been prepared and is under consideration of the PCCF& HoFF.
 - e. Recommendation of the State Government have been submitted
 - f. The Carrying Capacity and Cumulative Impact Assessment Study of Goriganga River basin is being carried out by M/s WAPCOS and the final report will be submitted to the MoEF&CC for concurrence. It was also informed that no HEP on Goriganga River is approved by MoEF&CC till date. Sirkari Bhyol Rupsiabagar HEP. under development by UJVNL is the only project in advance stage of approval.

- ix. The PCCF& Nodal Officer informed the Committee in a meeting held under the Chairmanship of PCCF (HoFF) on 14.05.2025, the CAT Plan has been approved and the same will be submitted to the Ministry.
 - x. The DDG, Regional Office informed that as compare to other HEPs, the forest land proposed for diversion is quite less in terms of capacity of project.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Dehradun and Nodal Officer, Government of Uttarakhand, recommended the proposal for grant of '**in-principle**' approval for diversion of 29.997 ha. of Forest land for Construction of Sirkari Bhyol Rupsiabagar HEP, District- Pithoragarh in the State of Uttarakhand subject to the general, standard and following specific conditions:
- i. A copy of the approved Catchment Area Treatment Plan shall be submitted along with the compliance of in-principle approval by the State and cost of implementation shall be realised from the user agency and deposited in to the account of State CAMPA managed by the National Authority, CAMPA.
 - ii. A copy of the approval obtained from the National Dam Safety Authority (NDSA) for the construction, maintenance, and operation of the proposed HEPs shall be obtained and submitted along with the compliance of in-principle approval.
 - iii. Requisite statutory approval for undertaking quarrying in the area during the construction phase of the project shall be obtained from the concerned Department of the State and a copy of the same along with the Mining Plan, shall be submitted to the Ministry along with the compliance of in-principle approval.
 - iv. A muck disposal plan, approved by the competent authority in the State to ensure safe disposal of muck at the designated sites shall be submitted along with the compliance of in-principle approval.

Agenda No. 39

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 26.05.2025. The corresponding agenda note may be seen at 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 WBPDC.
- v. While 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:

- The forest land proposed for diversion has 67,755 trees of Sal and associates, and is an elephant habitat.
- 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.
- Equivalent ecological services including support to wild elephants cannot be transferred to any other service provider.
- 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:

No. of Elephant Presence Days (EPD) in Ranges under Bankura (North) Division:											
Month	Sona mukhi Range	Belintore Range	Radhanagar Range	Barjora Range	Patrasnyer 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

Total Elephant Presence Days (EPD) & their number			
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:

- 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
- 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.
- 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 Pinal, (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 well 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
Total	338.74	344.30	683.04

- 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 (North 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 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 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 WBPDC, of their existing mining leases for coal in the State wherein informed that - MoC GoI has allocated 6 coal blocks to WBPDC. Out of 6 WBPDC 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 (WBPDCCL) 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 WBPDCCL. Further, the User Agency has

committed to bear any additional plantation as compensatory measure, if directed by State Forest Department, WBPDCCL 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. WBPDCCL, 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:

- a. 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.
- b. 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
Barjora (North)	65	3	1
Tara (East & West)	17.68	4	2.5
Gangaramchak-Badulia	5.63	3	1
Barjora	Exhausted		
Deucha-Pachmi	1240.353	-	-
Total			19.5

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).

- c. 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.

- d. 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.
 - e. 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:
- a. 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

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.

xliv. The above facts were considered in the last AC meeting held on 05.03.2025. 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:

- a. Sh. Nityanand Srivastava, Non- Official Member of Advisory Committee.
- b. DDGF (Central), RO Bhubaneswar.
- c. Representative of Project Elephant Division of MoEFCC.
- d. A scientist/representative from WII, Dehradun.

xlv. Accordingly, a sub-committee of Advisory Committee was constituted consisting after receiving the nomination from WII Dehradun and PT&E Division:

- a. Sh. Nityanand Srivastava, Non- Official Member of Advisory Committee.
- b. Dr. Senthil Kumar, DDGF (Central), RO Bhubaneswar.
- c. Dr. Gopi G.V., Scientist-F, Wildlife Institute of India, Dehradun
- d. Shri Suneet Bhardwaj, AIGF, Project Elephant Division, MoEF&CC

xlvi. The above members of the sub-committee visited the area on 19.05.2025. At the time of circulating the agenda, the report of the sub-committee was under finalization. It was mentioned that the report of the Sub-Committee will be shared separately and will also be presented during the meeting by the sub-committee.

xlvi. The sub-committee report was presented in the meeting and following have been mentioned in the sub-committee report:

A. Justification:

- a. Barjora (North) Block was earlier located to M/s DVC EMTA Coal Mines Limited who carried out mining activities in non-Forest land till 31 March, 2015. Thereafter Barajora (North) coal mine was deallocated as per Hon'ble Supreme Court order.
- b. Later the said mine was reallocated in favour of the West Bengal Power Corporation Limited, (WBPDCL) as captive mine to cater the generation and supply of electricity to the whole of West Bengal. WBPDCL after obtaining necessary approvals started mining activity within the same mining lease in non-forest. This mining lease was over non forest land of 260.14 ha.

- c. Currently mining activity in non-forest land has been almost completed. For the sustainability of power plants, mining in new areas becomes of utmost importance.
- d. The Ministry of Coal, GoI has approved a mining plan in Barjora (North) for the entire area of 683.04 ha. dated 26 September 2019. The approved mining plan extends over forest area of 338.74 ha and non forest land area of 260.14 ha. which has already been mined out.
- e. Since the mining activity in non-forest land is completed, WBPDCCL is presently suffering from double whammy. The agency is unable to procure coal from CIL without paying a premium price of 140% on one hand and the agency is unable to recover the additional expenditure of procurement from the power distribution companies due to their inability to produce coal from their captive mines on the other hand.
- f. In this context the agency has applied for opening mining activity in forest land and applied for diversion of forest land for mining purpose under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

B. Observations of the Sub-Committee During Site Visit:

- a. The sub-committee observed that the total forest area of the Barjora Range is approximately 2,900 ha, of which 338.74 ha (8.56%) is proposed for diversion. This proposed forest area lies to the north of the Barjora Range.
- b. The sub-committee inspected various patches of the proposed forest land for diversion. The first patch visited adjoins a void in a mined-out area on non-forest land. This patch is dominated by *Acacia auriculiformis* (Bengali Baval), a firewood species, with a sparse distribution of Sal trees. The forest appears to be young, estimated at 10–15 years old. Although the canopy was dense, no direct or indirect signs of wild elephants were found. The presence of smaller mammals cannot be ruled out due to the dense canopy and thick layer of dried leaves on the ground.
- c. Officials from WBPDCCL informed that, as per the approved mining plan, mining operations will begin in this patch. The overburden (OB) generated will be used to fill the adjoining void on non-forest land.
- d. WBPDCCL officials also stated that mining will be undertaken in a phased manner. Initially, mining will be carried out in the first 100 metres from the forest boundary, followed by an annual excavation of an additional 100 metres. Efforts will be made to transplant young Sal plants to areas earmarked for afforestation in the mined-out adjoining non-forest land.
- e. Another patch, located almost at the centre of the proposed diversion area, was also visited. This patch comprises moderately dense forest, primarily mature Sal trees with larger girth compared to the first patch. Natural growth of *Acacia auriculiformis* was also observed. If not managed properly, there is a likelihood of this species spreading across the entire forest area.

- f. Forest Department officials noted the presence of Piyal and Mohal, tree species preferred by wild elephants, although they were thinly scattered.
- g. No signs of wild elephants were observed in this patch either. The CCF-cum-Nodal Officer, CCF (Territorial), and DCF (Territorial), Barjora Range, informed that wild elephants have not visited the proposed diversion area for many years. Instead, they are regularly found in the southern part of the Barjora Range, where the forest is denser and contiguous. It was also mentioned that the approved Wildlife Conservation Plan, including habitat enrichment and conflict mitigation strategies, aims to improve elephant habitats in the southern forest of the Barjora Range.
- h. It was clarified that recent incidents of human-animal conflict occurred in revenue areas, not within the proposed diversion area.
- i. According to the CCF (Territorial), seven Human-Elephant Conflict (HEC) incidents were reported in 2022–23. Of these, three occurred in the Barjora Range but not within the proposed diversion area; these incidents took place in revenue areas.
- j. The sub-committee also inspected the Tartora Nala, located in the southern part of the proposed diversion area. The nala is seasonal and narrow. WBPDCCL officials informed that, as per the mining plan, the nala will be diverted only when mining operations reach the site—likely after 10–12 years of continuous activity—subject to approval from the State Water Resources Department.
- k. Forest officials stated that the nearest Protected Area, Ballavpur Wildlife Sanctuary (WLS), is 48 km away, and the nearest Elephant Reserve, Mayurjharna, is 77 km from the proposed site. The proposed area does not lie on an elephant migration route, though wild elephants have occasionally visited the southern part of the Barjora Range, which offers a more suitable habitat.
- l. According to analysis by the Elephant Cell, the nearest Elephant Distribution Area is about 2 km from the proposed site, the Mayurjharna Elephant Reserve is 77 km away, and the nearest Elephant Corridor is 97 km distant.
- m. Although Human-Elephant Conflict has been reported in Bankura district and the Barjora Range, forest officials confirmed that no elephant movement has been reported in the proposed diversion area or its immediate surroundings for a considerable period.
- n. The Wildlife Conservation Plan, submitted by the CCF, Central Circle, for the diversion of 338.74 ha of forest land under the Bankura (North) Division for the Barjora North Coal Mine project, has been budgeted at ₹90.13 crore. This is a key document for guiding wildlife conservation during and after mining. While the plan provides a useful baseline, the following improvements are suggested:

- The area targeted for the proposed interventions, whether only within Barjora Range or for the landscape (Bankura North Division) or beyond needs to be specified along with the detail of designated locations of the proposed interventions.
- The plan identifies several Schedule-I species for which the mitigation strategies may include species-specific measures.
- The activities like the radio collaring of elephants, camera trapping exercises proposed in the plan would require the skilled personnel and the scientifically designed protocol. The plan needs to include the provisions and details in this regard.

C. Recommendations of the Sub-Committee: Based on the field visit, analysis of documents submitted to the sub-committee, and interactions with forest officials and the user agency, the sub-committee, after detailed deliberation, recommends the proposal with following conditions for consideration:

- a. Considering the biodiversity richness of the area, 'in-principle' approval may be granted for the entire 338.74 ha, with final approval restricted to 50% in the first phase. Approval for the second phase should be sought from the Central Government upon satisfactory compliance. Mining shall proceed as per the approved mining plan.
- b. The user agency shall be encouraged to undertake reclamation activities in already mined-out areas. Approval for the remaining portion will be considered in the second phase based on the progress of reclamation.
- c. Wherever possible, the User Agency should carry out the transplantation of young Sal trees and other unique or valuable species to reclaimed areas, under the supervision of the State Forest Department, in order to preserve the local germplasm.
- d. Given the ecological value of the proposed area, the SFD and user agency may collaboratively work on reclamation of the mined-out areas through Other Effective Area Based Conservation Measures (OECM), in line with MoEF&CC guidelines (2022). Reputed institutions may be engaged for this purpose, at the user agency's expense.
- e. The State Government may revise the Wildlife Conservation Plan in consultation with the Wildlife Institute of India to include the site-specific interventions; the species-specific conservation measures and scientifically designed protocols;
- f. The overburden (OB) in mined-out areas appears to have reached a height suitable for reclamation. The sub-committee observed rill and gully formation in parts of the OB. To prevent further degradation and leaching, it is recommended that the SFD and user agency jointly stabilise the OB using grasses, soil-binding plants, and seed balls during the monsoon. Techniques such as garland drains may be used to trap silt and nutrient runoff.

- g. As the proposed diversion area falls under the Wildlife Overlapping Working Circle, the Wildlife conservation plan should also include enrichment measures for fauna-preferred plant species, particularly those favoured by elephants.

4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO, Bhubaneswar and Nodal Officer, Govt. of West Bengal and after going through the facts submitted by the sub-committee in their report, the Committee recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 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 subject to the general, standard and following specific conditions:

- i. Considering the biodiversity richness of the area, '*in-principle*' approval may be granted for the entire 338.74 ha, with final approval restricted to 50% in the first phase. Approval for the second phase should be sought from the Central Government upon satisfactory compliance. Mining shall proceed as per the approved mining plan.
- ii. The user agency shall be encouraged to undertake reclamation activities in already mined-out areas. Approval for the remaining portion will be considered in the second phase based on the progress of reclamation.
- iii. Wherever possible, the User Agency should carry out the transplantation of young Sal trees and other unique or valuable species to reclaimed areas, under the supervision of the State Forest Department, in order to preserve the local germplasm.
- iv. Given the ecological value of the proposed area, the SFD and user agency may collaboratively work on reclamation of the mined-out areas through Other Effective Area Based Conservation Measures (OEABCM), in line with MoEF&CC guidelines (2022). Reputed institutions may be engaged for this purpose, at the user agency's expense.
- v. The State Government may revise the Wildlife Conservation Plan in consultation with the Wildlife Institute of India to include the site-specific interventions; the species-specific conservation measures and scientifically designed protocols;
- vi. The overburden (OB) in mined-out areas appears to have reached a height suitable for reclamation. The sub-committee observed rill and gully formation in parts of the OB. To prevent further degradation and leaching, it is recommended that the SFD and user agency jointly stabilise the OB using grasses, soil-binding plants, and seed balls during the monsoon. Techniques such as garland drains may be used to trap silt and nutrient runoff.
- vii. As the proposed diversion area falls under the Wildlife Overlapping Working Circle, the Wildlife conservation plan should also include enrichment measures for fauna-preferred plant species, particularly those favoured by elephants.

Additional Agenda

Additional Agenda No. 1

File No. 8-69/2003-FC

Sub: Proposal for diversion of 128.97 ha. of Reserved Forest for Open Cast Mining Project in Namchik-Namphuk Coal Fields in Changlang district of Arunachal Pradesh. – regarding request for transfer of lease in respect of diversion of forest land for open cast coal mining in Namchak Namphuk Coal Mine in Changlang District of Arunachal Pradesh along with Stage-I and Stage-II approval granted in favour of M/s. Arunachal Pradesh Mineral Development & Trading Corporation Limited to M/s. Coal Pulz Private Limited (Online Proposal No. FP/AR/MIN/611/2003)- regarding.

1. The agenda item was considered by the AC in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The DIGF, Regional Office, Shillong, PCCF& HOFF, Government of Arunachal Pradesh and Nodal Officer, Arunachal Pradesh attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. 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 noted that the instant proposal was considered in its earlier meeting held on 16.04.2025, wherein the Committee noted the following:
 - i. Proposal relates to diversion of 128.97 ha of forest land for Open Cast Coal Mining Project which was granted in-principle approval on 9.06.2004. Subsequently, based on the request received from the Government of Arunachal Pradesh to grant phase wise approval, final approval over 39.02 ha of forest land was granted by the Ministry on 10.04.2006 for which CA and NPV was paid by the user agency.
 - ii. The State Government in 2010 had requested the Ministry to consider final approval in respect of balance forest area of 89.95 ha as the user agency had paid the amount of CA and NPV. Thereafter till 2014, correspondence has been made by the Ministry with the State to submit compliance of in-principle approval and also with the Regional Office to submit the inspection report.
 - iii. In the meantime the coal block was de-allocated and now it has been auctioned to M/s Coal Pulz Private Limited vide vesting order dated 17.08.2023 and accordingly, the Ministry of Coal (MoC) vide their letter dated 5.09.2023 requested MoEF&CC to transfer the approval granted from M/s APMDCL to new allottee in accordance with the provisions of the relevant guidelines issued by the Ministry.
 - iv. The Ministry, after examination of the request of the MoC, vide its letter dated 11.10.2023 requested additional details from the State viz. details of CA and NPV deposited, status of transfer and mutation of CA land, justification for delay in the submission of compliance report, KML files of the CA and diverted land, etc. A site inspection of the area was also requested from the Regional Office.

- v. The State Government vide their letter dated 18.01.2024, submitted the information. Regional Office vide their letter dated 28.03.2024 also submitted the inspection report. The Regional Office in its inspection reported no violation of the Adhiniyam and also reported that mining operations are suspended since 2012-13 and no sign of working were observed during the inspection. However, the surrounding area is under immense pressure of illegal mining.
- vi. Certain violations in the area located outside the approved area of 39.02 ha were observed by the Ministry and accordingly comments of the Regional Office were requested on 12.09.2024. The State Government was also requested on 17.06.2024 to submit the complete compliance of in-principle approval, along with comments on the violation observed in the area and a copy of biodiversity Plan.
- vii. The State Government vide their letter dated 12.08.2024 submitted their reply viz. compliance of in-principle approval, copy of Biodiversity Plan and informed that no non-forestry activity has been carried out in the area located outside the approved area. There has been further correspondence with the State to seek further additional detail which was replied by the State vide their letters dated 17.12.2024 and 12.02.2025. Regional Office vide its letter dated 26.02.2025 has also submitted its comments on the proposal.
- viii. The Regional Office in its comments has mentioned following:
 - a. Compliance of the conditions of Final Approval by the earlier UA for 39.02 ha was found to be satisfactory.
 - b. The rest of the area of 89.95 ha out of 128.97 ha for which the IPA has been granted by the Ministry has not been utilized and not handed over to the earlier user agency and presently free from encroachment and other encumbrances.
 - c. CA is to be raised over non-forest land
- ix. As regards to CA, the Committee further noted the following:
 - a. As per the in-principle approval, the CA was to be raised over an equivalent non-forest land of 128.97 ha. Out of which CA has been raised over 39.02 ha as per recent reports received from the State.
 - b. In August, 2003, the State Government had confirmed the availability of 130 ha of non-forest land for CA which was also reported to be mutated in favour of the State Forest Department.
 - c. As per documents submitted in the past an area of 200 ha of non-forest land was identified in the Papumpare District for which draft notification was also submitted by the State on 6.01.2004.
 - d. Subsequently, in May 2018 an area of 112 ha in Papumpare District has been notified as Village Reserve Forest by the State Government.
 - e. Now the State Government has proposed compensatory afforestation over 180 ha of degraded forest land in lieu of balance forest land of 89.95 ha. No detail pertaining to transfer and mutation of non-forest land informed earlier has been provided by the State.
- x. The Nodal officer clarified to the Committee that out of 112.86 notified as VRF, only 39.02 ha of land pertains to the extant proposal. Nodal Officer further informed the Committee that no non-forest land is

available in the State for raising compensatory afforestation and accordingly, CA has been proposed over degraded forest land in respect of balance forest land of 89.95 ha.

- xi. After deliberations on the information submitted by the State Government, Regional Office and submissions made by the Nodal Officer, the Committee noted the following:
 - a. In-principle approval was granted with the stipulation of CA over non-forest land, now the CA has been proposed over degraded forest land in lieu of 89.95 ha. Although as per extant rules and guidelines, the CA in the forest rich States can be undertaken over degraded forest land subject to submission of certificate by the State on non-availability of non-forest land, however, as the non-forest land was already identified and mutated in favour of the State Forest Department, the State Government therefore, should provide the status of said land.
 - b. Proposal involves change in the land use which has been proposed as per approved mining plan. As per guidelines dated 26.12.2024, change in land use can be allowed if it is as per approved mining plan. However, the land use proposed in the proposal should be in consonance with the land use proposed in the approved Mining Plan.
 - c. In-principle approval granted to M/s APMDC needs to be transferred in favour of M/s Coal Pulz Private Limited.
 - d. As per the extant guidelines, area of safety zone is to be included in the total diverted area. The in-principle approval granted on 9.06.2004 does not include safety zone area of 4.68 ha. The same needs to be included in the diversion proposal and accordingly, the total area to be diverted becomes 133.65 ha.
 - e. Regional Office of the Ministry has reported the satisfactory compliance of approvals granted by the Ministry to the coal block.
- xii. Committee, after taking stock of the factual situation, opined that before taking further view on the proposal, the State Government should ensure complete compliance of the in-principle approval by providing the detail of non-forest land identified in 2003 for CA, inclusion of safety zone area in the diversion proposal.
- xiii. The Committee was informed that the proposal was discussed in Advisory Committee meeting held on 16.04.2025 and after detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong and Nodal Officer, Government of Arunachal Pradesh, desired that before taking further view on the proposal, the following additional information may be furnished by the State Government for its further consideration by the Committee:
 - a. Justification of the State Government for proposing CA over degraded forest land instead of non-forest land as was approved in the in-principle approval. It may also be informed whether certificate from a suitable officer certifying the non-availability of non-forest land has been obtained by the user agency.
 - b. Detail of 130 ha of non-forest land identified and mutated in favour of the State Forest Department to raise CA in lieu of forest area diverted under this proposal.

- c. Area of 4.63 ha earmarked for safety zone should be included in the proposal and accordingly, updated detail of CA and area proposed for diversion should be submitted by the State. Proposal of CA should be submitted in accordance with the provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023.
 - d. Component wise breakup or land use given in the approved Mining Plan and proposed in the proposal appears to be varying, the State Government should therefore ensure that land use proposed in the proposal are in consonance with the land use proposed in the approved Mining Plan.
- 4. The State Government has submitted reply on 23.05.2025 to the observations of Advisory Committee which is summarized as under:
 - i. As regards to compensatory afforestation, the State Government has submitted the justification stating that there is no availability of non-forest land which has already been informed to the Committee by the Nodal Officer of the State during meeting of AC held on 16.04.2025. The non-forest land as approved in the in-principle is not available after 21 years which was identified during 2003. The net area was found to be 112.86 ha out of which 39.02 ha has been used for CA against the instant project while another 31 ha was used for other projects approved by Regional Office, Shillong while the remaining area has vegetation density of MDF.
 - ii. The State Government has clarified that there is no record of 130 ha of non-forest land identified for the project. It was also informed by the State Government that as per the provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, there is a special provision in case of Arunachal Pradesh that degraded USF land can be considered for CA plantations. Accordingly, it is requested to consider the CA area as identified at Pakiapu VFR (90ha) & Krema-Pao VFR (90 ha) due to above reasons. It was also informed that a certificate regarding non-availability of non-forest and for CA was issued by the Chief Secretary of the State. The PCCF&HOFF and Nodal Officer of the State reaffirmed the validity of the said certificate issued by the chief secretary in 2014.
 - iii. With regards to area of safety zone, the State informed that area of 4.63 ha earmarked for safety zone is Green belt area and was included in the diversion proposal as per then prevailing guidelines. In case the diversion of said area is required, the user agency may submit a separate proposal, as no mining is proposed in the safety zone area.
 - iv. As regards to change in the land user, the State Government informed that land use proposed in the original proposal was based on the the approved mining plan, 2003 which was implemented till FY 2012-13 and subsequently de-allocated by the Hon'ble SC in Aug/Sep 2014. The Mining Plan was subsequently revised by the new UA for an approval of mine closure plan with a provision of financial assurance for mine closure as per the guidelines of MoC for the same which was approved by the Ministry of Coal 15.01.2025. Accordingly, the land use proposed has changed from the original

mining plan of 2003 and the current mining plan of 2025 and land use will be ensured as per approved Mining Plan.

5. The Committee in view of the submissions made by the State Government and PCCF& Nodal Officer, Arunachal noted the following:
 - i. Extant proposal is an old proposal for which in-principle approval was granted on 9.06.2004 and subsequently final approval for partial forest land of 39.02 ha was granted on 10.04.2006 by the Ministry.
 - ii. After the cancellation of the coal block, the same has been allotted to M/s Coal Pulz Private Limited and a request for transfer of approval from M/s APMDC to M/s Coal Pulz Private Limited has been received from the Ministry of Coal in accordance with the relevant guidelines of the Ministry. The new user agency has also paid the transfer fee of Rs. 10 lakh into the account of State CAMPA and submitted necessary undertakings to abide by the conditions stipulated in the approvals granted by the Ministry.
 - iii. The State Government has reported the compliance of conditions stipulated in the approvals dated 9.06.2004 and 10.04.2006 and the same was found satisfactory. Regional Office has also confirmed the satisfactory compliance of all conditions stipulated in the in-principle approval.
 - iv. The State Government has also informed that complete compensatory levies towards the cost of CA scheme and NPV have been realized from the user agency for the entire 128.97 ha of forest land. Cost of NPV has been realised as per the revised rates of NPV.
 - v. A Bio-diversity Management Plan has been involving financial outlay of ₹47 lakh has been prepared for its implantation in the area. Cost of Plan needs to be deposited in the account of CAMPA.
 - vi. Change in the land use appears to be effected on account of inclusion of 4.68 ha of safety zone area which was part of the diversion proposal but not included in the approval for diversion. As per Guidelines dated 26.12.2024, change in the land use as per approved Mining Plan can be under taken by the user agency.
 - vii. As regards to diversion of safety zone, it was observed that Ministry has issued guidelines on 17.01.2025 and 7.04.2008 wherein it was clarified that cases of safety zone diversion where NPV and cost of CA has already been realized from the user agency need not be submitted for approval unless they are proposed for mining. In the instant case cost of NPV of safety zone has not been realized from the user agency. Accordingly, the user agency needs to submit a separate proposal for diversion of safety zone in accordance with the relevant guidelines issued by the Ministry.
 - viii. As regards to compensatory afforestation, CA has already been raised over 39.02 ha of non-forest land which has been notified by the State Government. A certificate certifying the non-availability of non-forest land in the State has been issued by the Chief Secretary of the State on 19.12.2014. During the intervening period, the Ministry has also issued guidelines allowing CA over degraded forest land/Unclassed forest land in the States where non-forest land is not available. The State Government has justified the CA proposal in the unclassified forest land.

- ix. In-principle and final approvals granted on 9.04.2004 and 10.04.2006, respectively in favour of M/s APMDC needs to be transferred in favour of M/s Coal Pulz Private Limited as the coal block has been allotted to new user agency.

6. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO, Shillong, PCCF (HoFF), Government of Arunachal Pradesh and Nodal Officer, Government of Arunachal Pradesh, recommended the following:

- i. A fresh certificate of non-availability of the non-forest land in the State may be submitted by the State for further consideration of the proposal.
- ii. Proposal received from the Ministry of Coal for transfer of In-principle and final approvals granted on 9.04.2004 and 10.04.2006 respectively to a new user agency, which has been submitted in accordance with the relevant guidelines of the Ministry along with requisite documents may be considered by the Ministry for approval.

Additional Agenda No. 2

File No: 8-02/2024-FC

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s NMDC-CMDC Limited for non-forestry use of 682.2722 ha (570.100 ha inside lease and 112.1722 ha outside lease) forest land for Bailadila Iron Ore Deposit-4 Mine in Dantewada Forest Division, South Bastar, Dantewada District in the State of Chhattisgarh (Proposal No. FP/CG/MIN/146694/2021).

1. The agenda for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 26.05.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer, Govt. of Chhattisgarh and DDGF (Central), Regional Office, MoEF&CC, Nagpur 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 Chhattisgarh vide their letter no. 5- 39/2023/10-2 dated 02.02.2024 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 Ministry .
 - ii. The total forest area under the proposal is 682.2722 ha of forest land which is located in Dantewada Forest Division, District:- Dantewada, Chattisgarh.
 - iii. The proposed forest area is Reserved forest (670.177 ha) and Revenue forest (12.0952 ha) with canopy density of 0.6 (Eco Class-1) and 3,40,330 number trees have been proposed to be felled.

- iv. The Compensatory Afforestation has been proposed on 836.436 ha double Degraded Forest Land (DFL) in Jajgir-Champa forest division and 530.302 ha double degraded forest land in Marwahi forest division (totaling 1364.5444 ha) Total patches of the CA land are 41.
- v. As per justification submitted by User Agency, the proposal has been submitted to achieve the targets set by National Steel Policy-2017 and to increase the iron ore production capacities of 100 MTPA by 2030. Accordingly, NMDC has targeted to achieve Iron Ore production of 100 MTPA by 2030. Out of this, 86 MT is planned from the Bailadila Sector. Out of this, NMDC planned for opening up of green field projects and enhance capacity expansion of brown field projects. Projects identified under green field were Bailadila Iron Ore Deposit-13 and 4.
- vi. The State Government has recommended the proposal subject to following conditions :-
 - a. There is possibility of negative effect on tree-fern species available in gali-nalla due to mining activities. Therefore, a study to be conducted by expert of ICFRE, Dehradun to ascertain the minimum distance of mining and infrastructure activities from tree-fern areas.
 - b. Apart from this, construction of conveyor belt under infrastructure construction is proposed at compensatory afforestation site located in block no. in 1826 and 1827. It would be appropriate to charge a compensatory amount separately in lieu of the compensation afforestation affected land for the conveyor belt construction.
- vii. There is an existing tree fern area inside the mining lease which is a rare species and is important from the conservation point of view. However, the said tree fern area of 76.496 Ha has not been included in the forest diversion application and no non-forestry use has been planned in the tree fern area.
- viii. The state forest department had undertaken the study of the 'Bailadila Deposit-4 Mine of NMDC-CMDC Ltd. to ascertain the safe distance from the existing tree fern habitat before carrying out mining activities and infrastructure development", from the Indian Council of Forestry Research and Education, Dehradun. The ICFRE in its report has recommended/advised various preventive measures/steps to be taken for the conservation of the tree fern area located inside the mining lease. The salient recommendations of the ICFRE study report are as under:-
 - a. During the mining operations when the workings will go deeper, the bottom benches will be formed below the bed of the Galli Nalla in the North and South Blocks. As per the conceptual mining plan, the Northern Block will be backfilled by the mine waste generated from the South Block, and the South Block will be reclaimed by forming a water reservoir, Moreover, the horizontal distance of the bottom benches formed in the north and south blocks will be at a distance of more than 332m and 251m respectively and there will be no adverse effect on the water regime and the tree fern habitat. However, the user agency has been advised to

restrict the initial mining operations to at least 5m above the Galli Nalla bed across the strike of the deposit in the North Block. On reaching the Bench levels in the North Pit to the corresponding levels of the Galli Nalla, the impact of mining operations on Galli Nalla may be monitored periodically on various environmental parameters, particularly for seepage of water. Based on the results, further deepening of the mining activity may be planned.

- b. No float ore mining shall be undertaken on the eastern slope of the western ridge of Deposit-4 /western slope of Galli Nalla.
 - c. No loose stacking of minerals be made on the eastern slope of the western ridge of Deposit-4 /western slope of Galli Nalla.
 - d. The proposal has been made to dump mine waste for the first 3 years on the eastern slope of Deposit-4 as Dump No. 1. The proposal has to be revoked and no mine waste dumping should be done on the eastern slope of the western ridge.
 - e. The user agency should follow the recommended safe distance of 150 meters and 191 meters respectively towards the west and east of Galli Nalla bank for mining operations subject to the strict adherence to the implementation of environment protection measures suggested in Chapter 7 of the ICFRE Report.
- ix. The proposal for diversion of 665.230 Ha. forest land for Bailadila Iron Ore mine was rejected by Forest Advisory Committee of Ministry of Environment, Forest and Climate Change, Government of India with letter number F.No. 8-12/2016-FC dated 17.04.2017 and mentioned about Opening of new pristine forest area for mining especially deposit -4 will have adverse impact on the local ecological regimes specially water and tree fern and therefore opening of the new mining area in Deposit-4 containing pristine forest does not deserve consideration for diversion under the Forest (Conservation) Act, 1980 and is not recommended for approval by committee due to adverse effects on tree fern and biodiversity rich area. In present proposal also, State Government has conducted proper ecological study by ICFRE to ascertain impact of mining on local ecological regimes.
- x. xi. The State Government has also informed that until now, no such ecological study to assess the maximum permissible production level which can be sustained ecologically has been undertaken in the Bailadila Hills. Further, it is informed that the User Agency is finding very difficult in getting Non-Forest land for infrastructure beyond the Bailadila Reserve Forest.
- xi. xii. As per DSS analysis report, the High resolution satellite imagery shows the presence of dense forest inside the area proposed for diversion. The instant proposal falls under Inviolable or in high conservation zone (HCV) category. The Compensatory afforestation (CA) has been proposed over forest land twice in extent to the forest

land proposed for diversion and its software calculated area is found 1521.74 ha (software calculated). CA has been proposed in total 41 patches located in Bilaspur and Janjgir Champa districts of Chhattisgarh state.

- xii. The Site Inspection of the proposal was carried out by the AIGF, Regional Office, Nagpur on 06.12.2024 and 07.12.2024. During the site visit, a built-up area (Road and downhill conveyor) was noticed inside the ML area of Deposit-04. The user agency has informed that the said area belongs to the infrastructure for the downhill conveyor system of the Bailadila Iron Ore Deposit-5 of the NMDC Ltd. and the same was constructed before the year 1980. The user agency has also provided the Survey of India toposheet, sheet number E44J2 dated 1973, where the said road can be seen in existence.
- xiii. After examining the proposed activity under the project and cross-verified during the site inspection, the Regional Office, Nagpur opined that, as the User Agency has proposed the forest area for diversion, for mining and transportation of Iron Ore, which will enable the user agency to achieve the production of 100 MTPA by year 2030 and is in-line with National Steel Policy-2017. Hence, it is opined that the proposed area for diversion is site-specific for the project and the user agency has further informed that the project is conceptualized with environmentally friendly practices like the use of covered conveyor belts, dry disposal of tailings using filter press technology etc.
- xiv. The proposal is recommended by DDGF (Central), Regional Office, Nagpur subject to the following:-
 - a. The observations and recommendations made by the ICFRE shall be followed in toto with regard to the tree fern area.
 - b. Appropriate decision for pre-1980 structures as observed during the site inspection may be taken by the competent authority.
- xv. The State Govt had earlier submitted a proposal for diversion of 665.230 ha forest land for Bailadila iron ore mine in favour of NMDC which was rejected by the Central Govt vide letter dated 17/04/2017. In the earlier proposal, as per recommendation of FAC in its meeting held on 24.08.2016, the Ministry constituted a Committee under the Chairmanship of ADGF (FC) to visit the site and submit its comments whether opening of new areas is necessary or reserve base already available in mining leases which have been already approved by the Central Government in the name of user agency will meet the demand of iron ore.
- xvi. After thorough examination of the mining leases of the M/s NMDC, the Committee concluded following:
 - a. Currently, the NMDC has 9 mining leases granted in their favour and out of total 9 mining leases, 6 mining leases 3 in Kirandul and 3 in Bacheli are currently operational. All these mining leases have approved production capacity of 36 MTPA and so far the NMDC could attain a maximum production level of approximately 23 MTPA.

- b. Past trend of estimated reserves in the existing mining leases of NMDC revealed the substantial increase in the mineral reserve base which is most likely to increase further in future. Currently, the NMDC has reserves (excluding the reserves of Deposit-13 and Deposit-4) almost 2 times of the Reserves estimated initially at the time of commencement of mining operations. These reserves are likely to increase with further deep exploratory drilling. Mineral reserve base (proven + probable) appears to be sufficient to sustain the iron ore requirement in near future.
- c. The area covered under Deposit-4 has rich forests, except in rock exposed areas, with average density 0.8 or more. Opening of such forest rich area may have adverse impact on the ecological regime of the area.
- d. The NMDC has its mining leases spread over an area of approximately 8 Sq. Km. in the Bailadila Mountain Range. Given the state of limited natural resources in the area viz. water bodies, unique tree species, wildlife, etc. and also the local infrastructure viz. roads, railway track, there is need to assess the ecologically sustainable production level in the area. So far, there is no such baseline study available for the region to suggest the cap of maximum production which can be harnessed from the area. Therefore, before opening up new area a study to assess the maximum permissible production level which can be sustained ecologically without hampering the existing natural resources should be conducted in the Bailadila Mountain Range.
- e. The Committee also observed that with the advancement of mining operation in Deposit-10 and Deposit – 4 (if considered for approval), the microclimate supporting the Tree Fern will likely to be destroyed which may cause the loss of Tree Ferns Species. Therefore, in order to maintain the microclimate of the area enough to support the Tree Fern habitat, catchment area falling in the mining lease should be enriched to ensure development of water resources. However, mining and development of water resources are inversely related and cannot go hand in hand. Therefore, giving due consideration to the unique 'Tree ferns species found in the area, special conservation, protection and development measures for "tree ferns' species should be implemented in the area after conducting a scientific study in the area and if needed, the area of mining lease may be further reduced to sustain the functions of microclimate.
- f. Removal of iron ore from the top of the hill will slowly reduce the height of the hill and the altitude will be reduced from 1200 meters to 600 meters, thereby exposing the habitat of the endangered Tree Fern species and will adversely affect their habitat making it unsuitable for survival. Also the dust and other debris will add to the woes of the Tree Ferns.

- g. The area is dominated by pristine forests with an average density of 0.8.
- xvii. In view of the above, the Committee recommended that NMDC has sufficient iron ore reserve base in its mining leases. Opening of the new pristine forest area for mining especially Deposit-4 will have adverse impact on the local ecological regimes specially water sources and Tree Ferns and therefore opening of the new mining area in Deposit-4 containing pristine forests does not deserve consideration for diversion under the Forest (Conservation) Act, 1980 and is not recommended for approval.
- xviii. In view of the above recommendation of the Committee, the FAC in its meeting 28.02.2017, after through deliberation on the inspection report submitted by the Committee headed by ADGF (FC) decided not to recommend the proposal and this recommendation of FAC was accepted by the Competent Authority and the proposal was rejected by the Ministry.
- xix. The Committee observed that the proposal was earlier rejected based upon the recommendations of a committee headed by ADGF wherein the committee inter-alia observed that before opening up new area a study to assess the maximum permissible production level which can be sustained ecologically without hampering the existing natural resources should be conducted in the Bailadila Mountain Range. The state has to give a detailed justification addressing the concerns raised by the said committee.
- xx. The proposal was discussed in Advisory Committee Meeting dated 16th April, 2025. After thorough deliberation and discussion with DDGF (Central), RO, Nagpur and Nodal Officer, Govt. of Chattisgarh and after going through the facts of the proposal the Committee decided to 'defer' the proposal with the following observations:-
 - a. The State Govt. shall give a detailed point wise justification addressing the concerns raised by the Committee headed by ADGF(FC) based upon which the Advisory Committee in its meeting held on 28.02.2017 decided not to recommend the proposal.
 - b. The State Govt. shall examine and inform whether existing mines are working on the peak capacity levels or otherwise. The authentic data of production of iron ore from the Bailadila region shall be submitted in this regard. In case, the peak capacity of the existing mines is not being utilized, the justification for the instant proposal shall be re-examined and submitted accordingly.
 - c. An ecological study to assess the maximum permissible production level which can be sustained ecologically shall be undertaken in the Bailadila Hills by the State Government and report be submitted for further decision on the matter.
 - d. As per DSS analysis, 235 ha DFL proposed for Compensatory Afforestation has been found to be Medium Dense Forest(MDF). In this regard, the state shall provide suitable area for compensatory afforestation as per applicable guidelines.

- e. The tree fern area has not been included in the diversion proposal. In this regard, justification for not excluding the said area from the mining lease shall be submitted.
 - f. Part of the area included in the earlier diversion proposals is overlapping with the instant project. The details of the said area and the components for which it is being used and its proposed future land use shall be provided.
- xxi. The Government of Chhattisgarh vide letter dated 21st May, 2025 has submitted the following information:-
- a. Presently, there are only five Iron Ore Mining Leases granted to NMDC in Bailadila sector out of which 3 Mining Leases (Deposit-14, Deposit-14 NMZ and Deposit-11) are located in Kirandul complex and 2 Mining Leases (Deposit-5 and Deposit-10) are located in Bacheli complex. All these mining leases are operational. The above leases have a cumulative approved production capacity (EC+CTO) of 37.80 million tons as on 01-04-2025. In FY: 24-25, NMDC achieved a total production of 29.98 MT (28.58 MT of ROM + de-silted slimes) from Bailadila Sector. Decrease in the ROM production was due to stoppage of production for 40 days owing to Industrial Relation (IR). The production for FY 2024-25 otherwise would have reached to about 90% of total production capacity.
 - b. In view the National Steel Policy 2017, NMDC has set a target of increasing the iron ore production up to 86.00 million tons from Bailadila sector in which 58.00 million tons is from NMDC Mines and 28.00 million tons is from NMDC-CMDC Ltd (NCL) Mines. The life of mines of NMDC's Bailadila Mines as per present reserves and proposed capacity of iron ore mines comes only around 28 years (1597 million tons / 58 MTPA). To address the balance shortfall of 28 million tons in Bailadila, the development of greenfield projects such as Deposit-13 and Deposit-4 by NMDC-CMDC Limited, already explored by NMDC-becomes essential.
 - c. As per State Forest record density of Bailadila Deposit-4 reserve forest area is in the range of 0.2 to 0.6. Having cognizance to intact ecological balance especially tree fern, NMDC-CMDC Ltd. has got Biodiversity Conservation Plan and Soil, Water & Moisture Conservation Plan got approved by Biodiversity Board of Chhattisgarh vide order no./Jai.V.Bo/17 Raipur dated 21.08.2023 (Approved Budget Rs.31 Cr.). Wildlife Conservation & Management Plan got approved by Chief Wildlife Warden vide Order No./V.PRA/Prabandha-637/253 Nava Raipur, dated 25.09.2023. (Approved Budget Rs.19.98 Cr.). Towards implementation of the Environmental Management Plan, an amount of Rs. 91.21 crores under capital cost with a recurring cost of Rs. 5.21 crores per annum is also proposed. Further, Ecological Study to ascertain impact of

Mining on local Ecological Regimes has been conducted by ICFRE, Dehradun. Moreover, mining will be undertaken in a scientific and environmentally friendly manner to mitigate any adverse impact on the area's ecological balance.

- d. The Bailadila Mountain Range, trending from north to south for a distance of 40 Km, comprises 14 major iron ore deposits numbered from 1 to 14. Since 1968 till date, NMDC is the only mining company operating in this region at Deposit-5, 10, 11, 14 and 14 NMZ spread over an area of 25.53 sq. km. Recently, the State Government has successfully auctioned Bailadila Iron Ore Deposits 1A, 1B, and IC in March 2025. Additionally, Deposits 3 and 8 are likely to be granted in the near future. The Maximum Production Level is directly linked to availability of total mineable reserves, annual production capacity through mechanized way, stockpiling capacities, mechanized loading & transportation and sufficient environment friendly evacuation capacities up-to the end-user Plants.

Thus, in view of the above, the proposed baseline study to determine the maximum permissible production level for the entire Bailadila Mountain Range may not be feasible till complete exploration and determination of projected production capacity is ascertained for the remaining Deposits (newly auctioned / to be auctioned / to be granted) in a holistic manner. Accordingly, the instant proposal of Deposit-4 should not be linked with the proposed study at this stage. The study may be suitably undertaken by the State Government in the future, based on the development and progress of all other upcoming iron ore mines in the Bailadila Mountain Range.

- e. As suggested by the MoEF&CC, the Chhattisgarh Forest Department has awarded the work of "Study of Bailadila Iron Ore Deposit-4 Mine of NMDC-CMDC Limited for ascertaining the safe distance from the existing Tree Fern habitat for carrying out Mining Activities and infrastructure development" to ICFRE Dehradun. As per the ICFRE report, The primary Tree fern species recorded during the present study namely *Cyathea gigantea* and *Cyathea spinulosa* inhabiting the Galli Nalla are not enlisted under the Red List of Plant Species published by Botanical Survey of India (BSI). Moreover, these species are also not currently enlisted in the IUCN Red List.
- f. In initial years, North Block of the Deposit-4 will be mined. After, completing the North Block of the Deposit, South Block will be opened up. Northern Block will be backfilled with the mine waste generated from the South Block, and the South Block will be reclaimed by forming a water reservoir. Final shape of the benches will be in form of two Pits closed on eastern side Le. Galli Nala Side. Thus, no dust or debris will go on eastern direction of the Pits thus formed. As per

recommendations of the ICFRE-Dehradun, at every point Mine workings will be more than 150 m away from the Galli Nala. Also, NCL will restrict the initial mining operations to at least 5m above the Galli Nalla bed across the strike of the deposit in the North Block. Further, on reaching the bench level in the North Pit to the corresponding levels of the Galli Nalla, the impact of mining operations on Galli Nalla corresponding will be monitored periodically on various environmental parameters like particularly for seepage of water etc. Based on the results, further deepening of the mining activity will be planned. As per approved Mining Plan bottom benches will not go below 996 MRL. Also, after top few benches exploitation of Iron Ore will be skewed on the Western Slope of the Bailadila iron Ore Deposit-4.

- g. As per State Forest record, the density of Deposit-4 reserve forest area is in the range of 0.2 to 0.6.
- h. Necessity for opening of Bailadila Iron Ore Deposit-4 due to Meeting the Iron Ore demand as envisaged by National Steel Policy, Iron Ore from Bailadila region is preferred choice amongst Steel Makers as it reduces requirement of other raw material like Coal, Limestone and Dolomite etc. which in turn lessen the adverse impact on environment at the site of the end-users; To mitigate the anticipated impact of closure of Captive Iron Ore Mining leases in 2030; Sustainable supply of iron ore to Nagarnar Steel Plant and Chattisgarh State Pellet & Steel Plants from Bailadila Iron Ore Deposit-4 as per the JV agreement between NMDC and CMDC Limited.
- i. 235 ha of DFL land proposed for CA has canopy density of 0.4 to 0.5.
- j. Letter of Intent for the Mining Lease of Deposit-4 has been issued for an area of 646.596 Ha, however, an area of 76.4960 Ha has been excluded from the Mining Lease while applying for the Forest Land diversion. This has been done for purpose of "Tree Fern conservation". It may be noted here that Grant Order for the Mining Lease by the State Government will be issued only for that area for which Forest Clearance will be available i.e. in the instant case only for 570.100 Ha. Accordingly, Mining Lease for Bailadila Iron Ore Deposit-4 will be executed and registered over an area of 570.100 Ha only.
- k. For the purpose of Pump-House and Water Pipe line over an area of 4.68 Ha, Forest Clearance Vide Order No. 8B/16/2002-FCW/678, dated-14.03.2002 had been obtained by the NMDC Ltd. An area of 2.452 Ha out of the old FC obtained by the NMDC Ltd. is overlapping with the present Forest Diversion proposal of the Bailadila Iron Ore Deposit-4 of the NMDC-CMDC Ltd. This Pump House and Water Pipe Line along-with supporting Electricity Line were constructed for the purpose of the Deposit-10 of the NMDC Ltd. Somewhere in the year 2008 extremists had blown up

this Pump House and part of the water pipe line. Since, then this infrastructure is not in use by NMDC Ltd. However, part of the Pump-House facility has been planned to be used for the purpose of Bailadila Iron Ore Deposit-4 of the NMDC-CMDC Ltd.

- xxii. The Committee observed that the NMDC already holds several mining leases in the Bailadila region and has not yet fully utilized the approved production capacity from these existing operations. However, the user agency has clarified that constraints like disruptions from Left Wing Extremism (LWE) and limitations in evacuation infrastructure (e.g., railway capacity) had affected production earlier. Now, with the completion of the doubling of the KK railway line (covering 153 km of a total 175 km stretch), these issues have been addressed. The user agency has resumed regular operations and set a target to achieve 100% production in FY 2025–26, asserting that the demand-supply scenario necessitates new projects despite improving performance in existing mines.
- xxiii. The Sub-Committee had observed that the iron ore reserves in NMDC's current leases had almost doubled from original estimates, making a strong case that existing reserves could suffice to meet short-term and even medium-term national demand. However, it has been informed by the State/UA that relying solely on these leases will not be sufficient to meet the ambitious targets outlined in the National Steel Policy (NSP) 2017, which envisages 300 MTPA of crude steel production by 2030—requiring 450–480 MTPA of iron ore. Therefore, greenfield projects like Deposit-4 and Deposit-13 are essential to supplement production capacity and ensure long-term security of ore supply, particularly with the life of current mines estimated at around 28 years at proposed extraction rates.
- xxiv. The area proposed for diversion is a pristine forest and High conservation zone. In this regard it has been informed that to mitigate any residual ecological impacts, comprehensive Biodiversity Conservation and Wildlife Management Plans have been prepared. These include measures like habitat restoration, soil and water conservation, and preservation of local flora and fauna. NMDC also promises to adhere to environmentally sound mining practices and periodic monitoring as part of its Environmental Management Plan.
- xxv. The Advisory Committee had earlier recommended a region-wide ecological assessment to determine the maximum sustainable production capacity of the Bailadila region. Such a study would help define ecological thresholds for mining operations across the region, given the unique biodiversity, water resources, and topography. However, the State/UA has submitted that this recommendation is premature, as many deposits in the region have only recently been auctioned or are pending grant. A comprehensive ecological baseline study would require complete exploration and production data from all these sites, which is currently unavailable. NMDC contends that the proposal for Deposit-4 should not be withheld pending a study whose timing and scope are uncertain.

- xxvi. The Bailadila hills are home to unique flora, including tree fern species such as *Cyathea gigantea* and *Cyathea spinulosa*, which thrive in specific microclimatic conditions. The concern is that mining activities, especially those involving land clearing and topographic changes, may disturb these sensitive habitats irreversibly. In this regard the State/UA has submitted that a detailed scientific study by the Indian Council of Forestry Research and Education (ICFRE), Dehradun was commissioned, to assess these impacts. The study concluded that to further protect the habitat, a buffer distance of 150 to 191 meters from the Galli Nalla (the core tree fern zone) will be maintained. Moreover, the mining area was reduced by 76.496 ha specifically to exclude the tree fern zones from forest diversion.
- xxvii. The 235 ha of land proposed for compensatory afforestation falls under the category of Medium Dense Forest (MDF). In response, it has been informed that the vegetation density is between 0.4 and 0.5. The committee observed that the State has to provide suitable degraded forestland for Compensatory Afforestation and forest land with a canopy density ≥ 0.4 cannot be accepted for the Compensatory Afforestation.
- xxviii. Certain built-up area was observed in the forest land. In this regard it has been informed that the built up area belongs to the infrastructure for the downhill conveyor system of the Bailadila Iron Ore Deposit-5 of the NMDC Ltd. and same has been constructed prior to the year 1980. As per Forest Stock Map, these infrastructures are lying in the Forest Compartment No. 1842 of the Bailadila Reserve Forest, thus this area has been considered as Reserve Forest in the Forest diversion application. However, as per revenue records, the said infrastructure of the Bailadila Iron Ore Deposit-5 of the NMDC Ltd. falls in Khasra No. 1384 of the Tehsil – Bade Bacheli of the District – Dantewada, C.G. The State has informed that the said built-up area belongs to the infrastructure for the downhill conveyor system of the Bailadila Iron Ore Deposit-5 of the NMDC Ltd. The NMDC renewed mining lease for its Deposit-5 in year 2015 for 20 years and got extension of validity of forest clearance for 540.050 hectares of forest land. But NMDC has not included said area of downhill conveyor belt which lies in Compartment No. 1842 of Bailadila Reserve Forest in its renewal proposal for extension of validity of forest clearance for Deposit-5.
- xxix. There is an existing unmetalled jeepable road (4m wide approx.) from Village Bhansi to the Hill-Top of Deposit 3, 4, 5 etc. This road is in existence before the year 1980 and still in use by the Villagers and Forest Department. As such, the same road is best suitable for use as a main road to Hill-Top of Deposit-4. Accordingly, this existing road has been proposed to be suitably widened so that the total width of road shall be 10m including drains and bund on valley side. The gradient shall be 1 in 25 (maximum 1 in 16) in straight stretches and 1 in 20 on curves. It may be noted here that in few patches new roads for connecting to the Conveyor Belt and Screening Plant have been also proposed.
- xxx. The Committee observed that keeping in view the strategic necessity of meeting the growing national demand for iron ore, as outlined in the

National Steel Policy 2017, makes the development of greenfield projects like Deposit-4 essential. Though the area includes moderately dense forest and ecologically sensitive features such as tree fern habitats, however the detailed study by ICFRE and the biodiversity, and wildlife management plans have been put in place to ensure environmentally sustainable mining. An area of 76.496 ha area has been excluded specifically for tree fern conservation, and the buffer zones have been proposed around these sensitive areas.

4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO, Nagpur and Nodal Officer, Govt. of Chhattisgarh and after going through the facts of the proposal, the Committee recommended to accord **in-principle** approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s NMDC-CMDC Limited for non-forestry use of 682.2722 ha (570.100 ha inside lease and 112.1722 ha outside lease) forest land for Bailadila Iron Ore Deposit-4 Mine in Dantewada Forest Division, South Bastar, Dantewada District in the State of Chhattisgarh subject to general standard and the following specific conditions:-

- i. The State Government shall ensure strict adherence to the implementation of mitigation/protection measures given in the ICFRE Report.
- ii. The minimum safe distance of 150 meters and 191 meters respectively towards the west and east of Galli Nalla bank shall be maintained.
- iii. The initial mining operations shall be restricted to at least 5m above the Galli Nalla bed across the strike of the deposit in the North Block. On reaching the Bench levels in the North Pit to the corresponding levels of the Galli Nalla, the impact of mining operations on Galli Nalla shall be monitored through a reputed institution like ICFRE to determine whether further mining operations can be allowed or not in reference to impact on Tree fern survival.
- iv. No float ore mining shall be undertaken on the eastern slope of the western ridge of Deposit-4 / western slope of Galli Nalla.
- v. No mine waste dumping should be done on the eastern slope of the western ridge (Deposit-4) as washoffs from dumps will add to siltation in Galli Nalla that will adversely affect Tree Fern habitat.
- vi. No loose stacking of minerals be made on the eastern slope of the western ridge of Deposit-4 / western slope of Galli Nalla.
- vii. The User shall undertake detailed "Impact Assessment Study of Mine Progression on Galli Nalla Ecosystem" by a reputed third-party organization during the plan period, from the start of operations.
- viii. The Biodiversity Conservation plan and the Wildlife Management Plan shall be implemented at the cost of the user agency.
- ix. For the purpose of Pump-House and Water Pipe line over an area of 4.68 Ha, approval dated-14.03.2002 had been obtained by the NMDC Ltd. An area of 2.452 Ha out of the this approved area of NMDC Ltd. is overlapping with the present Forest Diversion proposal of the Bailadila Iron Ore Deposit-4 of the NMDC-CMDC Ltd. Since the 2.452 ha area is also a part of the instant proposal, therefore the User agency/NMDC shall submit a proposal for the modification/reduction in area approved vide letter dated-14.03.2002 accordingly.

- x. 235 ha forest land proposed for Compensatory Afforestation consists of MDF. The State/User Agency shall therefore provide other suitable Degraded Forest land for Compensatory Afforestation with appropriate CA scheme and relevant details/documents.

(not present)

Pro. KR Sree Harsha
(non-official Member)

(Confirmed through e-mail)

Shri Nityanand Srivastava
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Shri R. Raghu Prasad
Inspector General of Forests
(Member Secretary)

(Approved)

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