

**(PARIVESH 1.0)****Minutes of the Meeting of the Advisory Committee (AC) meeting held on  
30.07.2025****Agenda No. 18****File No. 8C/39/2003-FCW****Subject: Diversion of 16.00 ha (Actual diverted area is 9.05 ha) of Reserved Forest Land for Mogalgad Minning Lease in favour of Hindalco Industries Ltd. in Kolhapur District in the State of Maharashtra -regarding.**

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 30.07.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The DDGF(C), Regional Office, Nagpur and Nodal Officer, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Maharashtra vide letter No. FLD-2303/CR-32/F-10 dated 04.08.2003 submitted the above-mentioned proposal seeking prior approval of the Central Government under the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 to Regional Office, Bhopal.
  - ii. With the approval of the competent authority in the Ministry, Stage-I approval was accorded by the Regional Office, Bhopal vide letter dated 06.10.2009 subject to fulfilment of certain conditions prescribed therein for an area of 9.05 ha.
  - iii. Further the Government of Maharashtra vide letter No. FLD-2303/CR-32/F-10 dated 13.03.2015 submitted compliance report on conditions stipulated in the Stage-I approval dated 06.10.2009 to Regional Office, Nagpur.
  - iv. Upon examination of the compliance report, the Regional Office Nagpur vide letter dated 17.11.2015 requested the State Government to submit required FRA certificate from the District Collector as per the Ministry guideline No 11-9/98 FC(pt) dated 5th July, 2013 . In response to this, the Government of Maharashtra vide letter No. FLD-2303/CR-32/F-10 dated 19.07.2023 has submitted required FRA certificate issued by the District Collector Kolhapur.
  - v. Considering the delay in submission of complete compliance report, the RO Nagpur in the year 2023 requested the State Government to submit detailed report on certain issues including fresh Site Inspection report, realization of NPV @revised rate, differential CA amount, enumeration list of trees, Wildlife mitigation measure plan etc. In the year 2024, the State Government submitted detailed report on clarification / documents

as sought by the RO Nagpur and requested to consider the proposal for Stage II approval.

- vi. Addl. PCCF and Nodal Office, Government of Maharashtra, vide their letter dated 24.05.2024 reported that the Deputy Conservator of Forest (T), Kolhapur mentioned that during Stage-I approval, CA was proposed over 9.05 ha non- forest land in Gat No. 2/1B.1, 34/1 & 19A/2. Since the site was not suitable, revised 9.05 ha CA land is taken in Gat. No.283, 284, 305 in Village Dhundavade, Range Gaganbavada. The non forest land of 9.05 ha in Gat. No.283, 284, 305 is transferred in the name of forest department. But due to lapse of more than 15 years of stage-I approval, there is good growth of natural vegetation and there is absolutely no need for taking up plantation in the said mutated land. In lieu of it only plantation is proposed in Compt. No.70 over 9.05 ha Open Forest patch in Kodali beat, Patane Range.
- vii. The RO Nagpur examined the information submitted by the State Government and found that the area proposed for diversion now forms part of Conservation Reserve declared vide notification dated 15.03.2021 and also forms part of draft ESA area of Western Ghats notification published in the year 2022, and reported that species like Elephant Indian Guar, Sambhar, Deer, porcupine, Leopard and tiger are found in this patch.
- viii. As the proposed forest area for diversion forms part of draft ESA area of Western Ghats notification published in the year 2022 and as the proposal involves change in approved CA area, the Regional Office forwarded the proposal file to the Ministry for further direction.
- ix. The proposal was examined in the Ministry and the ministry sought additional information from Regional Office, Nagpur and fresh site inspection report from RO, Nagpur.
- x. The Regional Office, Nagpur submitted following information with reference to the queries of the Ministry:-

Sr. No.	Observations of MoEF&CC	Reply of Regional Office
i.	Whether mining in a conservation reserve can be done in light of the Hon'ble Supreme Court order prohibiting such activities in Protected Areas (National Parks/Sanctuaries)?	<p>The Hon'ble Supreme Court vide Order dated <b>28/08/2024</b> directed the Ministry of Environment, Forest, and Climate Change to decide on the permissibility of mining in conservation reserves.</p> <p>Accordingly, the State Government has requested the Ministry to make an appropriate decision in this matter.</p> <p>Considering the apex courts directive and the policy implications, the Regional Office concurs with the views of the State Government.</p>
ii.	Is mining in a draft notified Eco-	The State Government clarified that the User

	Sensitive Area (ESA) permissible?	<p>Agency submitted the application for this mining project on 27/04/2011, which is before the prescribed cutoff date of 17/04/2013. This qualifies the proposal to be processed in accordance with the guidelines and rules existing at that time.</p> <p>With regard to the observations of the Ministry, regarding the legal enforceability of draft notifications in such areas until the issuance of final notifications, the Regional Office has reviewed relevant case laws and judicial decisions but found no specific references addressing this query. Therefore, it is suggested that legal opinion on this matter be obtained from a competent authority.</p>
iii.	Does a valid mining lease exist?	<p>As per the records made available, the mining lease for 42 hectares was executed by the State Government in favor of the Indian Aluminum Company Ltd. (INDAL) on 21/05/1968 for a term of 30 years, which expired on 21/05/1998. INDAL applied for the renewal of the lease for 13 hectares on 12/05/1997, and the lease under renewal was transferred to HINDALCO on 22/05/2006. According to the District Mining Officer, Kolhapur's communication dated 26/07/2011, the mining lease renewal will be processed only after the User Agency obtains final approval under the Forest (Conservation) Act, 1980. Additionally, the mining plan approved by the User Agency was valid only until 2021. Therefore, no valid mining lease exists at present.</p> <p>Whereas, the State Government claimed that the mining lease is deemed valid under the Mines and Minerals (Development and Regulation) Act, 2015, until 31/03/2030. However, on perusal of said provisions of the Act, in the absence of lease renewal, the lease is valid for 50 years from the date of its grant (21/05/1968), which would have been 21/05/2018 in this case. Hence, the Regional Office disagrees with the views of the State Government on this count.</p>
iv.	What are the valid and cogent reasons for the delay in seeking Stage-II clearance?	<p>The User Agency has provided a detailed chronology of events and justification for the delay. The primary reason cited is the time taken to obtain the Rights of Forest Resources (RoFR) certificate from the</p>

		Competent Authority. As per the information provided, the RoFR certificate was obtained on 28/06/2023. Since the delay occurred due to circumstances beyond the User Agency's control, the Regional Office is of the view that the delay may be condoned.
v.	It may be clarified since it is mentioned that user agency has applied for renewal of mining lease, whether the mining in the lease is going on in the said land or otherwise.	The Mining Lease under consideration is still a virgin land and M/s. Hindalco Industries Limited has not yet commenced any mining activity. Also, currently no mining activity is being carried out in the said leased land.
vi.	It is noted that the area falls in the Conservation Reserve, which was declared vide notification dated 15.03.2021. In this regard, it is submitted that there are management committees of the Conservation reserve, it need to be clarified whether comments from the Conservation Reserve Management Committee have been received in this regard or not.	As on date, the Conservation Reserve Management Committee for the subject area is yet to be formed by the State Government. Hence, the comments of conservation reserve management committee have not been obtained.
vii.	Further the said patch is also part of ESA area as per the draft ESA of Western Ghats notification published in the year 2022 wherein as per the provisions mentioned in draft ESA of Western Ghats notification published in the year 2022 it has been mentioned that there shall be a complete ban on mining, quarrying and sand mining in Ecologically Sensitive Area and 11 existing mines shall be phased out within five years from the date of issue of the final notification or on the expiry of the existing mining lease, whichever is earlier. The specific comments from the State Govt. and the Regional Office are needed that whether the said notification has any bearing for this proposal.	The Chief Conservator of Forests (T), Kolhapur office letter no.912, Dt. 25/10/2024 has already given its remark in this point which is reproduced as under: The said area is part of ESA area as per the draft ESA of Western Ghats Notification published in the year 2024, the above ESA notification is presently in draft stage & final notification is pending with different stakeholders. The Draft ESA notification 2022 & 2024 has given relief for this project as the application for this mining project was made on 27/04/2011 (Prior to 17/04/2013). The excerpt from the same is given in below: Projects and activities to be prohibited or regulated in the Eco-Sensitive Area. (1) The following categories of projects and activities shall be prohibited in Western Ghats Eco-sensitive Area except those proposals which have been received by Expert Appraisal Committees or the Ministry of Environment, Forest and Climate Change or State Level Expert Appraisal Committees or the State Level Environment Impact Assessment

		<p>Authorities before the 17th April, 2013 the date on which the High Level Working Group report was uploaded on the website of the Ministry and are pending consideration and such proposals shall be dealt in accordance with the guidelines and rules in existence at that time."</p> <p>The State Govt. has given its specific comments and recommendations in its earlier letters based on the ESA notifications for this proposal which is as given below:</p> <p>"It is also pointed out that in Western Ghats, mining is a prohibited activity under the directions dated 13/11/2013. However, the application for this mining project was made on 27/04/2011(prior to 17/04/2013) and Environment Clearance is accorded on 06/01/2014."</p> <p>It is further informed that the Villages, Kitavade and Hajagoli are included in the list of Villages included in Eco Sensitive Areas in Western Ghats identified by High Level Working Group (HLWG) under the Chairmanship of Dr. K. Kasturirangan. As per para 9 of Ministry of Environment &amp; Forest, Government of India Letter F.No.1-4/2012-RE (pt), dated 13/11/2013, new and/or expansion projects such as mining, quarrying and sand mining activities are prohibited, except those cases which have been received by EACS/MOEF or SEACS/SEIAAS before the date of putting HLWG report on the website of the Ministry, <b>i.e. 17/4/2013</b> and which are pending with EACS/MOEF or SEACS/SEIAAS.</p> <p>Government of India may please be moved to issue approval under section-2 (ii) of Forest (Conservation) Act, 1980.</p> <p>Also, the ESA Notification is presently in draft stage &amp; final notification is pending with different stakeholders. With the ESA notification being in draft form and the mining lease valid until 2030 (As per MMDR Amendment Act, 2015), this notification has no bearing on the present proposal.</p>
viii.	Since the matter is being dealt after 15 years from the date of Stage I approval, a fresh site inspection is required to	RO, Nagpur has submitted the Site Inspection Report.

	ascertain the changes in the details of the proposal as submitted by the user agency or the State Govt. if any.	
ix.	The State govt. may clarify that without prior acceptance of the central govt. wrt the the change in CA land, how and why the said newly identified land is transferred and mutated in favor of the Forest Dept.	The State Government informed that the change in the Compensatory Afforestation (CA) site was due to technical issues related to land allotment by the district authorities. The approved CA area was substituted with an alternate area and subsequently allotted to the State Forest Department and mutated in its favor. This change was carried out without prior approval from the Central Government which amounts to deviation. Hence the ministry may take appropriate decision on the deviation in this regard.
x.	The status of approved mining plan along with progressive mine closure plan needs to be submitted.	The User Agency obtained an approved mining plan, including a progressive mine closure plan, from the Indian Bureau of Mines (IBM) on 13/05/2016. However, this plan was valid only until 2021.
xi.	Status of the EC approval if any by the UA.	RO has informed that as regard to the EC, the UA obtained it on 06.01.2014
xii.	It may be clarified that the NPV and CA levies provided are as per revised rates and scheme.	The levies, such as NPV and CA charges are already paid by the User Agency as per the current application revised rates & scheme.

- xi. xi. Considering the site-specific nature of the project, the Central Government's in-principle approval, the State Government's recommendation and submissions regarding the applicability of the draft ESA notification to the proposed diverted site, Regional Office, Nagpur in its Site Inspection Report recommended the proposal for consideration for final approval under the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980, subject to the following conditions:
- The State Forest Department (SFD) shall carry out compensatory afforestation (CA) on the identified non-forest land to the extent possible. The remaining plantation shall be undertaken in the degraded forest area identified at Compt. No. 70 in Kodali Beat, as per its recommendations.
  - The State Government shall implement a site-specific wildlife mitigation plan, duly approved by the Chief Wildlife Warden (CWLW), at the cost of the User Agency.
  - A safety zone of vegetation shall be maintained within the 9.05-hectare diverted forest area, in accordance with the applicable rules.

- d. Mining activity shall be restricted to daytime only, considering the presence of wildlife in the proposed diversion area.
  - xii. The Regional office has reported that as per the records made available, the mining lease for 42 hectares was executed by the State Government in favor of the Indian Aluminum Company Ltd. (INDAL) on 21/05/1968 for a term of 30 years, which expired on 21/05/1998. INDAL applied for the renewal of the lease for 13 hectares on 12/05/1997, and the lease under renewal was transferred to HINDALCO on 22/05/2006. According to the District Mining Officer, Kolhapur's communication dated 26/07/2011, the mining lease renewal will be processed only after the User Agency obtains final approval under the Forest (Conservation) Act, 1980. Additionally, the mining plan approved by the User Agency was valid only until 2021. Therefore, no valid mining lease exists at present. Whereas, the State Government claimed that the mining lease is deemed valid under the Mines and Minerals (Development and Regulation) Act, 2015, until 31/03/2030. However, on perusal of said provisions of the Act, in the absence of lease renewal, the lease is valid for 50 years from the date of its grant (21/05/1968), which would have been 21/05/2018 in this case. Hence, the Regional Office disagrees with the views of the State Government on this count.
  - xiii. The Committee observed that as per the draft notification dated 31.07.2024 regarding the Eco-Sensitive Area (ESA) it has been mentioned that there shall be a complete ban on mining, quarrying and sand mining in Ecologically Sensitive Area and all existing mines shall be phased out within five years from the date of issue of the final notification or on the expiry of the existing mining lease, and whichever is earlier.
  - xiv. It is noted that the area falls in the Conservation Reserve, which was declared vide notification dated 15.03.2021. In this regard the State has informed that as on date, the Conservation Reserve Management Committee for the subject area is yet to be formed by the State Government. Hence, the comments of the Conservation reserve management committee have not been obtained.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF, Regional Office, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal, the Committee observed that the proposal for the change in the Compensatory Afforestation areas and issuing of the Stage-II/final approval for the Diversion of 16.00 ha (Actual diverted area is 9.05 ha) of Reserved Forest Land for Mogalgad mining lease in favour of Hindalco Industries Ltd. in Kolhapur District in the State of Maharashtra cannot be considered at this stage due to following reasons:
- i. The mining lease was initially executed by the State Government in favor of the Indian Aluminum Company Ltd. (INDAL) on 21/05/1968 for a term of 30 years, which expired on 21/05/1998. Thereafter the lease renewal has not been done. Moreover, the period of 50 years from the date of its initial grant i.e. 21/05/1968 is over on 20/05/2018.
  - ii. The draft notification dated 31.07.2024 issued by the Ministry regarding the Eco-Sensitive Area (ESA) provides that there shall be a complete ban on mining, quarrying and sand mining in Ecologically Sensitive Area

and all existing mines shall be phased out within five years from the date of issue of the final notification or on the expiry of the existing mining lease, and whichever is earlier.

- iii. The area falls in the Conservation Reserve and in this regard the comments of the Conservation Reserve management committee have not been obtained.

### **Agenda No.19**

**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](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The 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

- vi. An earthen dam of 500656m earthen embankment has 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 a 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 a 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 families dependent on the proposed forest land and will be affected due to the instant project but this is a minor irrigation project of 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 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 foothills 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 the 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 the rainy season, the project has been envisaged. The dam will cause impounding of water for a 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 proposal was placed before the Advisory Committee in its meeting held on 26.5.2025, wherein, the Committee 'deferred' the proposal for want of following information:-
- a. The State Government shall furnish a comprehensive report indicating the impact of the proposed project on downstream flow of water.
  - b. 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.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. 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.
- xv. The Committee noted that the State Government has submitted the reply on these observations of the Advisory Committee on 10<sup>th</sup> July, 2025. The State Government informed that the proposed Sonkhadi

Tank Project is a minor irrigation scheme, the total geographical area of Varla Tehsil is 721 sq. km., out of which 25.03 sq. km. water storage is proposed. With the said scheme, 100% tribal dominated areas which are completely drought affected and completely non-irrigated will be able to get irrigation facilities. With the construction of the said project, irrigation is proposed in 535 hectares of area of 03 villages. The forestland area proposed to be affected by the scheme is 0.4932 sq. km., which is 0.07% of the geographical area of Tehsil Varla, due to which there will be negligible adverse effect on animals, birds, other wild animals and environment in this forest area. With the construction of this project, 3.41 mcm living water filling is proposed. The downstream of the above drain will be filled with water for about 10 km. Even after the rainy season, due to minimum leakage from the dam, the drain will continue to flow water throughout the year, which will provide water facility for animals, birds, other wild animals and irrigation downstream. Apart from this, the ground water level will increase in the surrounding 5-7 km radius, due to which there will be water in wells and other small natural water sources even in summers.

- xvi. The State Government informed that the aerial distance of Yawal Wildlife Sanctuary is 19.35 Km., therefore the comments and clear recommendations of the Chief Wildlife Warden (CWLW) are not required.
- xvii. The State Government reported that the main dam site of the Project is 1.80 km from the border of Maharashtra State and the last end of the canal is not in the border of Maharashtra State but 0.50 km away from the border. The project is not being constructed on the Aner River which passes through the border of Maharashtra State. The catchment area of Aner River on the Maharashtra-Madhya Pradesh border is 968.084 square kilometers, whereas the project is proposed on a small drain in Madhya Pradesh. This project proposes to stop 25.03 square kilometers of water at the dam site, which is only 2.59 percent of the catchment area of Aner River on the Maharashtra-Madhya Pradesh border. The construction of the dam will have a negligible effect on the water flow of the Aner River. Apart from this, no irrigation scheme related to stopping water is being constructed/proposed by the Madhya Pradesh Government Water Resources Department on the Aner River bordering Maharashtra.
- xviii. The State Government has stated that the project is technically and administratively approved by the Water Resource Department, Government of Madhya Pradesh. There is no need for a separate recommendation from the State Dam Safety Organization.
- xix. The State Government informed that about 310 farmers of 4 villages Sonkhadi, Bilwa, Panhali and Nahalband will benefit from this project. In this project, construction of 550 meter long, 26.46 meter high earthen dam and 6.80 km long main canal and 2.19 km long 3 sub-canal is proposed. The live water filling capacity of the scheme is 3.410 mcm and the irrigation capacity is proposed to be 535 hectares. There are no very big and old trees in the submerged area of the proposed structure site, nor is there any danger of pollution or

destruction of the environment in the submerged area and neither is there any danger of complete extinction of animals and birds.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Madhya Pradesh, the Committee 'recommended' the proposal for **In-principle** approval under section 2 (1) (ii) 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 subject to general and standard and following conditions:

- i. The State Government shall follow all the regulations of dam safety as per Dam Safety Act, 2021

#### **Agenda No.21**

**File No. 8-19/2014-FC**

**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 non-forestry use of 43.149 ha Reserve Forest land in favour of the Water Resource Department for the construction of Ganga Bawari Tank Project under Neemuch District of Madhya Pradesh State (Online No. FP/MP/IRRIG/32285/2018) - regarding.**

1. The above stated agenda item was considered by the AC in its meeting held on 30.07.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Govt. of Madhya Pradesh vide their letter No. F-3/82/2018/10-11/16/4572 dated 27.08.2024 received in the Ministry on dated 19.11.2024 submitted a proposal to obtain Ex-post facto approval of the Central Government, in terms of the Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 43.149 ha Reserve Forest land in favour of the Water Resource Department for the construction of Ganga Bawari Tank Project under Neemuch District of Madhya Pradesh State.

- ii. Legal Status of the forest involved is Reserve Forest having Eco-Class 3 & Canopy Density is 0.6. Total number of trees proposed to be felled is 1872 (24 species).
- iii. The Ganga Bawadi Tank Project is a part of water conservation and management scheme located in Neemuch district of Madhya Pradesh. It is part of a regional initiative to increase water availability and resources. The initiative focuses on irrigation, drinking water, and other local requirements of the people, livestock, and animals, particularly in drought-prone and severe water scarcity regions.
- iv. The user agency i.e. the Water Resource Department, under Neemuch District of Madhya Pradesh State submitted an online proposal on dated 01.03.2018 on the PARIVESH 1.0 portal for diversion of 36.00 ha Reserved forest land for construction of Ganga Bawari Tank project in favour of Water Resources Division in Nemach district of MP. The said proposal was forwarded by the Govt. of Madhya Pradesh on dated 23.10.2019 to the Regional Office, Bhopal.
- v. The instant proposal was placed before the 43rd Meeting of Regional Empowered Committee (REC), Bhopal on dated 25.02.2020 wherein the REC deferred the proposal for want of certain information which included detailed report on violation, reconciliation of KML file and area proposed for diversion.
- vi. RO, Bhopal vide their email dated 18.10.2024 informed the Ministry that the APCCF (LM), Madhya Pradesh vide letter dated 27.08.2024, has forwarded a revised proposal of 43.149 hectare under non linear project category on Parivesh 1.0 portal and requested that the online status of proposed diversion area of 43.149 ha forest land for construction of Ganga Bawri Tank Project in Neemuch District of Madhya Pradesh (Online Proposal No. FP/MP/IRRIG/32285/2018), under Parivesh 1.0 portal needs to be changed from Pending at RO to Pending at HO. Accordingly, the Nodal Officer, Government of Madhya Pradesh vide email dated 19.11.2024 submitted the complete proposal to the Ministry on 19.11.2024.
- vii. The proposal involved violation. The construction of main Dam (Earthen barrage) had been started but not yet completed. At the two ends of the Earthen barrage, the construction has taken place in RF land without the prior approval of the Central Government. Hence, the necessary prior approvals for construction were not obtained from the MoEF&CC. Thus, resulting in the violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The large portion of the main Dam (Submergence area) is outside Reserved Forest. The period of work done is 2017-18 and area involved under violation is 1.30 Ha. The Forest Dep The Forest Department stopped the construction work but no action was taken against the concerned Water Resource Department Officials.

- viii. The component wise break-up of the area proposed for diversion is as under:

S.no	Component	Forest Land(ha.)	Non-Forest Land (ha.)
1	Dam	39.8	11
2	Spill	3.19	0
3	Canal	0.159	0
<b>Total</b>		<b>43.149</b>	<b>11</b>

- ix. The Compensatory Afforestation has been proposed over Non-forest/ Govt. land (43.149 ha.). The details of Non-Forest/ Govt. land for CA is as under:

District Name	Village	Area(in ha.)	khasra
Neemuch	Fusariya	7.75	1158
	Hanspur	3.399	715, 716, 719, 721
	Bhagal	4.14	130
	Dabi	28.25	1

Additional Degraded forest land (54.65 ha) has also been proposed by the state. The details are as under:

District Name	Range	Area(in ha.)	Compt No
Neemuch	Ratangarh	28.25	199
	Manasa	26.40	318

- x. The proposal was examined in the Ministry. The Ministry vide letter dated 3.12.2024 sought certain information from State Government which includes recommendation of the State Government in the Part-V as well as recommendation of the Nodal officer, the basic details of proposed Dam like its height, length, command area, details about the canal/Distributaries, technical approval, hydrological assessment report etc, detailed report on the action taken by the State Government regarding concerned person/ officials for violation under Van (SanrakshanEvamsamvardhan) Adhiniyam, 1980 etc.,
- xi. Further, State Government was requested to furnish the minutes of the Project Screening Committee held in the State, detailed report along with justification regarding the site specificity of the proposal , report from the State Dam Safety Organisation (SDSO) regarding all technical aspects w.r.t the dam, any study of the impact of the project on the flow of water downstream, details of the likely socio-economic benefits of the project and the expected changes in the cropping pattern of the area and other likely impacts of the project.
- xii. The State Government was also requested to furnish copy of approved CAT plan, justification for proposing components on forest land,

comments of the CWLW, Govt. of Madhya Pradesh along with mitigation measures in view of the presence of Schedule-1 species, copy of approved R&R plan and details of number of families going to be affected due to instant project, the details regarding the requirement of electricity will be met by the user agency to run project and its components, details of distribution network like canals and pipelines, which may further have required diversion of forest land etc., copy of the muck-disposal plan, justification and method of data collection related to number of trees present in the area.

- xiii. The State Government vide reply dated 30.6.2025 provided the recommendation of Nodal Officer and State Government on the proposal and uploaded the same on PARIVESH. The State Govt. also furnished the details and salient features of the project.
- xiv. The State Government informed that in the case of diversion, the area in the construction of 190 meter dam in the proposed forest area compartment number 287 is 0.621 hectare and the area due to illegal excavation in the forest area of compartment number 287, 290 and 293 is 0.679. Thus, the total area is 1.30 hectare. Work has been done in the forest area before the permission of the Government of India. In this case, according to MP Gazette (Extraordinary) No. 391 Bhopal dated 12.11.1990, denotification of area of 0.441 hectare forest land has been found. According to letter No. 274/Reader-1/2021 dated 09.02.2021 of Tehsildar Manasa, area of 9.198 hectare has been acquired by Revenue Department/Water Resources Department and compensation has been distributed to 08 lessees. But the said survey number and area of 8.757 hectare (except 0.441 hectare) has not been de-notified by MP Government Forest Department. The State Government has also submitted comments regarding the site specificity of the proposal.
- xv. The State Government informed the catchment area of the stream on which the proposed dam is being built is 12.81 square kilometers, it is a non-perennial stream. Therefore, the study of the impact of the project on the flow of water downstream is not required as the excess water stored in the dam will flow into the same stream during the rainy season. The State Government submitted a copy of the technically approved CAT plan, muck disposal plan and various alternatives examined for the proposal. The State Government informed that no family will be displaced due to the proposal and therefore R&R plan is not required.
- xvi. The State Government informed that the proposed dam is a gateless dam. Hence, there is no need of electricity for the operation of the dam which will be operated manually only. It is further informed that the water transport system under the project is an open canal system with gravity flow. No forest area is being affected in the construction of the canal. The State Government also informed that complete enumeration of the trees proposed to be felled has been carried out.



- xvii. The Regional office, Bhopal vide letter No File No 6-MPC011/2020-BHO/366 dated 15.04.2025 has uploaded the site inspection report (SIR) on the PARIVESH portal wherein the DDGF(c), RO, Bhopal mentioned that “the project involves violation of VAN (SanrakshanEvamSamvardhan) Adhiniyam, 1980. Therefore, the proposal is recommended for approval subject to imposition of Penal provisions as deemed fit for in the light of the violation”.
  - xviii. The State government has informed that 0.441 ha forest land has been de-notified vide notification dated 12.11.1990. However it is not clear whether the said land is included in the diversion proposal or not. Further the state also needs to examine and submit the details of violation involved in the denotification of the forest land and action taken report if any.
  - xix. The Committee further observed that the State Government in the online Part-II has reported the presence of Schedule-I species like Crocodile along with other important species like Panther, Hyaena, Jackal, Wild Pig, Blue Bull, Monkey, Varanus, Mongoose, Hare, Peafowl, Vulture, Python etc. Therefore, the State Govt. was requested to provide the comments of the CWLW, Govt. of Madhya Pradesh on the instant project. However, the State Govt. has informed that the comments of the CWLW, Govt. of Madhya Pradesh will be submitted separately.
  - xx. The State with respect to the approval/recommendations of the State Dam Safety Organisation (SDSO) has informed that the user agency has intimated that the construction of the dam is being done as per the rules and guidelines in the Dam Safety Act. Further it has been informed that accordingly the Water Resources Department has accorded the approval vide order dated 11.01.2016.
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 non-forestry use of 43.149 ha Reserve Forest land in favour of the Water Resource Department for the construction of Ganga Bawari Tank Project under Neemuch District of Madhya Pradesh for want of the following information:-
- i. The detailed report on the action taken by the State Government against the persons/officials responsible for breaking up of forest land without the prior approval of the central government under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be submitted.
  - ii. The comments and clear recommendations of the Chief Wildlife Warden (CWLW) on the proposal shall be submitted.
  - iii. The State government has informed that 0.441 ha of forest land has been de-notified vide notification dated 12.11.1990. However it is not clear whether the said land is included in the diversion proposal or not.

Further the state shall examine and submit the details of violation involved in the denotification of the forest land and action taken report if any.

## Agenda No.22

F. 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 30.07.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The 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 the Chairman and members of the sub-committee vide letter dated 03.02.2025. The Sub-Committee visited the project area on 27th and 28th March, 2025 under the Chairmanship of Shri Anjan Kumar Mohanty, the then ADGF(FC). One of the members of the sub-committee, Dr. Mehraj Shekh could not visit the area due to his other official engagements.
- iii. The Sub-Committee submitted its report on 30th June, 2025 wherein it has been informed by the Chairman that the Report has been concurred by all the Members present during the site inspection except for Smt. Banumathi, DIG (NTCA).
- iv. With regard to the significance of the Satpura–Melghat corridor, the sub-committee has inter-alia noted that the existing landscape has already been altered by the presence of a large reservoir and linear infrastructure such as the Betul-Bhopal highway, yet empirical evidence (including information on camera trap data and significant human-wildlife conflict) does not suggest any major disruption to tiger movement. The functionality of wildlife corridors is not defined merely by mapped boundaries but by actual movement data, habitat permeability, and alternate routes, many of which apparently remain intact in the surrounding landscape.
- v. The sub-committee further acknowledged that a portion of the area proposed for submergence falls within a landscape designated as a tiger corridor intended to facilitate faunal connectivity between the Satpura Tiger Reserve and Melghat Tiger Reserve. However, the Sub-committee also noted that another large reservoir already exists within this identified corridor, geographically separating the proposed dam sites and the corridor from the core of the Satpura Tiger Reserve.
- vi. The sub-committee has also observed that no information was presented by the State Government Officials regarding the impact of already existing infrastructure upon the wildlife movement in the corridor. Further there is no empirical evidence, such as telemetry data, camera trap records or field-based conflict assessments were available at present. It is a fact that a corridor is not static in nature, it is dynamic and may change with time due to change in the physical parameters of the designated corridor. The physical parameters may include, deforestation in the corridor, enhanced quality of vegetation and/or prey base outside the corridor, encroachment, submergence of a part of the corridor, relocation of human habitations etc. Moreover, even after more than 10 years of identifying the corridor, the State Forest Department could not present any information which validates that the designated corridor is actually serving the purpose.

- vii. On the other hand, the proposed irrigation project, although includes part of the designated corridor, it lies far outside the core and critical tiger habitat. It was also noted that the project area is the outcome of extensive techno-economic analysis, including hydrological feasibility, structural suitability and command area optimization, and as such reportedly the most viable site and involving the bare minimum forest land. Such projects are essentially site-specific. Hence any local change/shift in the location of the dam, will in all probability would seriously affect the technical feasibility and would make it unviable.
  - viii. Given the above considerations, the sub-committee further observed that the functional integrity of the corridor does not appear to have been significantly compromised by the existing hydrological infrastructure. Consequently, it is perhaps unlikely that the submergence which would result from the construction of the Morand and Ganjal reservoirs, if approved, would critically impede tiger dispersal, especially since contiguous forest patches and ridgeline pathways remain available in the surrounding terrain, which can serve as alternative movement routes. Nevertheless, the Committee emphasized the importance of adopting a precautionary and adaptive approach to the infrastructure development within this forested landscape.
  - ix. The Sub-committee has recommended the proposal subject to following conditions:-
    - a. The in-principle approval is recommended for one dam only, with its reservoir area. The dam is to be initiated first, is to be suggested by the State Government. After the construction and operationalization of the first one, the decision on construction of the second dam shall be taken up. This will be done only after the impact of the first dam is studied in detail. This staggered approach will enable data driven, evidence-based decision-making, ensuring ecological concerns are not compromised in pursuit of developmental objectives.
    - b. The Wildlife Institute of India shall take up short term study in terms of functionality of the corridor in addition to the other broad mandate of the study already assigned to them. The validation of functionality of the corridor is to be taken into account before the final approval is considered.
    - c. Recommendation of SCNBWL will be obtained before considering Final Approval for the proposal.
    - d. A study will be taken up by the State government in collaboration with NTCA and WII to map presence and movement of tigers between tiger reserves in the Central Indian landscape to delineate true corridors, validated with field data. This may be done on bi-annual basis for a period of at least six years.
  - x. The Advisory Committee observed that the sub-committee has recommended in-principle approval for one dam only and the state has to accordingly recast the proposal.
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 and recommendation of the Sub- Committee, the Committee **'deferred'** the proposal with the following observations:-

- i. The State Government shall re-cast the proposal as per the recommendation of the Sub-Committee and submit with all requisite details/kml files, maps, documents, certificates, CA scheme and recommendations of concerned authorities.
- ii. The state shall also provide a point wise status report on the recommendations of the sub-committee.

### Agenda No. 23

**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 30.07.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. The committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
  - i. The Government of Odisha vide letter no. FE-DIV-FLD-00-0030-2023-5799/FE&CC dated 28.03.2023 seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 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.
  - ii. Legal status of the proposed forest land is Reserve Forest and density is 0.6, Eco Class-I. Total 29,838 numbers of trees have been enumerated for proposed to be felled. The area is not vulnerable to erosion.

- iii. The proposed area is not part of the National Park / Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. No RET species of flora and fauna found in the area. No heritage site/defence establishment or any other important monuments are located in the area proposed for diversion.
- iv. Total financial outlay of the CA scheme is ₹2,80,84,400/- All details of the CA along with site suitability certificate has been provided.
- v. No violation of Adhiniyam, 1980 has been committed by the User Agency. The requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. ToR vide letter no. 4224/SEIAA dated 15.03.2022 by the State Environment Impact Assessment Authority.
- vi. Compensatory afforestation scheme has been proposed over 58.757 ha of Govt. Non-Forest land identified in village San-Sibnathpur under Gurundia Tehsil of Bonai Range in Bonai Forest Division. However, as per the new rules equivalent non-forest land is required for CA.
- vii. The User Agency has given an undertaking to produce the relevant certificate under FRA, 2006 after getting from Collector, Sundargarh for forest land of 60.508 ha involved in the Dholta Pahar iron ore Block leased out in favour of M/s Kasvi Power & Steel Pvt. Ltd.
- viii. State authorities in the State have recommended the proposal and it has been informed that in pursuant to the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral (Auction) Rules, 2015, Govt. of Odisha issued the notice inviting tender dated 07.07.2021 for commencement of the auction process to grant the mining lease for Dholta Pahar Iron Ore Block located in Koira Tahasil of Sundargarh district of Odisha. The e-auction process was conducted in accordance with the tender document and the mineral auction rule. 2015 for said mineral block and M/s Kashvi Power & Steel Pvt. Ltd. was declared as the preferred Bidder under-Rule 9(9) (iii) or Rule 10(A) of Auction Rules having quoted a final price offer of 126.55%.
- ix. The PCCF & HoFF, Odisha has reported that M/s Kashvi Power & Steel Pvt. Ltd has made payment of ₹6,99,89,5871- (Rupees Six Crore Ninety-Nine Lakhs Eighty-Nine Thousand Five Hundred Eighty-Seven only) "through treasury challan on dated 21.10.2021 against the first instalment being twenty percent of the upfront money. Accordingly, the Government of Odisha have' issued Letter of Intent under Rule 10(2) of Mineral Auction Rules, 2015 to M/s Kashvi Power & Steel Pvt Ltd for grant of Mining Lease for Dholta Pahar Block for iron ore over an area of 60.508 ha near Dengula village, Koira Tahasil of Sundargarh district of Odisha for a period of 50 years. This Letter of Intent is valid subject to the provision of the Act and the Rules made there under as amended from time to time and M/s Kashvi Power & Steel Pvt. Ltd. shall be designated as the Successful Bidder and subsequently granted, the mining lease only upon satisfactory compilation of all requirements under the Act and Rules made there under.
- x. As per the DSS report the proposed area is falling under the VDF category and in High conservation Zone as per decision Rule 1 and 2. The area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on biodiversity.

- xi. The State has given the justification for proposing the area under VDF and stated that the Mining is a site specific activity irrespective of the land status and Govt. of Odisha allocated this block through c-auction to carry out mining operation and exploitation of iron ore. M/s Kasvi Power and Steel Pvt. Limited has been declared as preferred bidder for grant of mining lease of Dholta Pahar Iron Ore Mines. As per the data provided by the Director of Mines, Steel and Mines Department, Government of Odisha,, the total mining lease DGPS surveyed area is 60.508 ha. The total area comes under Reserved Forest. The ore body needs to be judiciously exploited in view of systematic mining with optimum exploitation of ore to meet the growing demand of raw materials for indigenous steel plant, sponge iron plant, pellet plants etc. for ultimate production of Steel and also for export to earn foreign exchange for development of the country. Now, for grant of mining lease of Dholta Pahar iron ore Block and use of 60.508 ha of forest land for the mining and ancillary activities purposes, it is required to apply for diversion of forest land under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for approval of the Central Government.
- xii. Further it has been mentioned that the diversion of 60.508 ha forest land is very much essential for grant of mining lease of Dholta Pahar iron ore Block in the district of Sundargarh of Odisha for systematic and scientific mining as well as optimum exploitation of iron ore in the project area. The proposed mining project will be beneficial to the peripheral community as there will be ingress of floating population along with cash flow and the effect will on the local economy by direct and indirectly through ancillary activities and through employment, CSR and other activities and infrastructural developments like roads, electricity, drinking water supply schools & hospitals.
- xiii. The State has informed that another proposal will be submitted for road connectivity. However, for electricity the user agency will apply to NESCO to provide them with an 11 KV power line to their Mines and the same will be drawn in the RoW of the proposed connecting road so that requirement of additional forest land will be avoided. In this regard the requirement of water, the User Agency has already obtained NOC from CGWA, Gol to draw groundwater to the tune of 97 m3 /day.
- xiv. Regarding non-site specific activities the State Govt. has informed that the area earmarked for dumping is 7.265 ha as because during the plan period, ore will not be exhausted in any place and hence the waste generated during mining operation has to be kept in the external dump. After exhaust of mineral the User Agency will not use any forest land for dumping purposes and waste materials will be used for reclamation. The area earmarked for storing of minerals is 6.021 ha for the purpose of storing of sub-grade ore (45%fe to 55%fe) which has no market, and it has to be preserved as per Rule 14 of MCDR, 2017-"Separate stacking of non-saleable minerals. All the non-saleable or unusable minerals or ores above the threshold value of the mineral, as may be notified by Indian Bureau of Mines from time to time, or otherwise shall be stacked separately on the ground earmarked for the purpose. The balance area is for stacking & storing of minerals.

Considering the grade wise and size wise requirement of the consuming industries, the ore raised is to be segregated and stacked separately for sale purpose. Considering the mineral conservation point of view, the Indian Bureau of Mines, Govt. of India is emphasizing on assessment of the iron ore reserve with the cut-off grade of 45%Fe and stacking of the sub grade ore properly. Presently, the good quality ore is only marketable and the sub-grade ore raised are normally not sold presently, which are required to be stacked separately for the future use. Again, for removal of ore from mining lease hold area, stacking of minerals is essential. The State Government vide notification 3973 dated 28.04.2021 have issued operational guidelines for Stacking, Sampling & Chemical Analysis. As per the guideline each stack should not be more than 20000 MT and the height should not be more than 3 meters. To accommodate 20000MT, the required surface area is approximately more than 25005sq.M. Road has to be kept in between the stacks, so considering all the above, area required for each stack is 5000 Sq.M or 0.5 ha. Depending on the placement of Rakes, the average time for removal of one stack takes about a month. To dispatch 1 lakh tons of material every month and to achieve the quantity, 7 to 8 nos. of stack of different grade and size are required. So minimum 3 ha of land is required for stacking of ore of processed ore. Again, some area is required for un-processed ore. Looking to the above, 6.021 ha. has been earmarked for Mineral storage.

- xv. The Regional Office in their SIR has reported that the proposed ML area of 60 ha is predominantly very dense forest with certain gaps on the top as it is situated on a plateau. There is no approach road to the proposed ML area. The road has been proposed and seen to be demarcated with pillar posting through the Sarkunda RF. The stream order 1 and 2 are seen to emanate from the proposed mining lease area as per the water shed map of the mining lease site. Hence, mining will impact the water table, water sources and may lead to contamination with nearby nallah and streams, if adequate precaution is not taken. Elephant movement along the water sources is noticed at 1.2 km from the proposed RF within the boundary of the Sarkunda RF. Mining and movement of heavy machinery in the Sarkunda RF will result in degradation of the forest and loss of habitat as is the case in many mines already operating in the area and may also result in human elephant conflict. 18 non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The area around the proposed mining lease area is already disturbed. However, the proposed mining lease area is on an elevated plateau within the Sarkunda RF with very dense vegetation that makes it inviolate. Moreover, the proposed mining area is placed almost in the middle of the Sarkunda RF, which does not have any mining activity at present and is undisturbed housing a very good chunk of forest at this point of time and the Sarkunda RF is a contiguous and intact patch of Sal forest in the heavily mined periphery and its strategic location on an elevated area makes it vulnerable to contamination of water sources down streams in case of mining in the proposed site.



- xvi. The RO in his SIR has reported that the studies need to be conducted on the impact of mining in Sarkunda RF on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephants. Studies on impact of mining on the hydrological regime of Sarkunda RF as well as the watershed of the proposed mining lease area within the 10 km zone of influence need to be undertaken. Also studies on the eco-cultural linkages of the local communities with the Sarkunda sal forest needs to be studied to find the organic link between the forest and the people of the region which is already heavily mined district, and this forest chunk of 1901.108 ha appears to be a contiguous patch of forest in the mining dominated landscape.
  - xvii. The RO in his SIR has also reported that the 18 number of non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The proposed mining area is at a distance of 3.6 km from SAIL mines and 1.8 km distance from C P Sharma mines and reported that the proposal may be considered after receipt of the satisfactory compliance of the mitigative measures suggested in the SIR.
4. The above facts were considered in the Advisory committee meeting first time held on 29.11.2023 and after thorough deliberation and discussion with CCF cum Nodal Officer, GoO and DDGF (Central), RO Bhubaneswar considering the fact that the proposed area is falling under the VDF category and in High Conservation Zone as per DSS and the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity, the Advisory Committee recommended to **reject** the proposal.
  5. The State Government vide their letter dated 09.04.2024, has forwarded the representation of the user agency for re-consideration of the proposal. Following submissions have been made by the user agency which have been forwarded by the PCCF cum Nodal Officer, Govt. of Odisha for reconsideration of the proposal:
    - i. The user agency has submitted a representation dated 22.02.2024 and 20.03.2024 for reconsideration of their proposal and undertaken to comply any other conditions that the MoEF&CC may impose in the interest of afforestation, conservation and management of flora and fauna in the area.
    - ii. The PCCF (FD&NO, FCA) O/o the PCCF & HOFF, Odisha vide his letter dated 05.04.2024 based on the information received from the RCCF, Rourkela Circle and adverting to the submissions made by the user agency, has stated there are 16 Nos. of Mining leases located within a radius of 8 (Eight) km within which the Dholtapahar Iron Ore mines is also located. The mining leases located in the periphery and the status of approval (EC/FC) all these mines have been provided by the State Government.
    - iii. There is no wildlife corridor situated in the area and human habitation is also located on the western side of the lease. Although the area has biodiversity, it does not serve as any connecting corridor for wildlife. However, in case of any likely Impact on wildlife due to the project, the same will be effectively mitigated with a site-specific Wildlife Management Plan to be prepared and implemented by the State Forest Department in the area located around the lease.

- iv. As per inspection report of the DFO, the crown density of the area is 0.6. The area falls under MDF Category and not under Very Dense Category. It is further supported by the total number of trees enumerated in the 16 sample plots of the lease area. Out of the total 7890 nos. of enumerated trees (6114 Sound and 1776 un-sound), 2,820 falls below 60 cm girth category while only 5070 trees fall above 60 cm girth category. The trees making up the crown density of the lease area comes to be approx. 317 trees per ha which may be considered under MDF category.
- v. There are existing kuccha roads in the area which are used by the villagers for their connectivity. To the possible extent and to cause minimum disturbance to the local ecosystem, the company will use such kuccha roads for evacuation of the ore deposits and after carrying out detailed survey, the road alignment will be finalized in consultation with the Forest Department. Further, the power lines for the proposed mining leases will be laid along the road to keep the disturbance at the minimum. Once the mining operations is resumed/started, the possibility to construct the conveyor belt till the major road head will also be explored and if, found feasible the entire transportation of ore in the forest area will be carried out through conveyor bells.
- vi. For the purpose of constructing a road from Dholtapahar Iron Ore Block to PWD road Dengula, a proposal for diversion of forest land has been submitted vide Proposal No. FP/OR/ROAD/440392/2023 and same has been examined by the Project Screening Committee. The Project Screening Committee raised EDS to comply.
- vii. Further, the Collector, Sundargarh has issued FRA Certificate in Form-I for this linear project vide No.2333 dated 8.09.2023. Enumeration of trees in non-forest land has already completed.
- viii. No non- site-specific activity has been proposed in the mining lease area. OB dump area is an integral part of the mining lease as the overburden dumped in the OB areas is to be used for the reclamation of the mining lease at the end of the mining lease period as per the provisions of the Mining Plan. Locating the OB at a distant location is not feasible scientifically, technically, environmentally and economically. The requirement of the area for the various components including OB dump has been kept at barest minimum keeping in view the geology of the area and the stripping ratio of the mine.
- ix. As stated by the user Agency, Iron ore occurs mostly in this Joda-Koira belt predominantly having good forest growth areas. Rejecting this auction block will jeopardise the future auction in the State. Since, mining is site-specific, it should be allowed with proper precautionary measures and mitigative measures should be adopted to minimize the impact.
- x. Touching upon the crucial strides made by India's Steel Sector, large-scale augmentation will be done to double the production from the present capacity of 150 million tonnes per annum to 300 million tonnes per annum by 2030, India has already emerged as the second largest steel producer in the world and our per capita steel consumption has gone up from 57 kg to 78 kg during the last nine years. To cater to the

need of 300MTPA of steel production, India needs to produce around 600MTPA of Iron Ore.

- xi. Based upon the above submissions made by the user agency, the PCCF & Nodal Officer, Odisha has enclosed the representation of the user agency for the consideration subject to following conditions:
  - a. The User agency has to undertake CSR and other activities and Infrastructural developments like roads, electricity, and drinking water supply schools & hospitals for local communities.
  - b. The User agency has to transport the minerals as per the NEERI recommendation.
  - c. The comprehensive Action Plan (CAP) for the conservation of elephants and mitigation of Human-Elephant Conflict (HEC) in Odisha to be prepared in consultation with the State Forest Department.
  - d. The Site-Specific Wildlife Conservation Plan (SSWLCP) has to be prepared as per approved guidelines of the State Govt. Prescription like specific interventions for the protection of Forest and Wildlife, prevention of forest fire, Habitat Management, Mitigation of Human-Elephant Conflict, Public Awareness, Community Participation and Eco-Development activities etc. must be focused while preparing the SSWLCP.
  - e. The State Government, adverting to the submission made by the user agency and conditions recommended by the PCCF has forwarded the same to the MoEF&CC with a request to consider the representation of the user agency for reconsideration of their proposal.
6. The above facts submitted by the State govt. for re-consideration of the proposal were discussed in the Advisory committee meeting held on 04.07.2024 and the AC decided to defer the proposal for seeking following information from the State Government as well as Regional Office Bhubaneswar:
  - i. The State Government shall submit a valid and cogent reasons that why a comprehensive proposal including all ancillaries activities have not been submitted in accordance with the decision of the Advisory committee meeting held on 20.10.2023.
  - ii. The State Government shall provide the comments on the issues raised by the Regional Office is their SIR regarding:
    - a. Studies need to be conducted on the impact of mining in Sarkunda RF on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant.
    - b. Studies on impact of mining on the hydrological regime of Sarkunda RF as well as the watershed of the proposed mining lease area within 10 km zone of influence need to be undertaken.
    - c. Studies on the eco-cultural linkages of the local communities with the Sarkunda Sal forest needs to be studied to find the organic link between the forest and the people of the region, which is already heavily, mined district and this forest chunk of

1901.108 ha appears to be a contiguous patch of forest in the mining dominated landscape.

- d. The RO in his SIR has also reported that agriculture patches area also seen in one corner of the plot. Here regeneration of Sal is quite good and needs adequate protection, watch and ward and fencing. Hence, instead of 1600 plants/ha over 52 ha and 1000/ha over 5 ha, a maximum of 400 plants (Sal and associates need to be planted in the CA site). The balance proposed sapling can be taken up in additional CA land. The proposal for CA needs to be revised accordingly.
  - iii. CA has been proposed on 58.757 ha non-forest Govt. land (excluding 2.331 ha earmarked for Safety zone) however, equivalent NFL to the extent of the area is being proposed for diversion i.e.60.508 ha is required as per the latest guidelines issued by the Ministry in this regard.
  - iv. The Regional office shall examine the facts submitted by the State Government for re-consideration of the proposal and submit comments along-with specific recommendations.
  - v. DDGF, Regional Office Bhubaneshwar shall make a presentation on actual status of land and the studies recommended by him in the area, with special reference to the whole mining landscape of the district.
  - vi. The State Government vide their letter no. 19127/9F (MG)-14/2023 dated 21.09.2024 received in the Ministry on 01.10.2024, has submitted information as sought vide Ministry letter dated 26.07.2024.
  - vii. The Regional Office, Bhubaneswar Vide letter No. 5-ORA591/2023-BHU dated 07.10.2024 has submitted the comments on point no. (iv) and (v) as desired by the Advisory Committee in its meeting held on 04.07.2024.
7. The information submitted by the state and the Regional office was considered in the meeting of the Advisory Committee meeting held on 06.11.2024 After thorough deliberation and discussion with DDGF (Central), RO Bhubaneshwar and Nodal Officer, Govt. of Odisha, the Committee decided to defer the proposal for seeking the following information from the State Government and from the Regional Office Bhubaneswar:
- i. The Regional Office shall examine the economic benefits vis-a-vis the ecological concerns pertaining to the proposal in light of the observations made in the advisory committee meeting and submit a detailed report in consultation with the State Govt. A detailed justification shall be submitted for reconsidering or not reconsidering the proposal since Advisory Committee recommended to reject the instant proposal in its meeting dated 29.11.2023.
  - ii. The State Govt. shall submit specific recommendations of the CWLW, keeping in view the elephant movement and biodiversity richness in the project area.
8. The State Govt. vide letter No.FE-DIV-FLD-0030-2023-24257/FE&CC dated 05.12.2024 has furnished the point wise reply of above observation.
9. After examination of the above reply of the State Govt. the Regional Office submitted its recommendations and recommended the proposal for reconsideration subject to the following conditions:

- i. There should be study on total landscape of Joda and Koira Sector by reputed organization on:
    - a. Impact of mining on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant,
    - b. Impact of mining on hydrological regime of the area as well as the watershed of the proposed mining lease area within 10 Km zone of influence &
    - c. Impact of mining on the eco-cultural linkages of the local communities with the forest. The study should be conducted and measures suggested to address the possible impact may be implemented by proportionate contribution to all the lease holders as per their lease area.
  - ii. Site Specific Wildlife Conservation Plan shall be prepared and implemented at project cost. So mitigation measures to minimize destruction of habitat of elephants and protect their movement path to be part of the Site Specific Wildlife Conservation Plan along with conservation of small mammals and their habitat.
  - iii. At present in Odisha, Regional Wildlife Conservation Plan are prepared every year, there is no long term Plan. So, the Regional Wildlife Conservation Plan should be prepared at least for 10 years covering the forest Division of Sundargarh, Jharsuguda and Keonjhar Districts. It is also suggested that a Bio-diversity Conservation Plan for this entire landscape may be prepared. The above plans shall be implemented by proportionate contribution to all the lease holders as per their lease area.
  - iv. The State Govt. shall prepare and implement Soil & Moisture Conservation Plan at the cost of user agency.
  - v. The transportation of ore should be done as per the recommendation of NEERI.
  - vi. This lease should also be included in the purview of the Oversight Committee constituted by Ministry vide OM No.8-96/1996-FC (Pt-I) dated 29.12.2023 to review and monitor compliance of the conditions stipulated in the approval to be granted.
  - vii. In CA plantation only Sal and associates of Sal of more than 18 months old seedlings should be planted. To ensure that DFO should prepare nursery accordingly to get sufficient nos. of Sal and associates seedlings of 18 months old before planting.
  - viii. Removal of trees has impact on the general ecosystem. So, trees should be felled only when it is absolutely necessary after proper inspection of local DFO and in a phased manner under the supervision of State Forest Department.
  - ix. The lease area should be properly fenced so that no wildlife enters into the lease area.
  - x. No mine water should be drained to the adjoining forest land from the mine area.
10. The above facts were considered in the Advisory Committee meeting held on 27.01.2025, wherein the Advisory Committee with respect to the report submitted by the Regional Office has observed that the RO has submitted report based on the information provided by the State Nodal officer and

comments of the CWLW. The Report lacks of understanding of the proposal in totality without providing perspective and conclusion by the Regional Office. Therefore, it will be prudent 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.

11. 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 was also asked to examine the necessity and justification of the separate proposals for road and transmission line.

**The Sub-committee consisted of the following members.**

- i. Shri Anjan Kumar Mohanty, Additional Director General of Forests (Forest Conservation), MoEF&CC, New Delhi, (Chairperson)
- ii. Shri Manoj Pant, Non-Official Member- (Member)
- iii. Prof. K.R Shree Harsha, Non-Official Member- (Member).
- iv. DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar, (Member)

12. The report of the Sub-Committee has been received on 30.06.2025.

**13. The content of the report are reproduced as below:**

0. The proposal for diversion 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 was considered by the Advisory Committee in its meeting dated 27.01.2025 wherein 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:

1. Shri Anjan Kumar Mohanty, Additional Director General of Forests (FC)-Chairperson
  2. Shri Manoj Pant, Non-Official Member- Member
  3. Prof. K.R Shree Harsha, Non-Official Member- Member.
  4. DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar-Member
- i. Further, it was mentioned that the above sub-committee will be assisted by APCCF-cum-Nodal Officer, Government of Madhya Pradesh.
  - ii. A brief meeting of the Sub-committee members with the Nodal Officer FCA was held at Bhubaneshwar and various aspects of the forest land diversion proposal were discussed. Thereafter the three members of the sub-committee visited the site on 4th May, 2025 along with the Nodal Officer, FCA, local forest officers and the representatives of the user agency.
  - iii. **Brief Details of the Project:** The proposal is for the diversion of 60.058 ha Reserve Forest area for the purpose of Iron ore mining in Bonai Forest Division in Sundargarh District of Odisha. As per DSS analysis, the project area falls in High Conservation Zone. The proposal was earlier considered by the Ministry and rejected vide letter dated 20.11.2023 of the Ministry with the following remarks:  
  

*Further, it is also informed that after obtaining the approval of the competent authority in the Ministry on the recommendation of the Advisory Committee and in view of the fact that the proposed area is falling under the VDF category and inviolate under the decision Rule 1 and 2 of the DSS and the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity, the Central Government hereby reject the proposal.*
  - iv. **Observations of AC in its previous meetings:** After the proposal was rejected by Ministry based on recommendation of the AC as above, the representation was submitted by the State Government for its reconsideration by the Ministry. State Government submitted for reconsideration, citing regional mining patterns and India's increasing demand for iron ore to support the growing steel sector. They proposed safeguards, including preparing a Site-Specific Wildlife Conservation Plan, implementing Corporate Social Responsibility (CSR) initiatives, and using existing roads to minimize ecological disruption:
    1. The proposal was considered by AC in its meeting held on 04.07.2024. The Advisory Committee considered the facts submitted by the State Government for re-consideration of the proposal and decided to defer the proposal for seeking additional information from the State Government and as well as Regional Office Bhubaneswar.
    2. The proposal was considered again by AC in its meeting held on 06.11.2024 and the Committee decided to defer the proposal for

seeking the following information from the State Government and from the Regional Office Bhubaneswar:

0. The Regional Office shall examine the economic benefits vis-a-vis the ecological concerns pertaining to the proposal in light of the observations made in the advisory committee meeting and submit a detailed report in consultation with the State Govt. A detailed justification shall be submitted for reconsidering or not reconsidering the proposal since Advisory Committee recommended to reject the instant proposal in its meeting dated 29.11.2023.
  - a. The State Govt. shall submit specific recommendations of the CWLW, keeping in view the elephant movement and biodiversity richness in the project area.
2. The proposal was again considered by AC on 27.01.2025. The AC after discussion on all the new information, recommended for a site visit of a sub-committee.
- i. **Observations of the Sub-committee and Discussions:** The sub-committee had detailed discussions with the Nodal Officer, FCA, the field forest officers and the representatives of the user agency. Based on the field visit, discussions held with the State Government Officials and perusal of relevant documents, the sub-committee observed that:
  1. **Density of vegetation:** The proposed area is a part of larger Sarkunda Reserve Forest having good natural vegetation. The some part of the lease area was visited by the sub-committee. Within the part of the lease area which was visited, besides along the approach road to the area, the canopy density is less and does not conform to VDF. The vegetation in the proposed area appears to be mostly of Moderately dense forests. The proposed area is situated on a plateau with no other operational mining lease in the Sarkunda RF.
  2. **As par the latest Working Plan**, which is prepared for the period 2021-22 to 2030-31, the area does not form part of any Protection Circle, rather the Sarkunda RF comes under Selection Working Circle and constituted as Sarkunda felling series. It was also informed that the felling operations have been carried out in the area and the approach road is used for the purpose of this felling series. The year wise details of the area to be worked under Selection Working Circle in Sarkunda felling series informed by DFO Bonai are as under:

Sarkunda Felling Series							
Year of felling	Coupe No.	Range	Forest block	Status	Compartment & Sub-Compartment	Area (in Ha.)	Total area of annual coupe (in Ha.)
1	2	3	4	5	6	7	8



2022-23	II	Barsuan	Sarkunda	RF	S. 5 (part)	195.816	195.816
2023-24	III				S. 5 (bal)	210.388	408.033
2024-25	IV				S.3	197.645	
2027-28	VII				S. 4	231.143	512.628
2028-29	VII				S.2	281.485	
					S. 6 (part)	59.301	317.318
					S. 6 (bal)	258.017	
					S. 1 (part)	256.125	500.830
					S.1 (bal)	244.705	
<b>Total</b>						<b>1934.625</b>	<b>1934.625</b>

3. **Approach road:** An existing approach road is there which can be used to access the proposed mining lease area, however the same would require widening and strengthening in case it is to be used for the evacuation of the minerals. The forest area involved in the road would also require the approval for diversion.
  4. **Transmission line:** It was informed that the transmission line for the meeting the requirement of electricity is to be laid along the RoW of the approach road.
  5. **Movement of elephants:** The elephant movement along the water sources is reported to have been noticed within the boundary of the Sarkunda RF at a distance of about 1.2 kms from the proposed area.
  6. **Landscape integrity:** There are 18 working/non-working mines within 7 km radius of the proposed mining area. This indicates that the area is already disturbed. A map depicting various mines submitted by the Nodal Officer (FCA), Odisha is enclosed.
- vii. **Recommendations:** The Sub-committee, based on its site visit and after going through all relevant information, further observed that:

Although the area is coming under High Conservation Zone as per DSS analysis, the assessment during site visit made in some segments randomly, shows that the area is largely of MDF. Moreover, the area is not part of any protection working circle as per the Working Plan of the area, rather it forms part of a Selection working circle, in which felling operations have been proposed as Sarkunda felling series. The site is located in a landscape already dominated by extensive mining activity, with several operational mines in surrounding areas and many non-operational leases expected to become active in due course. The proposed mining activity, therefore, must be viewed in the broader context of the region's existing and evolving land-use dynamics.

The Sub-committee is also of the view that mining in any forest area invariably impacts the ecology including biodiversity of an area. Hence this lease area, if mining is allowed, would result in impact on ecology

of the area. However, in the present case its contribution to cumulative landscape-level disturbance is expected to be limited, especially when juxtaposed against ongoing and planned mining operations in the surrounding areas.

The existing approach road would require widening and upgradation for mineral evacuation for which additional requirement of forest land would be there. The state is supposed to give a comprehensive proposal considering all aspects.

Keeping above in view, given the mining-dominated character of the landscape, the proposed diversion may be allowed with the following safeguards:

1. Appropriate mitigation plans, including Wildlife Mitigation plans should be prepared.
  2. Comprehensive studies that the State Government has assured to take up, involving the mining activities in the whole area (the cost of conducting those long term studies are to be borne by all the mining agencies proportionally). The studies should be for total landscape of Joda and Koira Sector by reputed organization and include:
    0. Impact of mining on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant,
    - a. Impact of mining on hydro-logical regime of the area as well as the watershed of the proposed mining lease area within 10 Km zone of influence &
    - b. Impact of mining on the Eco-cultural linkages of the local communities with the forest. The study should be conducted and measures suggested to address the possible impact may be implemented by proportionate contribution to all the lease holders as per their lease area.
  2. Regular compliance checks should be conducted to ensure that mitigation measures are effectively implemented and adaptive management practices are followed.
  3. Adequate site specific soil and moisture conservation works shall be undertaken by the user agency within and in the vicinity of the proposed area.
  4. The state Government may issue an advisory to all project proponents in the landscape and shall also ensure that project proponents must implement effective environmental safeguards to minimize the impact of tailings and overburden on the surrounding ecosystem. It is equally important to ensure uninterrupted movement of elephants and minimize disturbance to their natural habitat. Further, local communities should be actively engaged through meaningful employment opportunities, promoting socially inclusive and ecologically responsible development.
14. The Advisory committee observed that the representation of the user agency, the replies of the State and Regional office and the report of the sub-committee has not brought out any significant new fact or evidence.

Moreover, the various issues and aspects highlighted by the sub-committee have already been thoroughly examined and taken into account by the Advisory Committee during its earlier deliberations.

15. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and Nodal Officer, Govt. of Odisha, the Advisory Committee observed that the representation of the user agency, the replies of the State and Regional office, and the report of the sub-committee have not brought out any significant new fact. Various issues and aspects highlighted by the sub-committee have already been thoroughly examined and taken into account by the Advisory Committee during its earlier deliberations. Accordingly, the committee decided that there is no justification to reconsider the proposal at this stage.

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

**F. No. 8-61-2016-FC**

**Subject: Proposal for prior approval under section 2 (1) (iii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for 145.231 ha (originally proposed 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 30.07.2025. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC. 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. 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, 16.04.2025 and 26.05.2025.
  - 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 LoI 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 (LoI 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 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 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 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 referring to 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. 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 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 mentioned 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 LOI/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 proposal was deliberated in Advisory Committee meeting held on 26.5.2025. In the meeting, the Committee 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 (LoI). 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. Accordingly, 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.
- xxix. As per the above recommendation of Advisory Committee, the file was submitted for approval of Competent Authority wherein it was observed that Ministry of Mines may be requested to furnish comments /opinion regarding the validity of LoI of User Agency in view of the Section 10-A (2) (c) and other provision of the MMDR Act. Accordingly, the Ministry of Mines was again requested to give comments on the matter.
- xxx. In response to the above, Ministry of Mines vide their letter dated 09.07.2025 informed that in the instant case, the Letter of Intent for grant of mining lease for mineral iron ore was issued by the State Government in favor of M/s Gopani Iron & Power (India) Pvt. Ltd. on 04.09.2006. Therefore, the instant case falls within the ambit of Section 10A(2) (c) of the MMDR Act. As per the provisions of Section 10A(2)(c) of the MMDR Act and Rule 8(4) of the Minerals (Other than Atomic and

Hydro Carbons Energy Minerals) Concession Rules, 2016, the mining lease in the instant case was required to be executed and registered within a period of two years from the date of commencement of the MMDR Amendment Act, 2015 i.e. on or before 11.01.2017. However, the mining lease in the instant case has not been executed. In view of above, the Letter of Intent issued by the State Government on 04.09.2006 has become infructuous and void.

- xxxi. The Committee observed that keeping in view the comments of the Ministry of mines the state may be asked to examine the matter and submit the proposal along with a valid Lol.
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 '**deferred**' the proposal for the want of following information:
- i. The comments/opinion received from the Ministry of Mines regarding the validity of the Letter of Intent (LoI) shall be forwarded to the State Government. The State Government shall submit the proposal only after a valid LoI is issued in favour of the User Agency.

## **Policy Issues**

### **Agenda No. 1**

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

*Due to paucity of time the above policy matter was deferred for the next meeting.*

### **Agenda No. 2**

**Sub: Clarifications sought by the Regional Office, Bhopal on the applicability of compensatory afforestation – reg.**

*Due to paucity of time the above policy matter was deferred for the next meeting.*

### **Agenda No. 3**

**Sub: Formulation of policy/guidelines for Penal Compensatory Afforestation (PCA) to ensure transparency, rationality and uniformity while imposing**

condition of raising penal CA in proposals involving violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (F. No. 813/UP/06/34/2018-FC). (File No. 11/126/2024-FC)

*Due to paucity of time the above policy matter was deferred for the next meeting.*

**(Confirmed through e-mail)**

Pro. KR Sree Harsha  
(non-official Member)

**(Confirmed through e-mail)**

Shri Nityanand Srivastava  
(non-official Member)

**(Confirmed through e-mail)**

Shri Manoj Pant  
(non-official Member)

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

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Shri Ramesh Kumar Pandey  
Additional Director General of Forests  
(FC)  
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Shri Ramesh Kumar Pandey  
Additional Director General of Forests  
(WL)  
(Member)

**(Confirmed)**

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

**(Approved)**

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