

PARIVESH 1.0
Minutes of the Meeting of the Advisory Committee (AC) meeting held on
27.08.2024

Agenda No. 1

File No. 8-08/2006-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s South Eastern Coalfield Limited (SECL) for non-forestry use for renewal of diversion of 33.84 ha of broken up forest land (out of total 424.429 ha of forest land in lease area) in respect of Deepika Expansion open cast mining project in favour of M/a SECL in Korba District of Chhattisgarh (Online Proposal No. FP/CG/MIN/1461/2006)- regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Nagpur and Nodal Officer, Government of Chhattisgarh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Deepika project involves 409.149 ha of forest land. Details of Forest land involved and the approvals accorded is as under:

DETAILS OF FOREST LAND OF SECL DIPKA OCP				
Area	Proposal No	Stage-I /Stage-II FC letters no. & date	Status	Remarks
206.638 Ha	FP/CG/MIN/1452/2006	F. No. 8-80/2006-FC, dated- 20/10/2006	Stage - I FC (Regularization Case)	Stage – II awaited, Proposal at MoEF, New Delhi
33.84 Ha	FP/CG/MIN/309/1992	F. No. 8-8/2006-FC, dated- 03/03/2010	Stage-I FC (Renewal case)	Stage – II awaited, this is the proposal which is under consideration.
240.478 Ha		SUB TOTAL-STAGE-I		
133.707 Ha	FP/CG/MIN/1454/2006	F. No. 8-78/2006-FC, dated- 31.01.2022	Stage – II FC	Stage-I FC obtained for 148.866 Ha out of which 15.159 Ha was diverted to NTPC Seepat. (148.866-15.159 = 133.707 Ha)
15.159 Ha	--	Diverted to NTPC (FC dated: 20.06.2004)	Stage-II FC	15.159 Ha out of 148.866 Ha diverted in favour of NTPC Seepat for MGR and is located within ML boundary of Dipka.
16.794 Ha	--	F. No. 8C/6/591/98/FCW/78, 11/01/2001	Stage-II FC	-
2.918 Ha	--	F. No.8B/115/2001-FCW/869, 03/04/2002	Stage-II FC	FC obtained by Spectrum Coal and

				Power Ltd.(Coal Washery) located within ML boundary of Dipka.
168.578 Ha		SUB TOTAL-STAGE-II		
0.093 Ha	Online registration no: FP/CG/MIN/26692/2012	FC Registration No. 2013/028, dated- 04.04.2013, it is under process for Stage-I clearance. (Involved in 40MTY)	Proposed forest land required for coal production expansion from 37.50 to 40.00 MTPA	Stage-I approval has been accorded on 12.02.2024.
409.149		GRAND TOTAL		

- ii. The stage-II approval was initially accorded vide letter dated 31-07-1995 for a period of 10 years. Thereafter upon submission of the proposal for renewal, the above mentioned proposal has been granted Stage-I approval vide this Ministry's letter of even number dated 03.03.2010 subject to fulfilment of certain conditions prescribed therein.
- iii. State has informed that in view of the directions of Hon'ble Supreme Court, the SECL in Deepika project has deposited an amount of Rs 1,27,11,116/- as penalty and it was allowed to continue the mining operations.
- iv. Government of Chhattisgarh vide their letter no. 5-45/2006/10-2 dated 01.02.2023 submitted a report on the compliance of conditions stipulated in the Stage-I approval dated 03.03.2010, after lapse of almost 12 years from the Stage-I approval.
- v. The Committee was informed that after examination of the said compliance report, Ministry vide its letter dated 06.03.2023 sought additional information/documents from the State Government as under:
 - a. The State Govt. has submitted the compliance report in response to this Ministry's letter dated 03.03.2010 after a lapse of 13 years. Therefore, the State govt. may provide a valid and cogent justification for exorbitant delay in submission of complete compliance report beyond stipulated period of 05 years.
 - b. With reference to compliance to condition no. 1 (b) of Stage-1 approval regarding notification of non-forest land identified for CA under section 29 of the Indian Forest Act, 1927, the State govt. has not provided any updated progress. In this regard, the State govt. is requested to provide the status of notification wrt the non- forest land.
 - c. State Government is requested to provide details of area fully reclaimed and afforested from the already diverted forest area as per the condition no. 16 of Stage-I approval dt 03.03.2010.
 - d. Ministry vide its guideline dated 6.01.2022 read with 28.03.2022 has revised the rates to NPV. The new rates are applicable in the instant proposal. In this regard, State Government is requested to realize the differential amount of NPV, liable in light of aforementioned guidelines from the user agency and the detail of the same shall be intimated to the Ministry

- e. Further, considering the revised NPV rates, the C:B ratio may also require revised consideration, accordingly comments/revised C:B ratio may be submitted.
 - f. State Government informed that user agency has deposited the funds towards compensatory levies in account of CAMPA through RTGS. However, approved CAMPA format is not provided by the State Government to obtain confirmation from NA- CAMPA. The same is required for further confirmation compensatory levies paid.
 - g. Almost a period of 13 years has been elapsed since the stage-1 approval was granted to project. During the intervening period project parameters submitted while granting in-principle' approval might have also changed, therefore updated status of various project parameters such as change in the number of project affected trees, vegetation density, area proposed for diversion, scope of the project, etc. may be intimated along with other such updated information which the State Government considers necessary to be informed to the Ministry.
 - h. The State Govt. is requested to submit the KML files of the area proposed for diversion and the area identified for CA land along with the safety zone and 1.5 times plantation area.
 - i. The State Govt. is requested to offer its comments whether the Safety Zone is accordance with Chapter 7, para 7.9 of this Ministry's Comprehensive Guidelines issued in 2019.
 - j. The State Government is requested to submit the updated status of the approved mining plan and validity of mining lease wrt the instant proposal.
 - k. The State Govt. is requested to submit an undertaking by UA wrt the condition no. 10 of Stage-1 approval letter dt. 03.03.2010.
 - l. The State Govt. is requested to provide documents/ details on the non- applicability of R&R plan wrt the instant proposal.
 - m. Detail of non-forestry activity, if any, carried out by the user agency in violation of the Forest (Conservation) Act, 1980 needs to be intimated and in case the violation was/has been committed, detailed action taken report on the violation of FC Act. 1980 may also be submitted by the State.
- vi. Later State Government vide their letter no. Bhu-Praband/Khanij/244/2704 dated 07.12.2023 submitted reply in response to Ministry's letter dated 06.03.2023.
 - vii. The Committee was further informed that examination of the State Government's reply, revealed that complete information has not been submitted by the State Government. Accordingly, following information was sought from the State Government on 16.01.2024:
 - a. As per the conditions of Stage-1 approval, the Compensatory Afforestation is to be done on non-forest land. Further, as per communications submitted with the reply, the state of Madhya

Pradesh has informed that the non-forest land earlier identified for CA against the instant project has been used for the Compensatory Afforestation in case of other projects.

Keeping this in view the State/User agency is required to provide suitable non- forest land for Compensatory Afforestation as stipulated in the Stage-I approval.

- b. The suitable non-forest land so identified for CA is also required to be notified as RF/PF as per conditions stipulated in the Stage-I approval.

Further, Regional Office, Raipur was also requested to carry out site inspection of the area vide Ministry's letter dated 31.01.2024.

- viii. The Committee further noted that State Government vide their letter no. F 5-45/2006/10-2 dated 22.07.2024 submitted their reply as sought vide Ministry's letter dated 16.01.2024.

- ix. The Committee observed that KML file of CA area has been examined on the DSS and following was seen:

- a. As per the Recorded Forest Area (RF/PF) boundary available on DSS, the proposed CA site is located over non- forest land.
- b. The software calculated area of proposed CA is found to be 34 ha.
- c. As per the DSS analysis, the proposed CA is having the canopy density of MDF, OF and Non- forest (land without tree cover) as per the ISFR 2021.

S.No .	CA Name	Proposal Area (ha)	Software calculated area (ha)	VD F	MD F	O F	Scrub	Non- forest
1	Patch -1	33.84	34	0	4	22	0	8

Observation based on high resolution Google Earth images:

S.No.	CA. Name	Observations
1	Patch-1	Un-metalled road in the southern part of the proposed CA and reclaimed area is visible.

- x. The Committee was informed that Sub-office, Raipur vide their letter No. FC-Misc/17/2024/IROCH/RPR/15 dated 18.04.2024 uploaded Site Inspection Report on Ministry's web portal in response to Ministry's letter dated 31.01.2024 and Sub-office, Raipur has recommended the following:

- a) Delay: The PP has completed mining in the proposed mining area. It had received Stage-I approval in 2006, but has not complied with the conditions till date.
- b) CA: The CA land has been stipulated as 70.00 ha degraded land, which were inspected by this office. Only 32 ha area was found suitable for plantation. Now, the User Agency has agreed to

provide NFL from its plantation area in tenancy land. So far it has not identified the land. There is a huge time gap between initial violation and implementation of the CA scheme, which has inflicted huge ecological loss.

- c) Safety zone: The PP has not constructed the safety zone properly. Safety zone was found at places in breaks along the boundary. The safety zone is currently present in part of Eastern portion demarcating the Gevra OCP, part of north and part of western boundary. There is no safety zone in the advancing front. The boundary is about 15 km, whereas the safety zone is about 5.2 km. This is against the mining safety norms besides the FC condition
- d) Top soil management: During the site inspection, it was observed that top soil management by the agency is quite poor. There is no proper dumping of top soil and it is getting mixed with sub-soil. This leads to poor growth of plants. Topsoil on the overburdened site was found very thin and is vulnerable to erosion.
- e) Soil conservation: During the inspection it was observed that overburdened site is getting eroded and top soil is getting washed. Deep gullies and ravines formations were found, which are expanding every year. The slopes are getting steeper due to erosion, which need to be stabilized urgently by combination of mechanical means and plantation.
- f) Wildlife management plan: In pursuant to the Stage-I condition, the PP has got Wildlife Conservation Plan prepared by Tropical Forest Research Institute, Jabalpur. As informed by the PP, they have provided fund for the purpose; however, there is no information on implementation of the plan.
- g) Species composition: Monoculture is to be avoided. Earlier plantations had many pure patches of Cassia Siamea. However, current plantations are improved ones, with mixed with number of local species like Sal, Pongamia, Bauhinia, Ficus, Gmelina etc. It was observed that there is a need to enhance technical knowledge related to forestry within SECL and to address the shortage of forestry technical experts. This would enable SECL for quality plantation. During the site inspection, it was observed that SECL has planted Sal seedlings in the non-coal barring area in the years 2022-23.

xi. Recommendation of the IG (F), Sub-Office, Raipur:

As stated above, the UA has to complete safety zone and provide CA land. The UA has to surrender the land not being used for mining or any other purpose. Additional penalty may be imposed for continued mining prior to Stage-II approval.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Nagpur, and Nodal Officer, Chhattisgarh recommended to accept the

request of State Government for change in CA area and relaxation in time period for the notification of the area proposed for CA with following conditions:

- i. The State Government shall ensure that CA will be carried over 33.84 ha reclaimed non-forest land. The non-forest land identified to carry out CA shall be notified as RF/PF under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, immediately but not later than 3 months from the date of issue of Stage- II/ Final approval.
- ii. Un-metalled road in the southern part of the proposed CA and reclaimed area is visible. In this regard, the state govt. shall ensure that the area is handed over free of all encumbrances by the user agency and the roads/paths being used by the user agency in this area shall be closed.
- iii. The User Agency shall return/surrender/handover the forest area where mining has already been done and the land is not being used for mining or any other purpose to the state government. A plan in this regard shall be submitted.
- iv. Since the mining has been continued without obtaining the Stage-II approval and the broken up area is in continuous possession of user agency wherein certain infrastructure has also been built, therefore the penalty for violation shall be equal to the NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
- v. Keeping in view the fact that the area proposed for diversion is within the possession of User Agency without a valid approval and the orders of Hon'ble Supreme Court for the mines pertaining to SECL, the Regional Office shall separately examine the matter and initiate action u/s 3A/3B if applicable.
- vi. The State Government shall ensure that corrective measures for the maintenance of safety zone, top soil management and other issues raised by Regional Office are taken by the user agency within a period of three months from the issue of stage-II approval

Agenda No. 2

File No. 8-80/2006-FC

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s South Eastern Coalfields Limited (SECL) for diversion of 174.925 ha (Originally proposed area 206.638 ha.) of forest land for Deepika Expansion Open Cast Mining Project in Korba District, in the State of Chhattisgarh (Online Proposal No. FP/CG/MIN/1452/2006)– regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Nagpur and Nodal Officer, Chhattisgarh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Deepika project involves 409.149 ha of forest land. Details of Forest land involved and the approvals accorded is as under:

DETAILS OF FOREST LAND OF SECL DIPKA OCP				
Area	Proposal No	Stage-I /Stage-II FC letters no. & date	Status	Remarks
206.638 Ha	FP/CG/MIN/1452/2006	F. No. 8-80/2006-FC, dated-20/10/2006	Stage - I FC (Regularization Case)	Stage – II awaited, this is the proposal which is under consideration.
33.84 Ha	FP/CG/MIN/309/1992	F. No. 8-8/2006-FC, dated-03/03/2011	Stage-I FC (Renewal case)	Stage – II awaited, Proposal at MoEF, New Delhi
240.478 Ha		SUB TOTAL-STAGE-I		
133.707 Ha	FP/CG/MIN/1454/2006	F. No. 8-78/2006-FC, dated-31.01.2022	Stage – II FC	Stage-I FC obtained for 148.866 Ha out of which 15.159 Ha was diverted to NTPC Seepat. (148.866-15.159 = 133.707 Ha)
15.159 Ha	--	Diverted to NTPC (FC dated: 20.06.2004)	Stage-II FC	15.159 Ha out of 148.866 Ha diverted in favour of NTPC Seepat for MGR and is located within ML boundary of Dipka.
16.794 Ha	--	F. No. 8C/6/591/98/FCW/78, 11/01/2001	Stage-II FC	-
2.918 Ha	--	F. No.8B/115/2001-FCW/869, 03/04/2002	Stage-II FC	FC obtained by Spectrum Coal and Power Ltd.(Coal Washery) located within ML boundary of Dipka.
168.578 Ha		SUB TOTAL-STAGE-II		
0.093 Ha	Online registration no: FP/CG/MIN/26692/2012	FC Registration No. 2013/028, dated-04.04.2013, it is under process for Stage-I clearance. (Involved in 40MTY)	Proposed forest land required for coal production expansion from 37.50 to 40.00 MTPA	Stage-I approval has been accorded on 12.02.2024.
409.149		GRAND TOTAL		

- ii. This is related to proposal for diversion of 206.638 ha of forest land for Deepika Expansion open cast mining project of M/s South eastern

- Coalfields Limited, Chhattisgarh, which accorded Stage-I approval vide Ministry's letter dated 20.10.2006.
- iii. State Government vide their letter no. Bhu-Praband/Khanij/102/2370 dated 10.11.2009 submitted compliance report of conditions stipulated in Stage-I approval dated 20.10.2006.
 - iv. The Committee was informed that after examination of compliance report in the Ministry, the State Government was informed that the Competent Authority has desired to know 'whether rights of scheduled tribes and other traditions forest dwellers have been settled as per the provisions of Scheduled Tribes and Other Traditions Forest Dwellers (Recognition of Forest Rights) Act, 2006' as submitted by the State Government was not as per the Advisory dated 03.08.2009, for which an advisory dated 03.08.209 has been issued by the Ministry vide letter dated 22.04.2010.
 - v. Accordingly, Ministry's vide its letter dated 22.04.2010 and subsequent reminder dated 02.09.2011 and 18.11.2014 requested the State Government to submit complete compliance of Stage-I approval.
 - vi. The Committee was also informed that the State Government vide their letter no. F 5-40/2005/10-2 dated 28.09.2021, after a lapse of almost 10 years, informed that user agency i.e. SECL has not submitted complete compliance of FRA certificate. Gram Sabha resolution for an area of 22.33 ha of forest land has not been obtained by the user agency. In the affected villages i.e. Beltikri, Jhabar, Sirki, Sua Bodhi, Ratija, Jhigatpur, Chenpur and Reki, a village name Reki has not given its consent for 22.33 ha of revenue forest land for FRA. It has been reported by the user agency that the 22.33 ha revenue forest land in the village Reki comes under the safety zone, in which excavation work has not been done and no family resides there.
 - vii. Further, the Committee was apprised that as the State Government submitted incomplete compliance report after a lapse of 10 years, Ministry vide letter dated 08.02.2023 requested the State Government to submit additional information/documents to the Ministry as under:
 - a. State Government is requested to submit the complete compliance of FRA, 2006 certificate for entire area including supporting documents as per this Ministry's guidelines.
 - b. The State Govt. has submitted the Compliance report in response to this Ministry's letter dt 22.04.2010 after a lapse of 10 years. Therefore, the State govt. may provide a valid and cogent justification exorbitant delay in submission of complete compliance report beyond stipulated period of 5 years.
 - c. Ministry vide its guideline dated 06.01.2022 read with 28.03.2022 has revised the rates to NPV. The new rates are applicable in the instant proposal. In this regard, State Government is requested to realize the differential amount of NPV, liable in light of aforementioned guidelines from the user

agency and the detail of the same may be intimated to the Ministry.

- d. Considering the revised NPV rates, the CB ratio may also require revised consideration, accordingly comments/ revised.
- e. Almost a period of 15 years has been elapsed since the stage-1 approval was granted to project. During the intervening period project parameters submitted while granting in-principle approval might have changed, therefore updated status of various project parameters such as change in the number of project affected trees, vegetation density, area proposed for diversion, scope of the project etc, may be intimated along with the other such updated information which the State Government considers necessary to be informed to the Ministry.
- f. The State Govt. is requested to submit the KML files of the area proposed for diversion and the area identified for CA land along with the safety zone and 1.5 times plantation area.
- g. The state Govt. is requested to offer its comments whether the safety zone is accordance with Chapter 7, para 7.9 of this Ministry's Comprehensive Guidelines issued in 2019.
- h. The State Govt. is requested to comment whether the CA plantation will be possible in the forest area identified (i.e. 413.276 Ha) wrt to the old CA scheme submitted earlier and whether there is need for change of CA scheme. Further, whether the CA plantations, plantations lie in safety zone area and penal CA plantations have been done during this intervening period, the same may be clarified.
- i. The PCCF, Chhattisgarh in his earlier letter dated 10.11.2009 has requested for the final approval with the condition that the user agency will deposit the CA @ ₹72,435/- instead of ₹65,284/- deposited earlier. It is not clear that the revised rates as proposed by the PCCF were realized or not. In this regard, the State Government may kindly offer its comments.
- j. The state government is requested to submit the updated status of the approved mining plan and validity of mining lease wrt the instant proposal.
- k. Details of non-forestry activity, if any, carried out by the user agency in violation of the Forest (Conservation) Act, 1980 needs to be intimated and in case the violation has been committed, detailed action taken report on the violation of FC Act, 1980 may also be intimated by the State Govt.

Further, RO, Raipur was also requested to submit SIR vide letter dated 08.02.2023 and subsequent reminder dated 12.09.2023.

- viii. The Committee was informed that State Government vide their letter no. Bhu-Praband/Khanij/102/2706 dated 07.12.2023 submitted reply in response to Ministry's letter dated 08.02.2023. Examination of the

same revealed that complete information has not been submitted by the State Government. Accordingly, following information was sought from the State Government on 08.01.2024:

- a. In compliance to point no. vi, the State Government has informed that out of 413.276 ha area proposed for Compensatory Afforestation, CA can be taken up only in 105 ha. 308.276 ha is not available for CA and the same will be carried under of ACA, However, details of ACA viz. KML file, Site suitability certificate, SOI map, DGPS map and revenue papers is required to be submitted.
- b. Complete details of the funds deposited by the User Agency into CAMPA account under different phases in prescribed proforma are required to be submitted.
- c. Compliance of the conditions stipulated in all previous Stage-11 approvals related to Deepika OCP is required to be submitted.
- d. As the instant proposal is for expansion and accordingly mining plan has been revised. The State Government/ User Agency shall ensure that there is no change in the land use of the earlier approved forest area. Change in land use, if any, may be intimated to the Ministry. A comparative detail of the land use plan approved and that in the revised mining plan shall be submitted.
- e. Whether the UA has deposited NPV for entire forest land located in the lease area is not clear. Details of the same are required to be submitted.
- f. The State has now requested that 22.35 ha area for which FRA certificate has not been provided be excluded from the Stage-II approval. As per letter dated 28.09.2021 of the State Govt., this area is part of the safety zone which is an integral part of the mining lease. As per guidelines issued by the Ministry from time to time, the forest area within the safety zone can not be left out of the forest diversion. The State shall therefore submit the FRA certificate for the entire area along with necessary supporting documents.
- g. Further, it has been informed that an area of 9.383 ha has been diverted in favour of NTPC. The KML file of the 22.35 ha and 9.383 ha diverted in favour of NTPC shall be submitted.
- h. The exclusion of the 9.383 ha area diverted in favour of NTPC may have lead to change in the overall land use plan of the proposed area. However, no details in this regard have been submitted as to how the different components will be accommodated in the reduced area. A detailed map along with the KML file indicating the various components shall be submitted.
- ix. Later State Government vide their letter no. F5-40/2005/10-2 dated 18.07.2024 submitted reply in response to Ministry's letter dated 08.01.2024.

- x. The Committee observed that the area of 22.35 ha is located on the edge of the present mine. Further, the Lalgah river flows between the existing mine and the Reiki village and therefore the request of the state/UA to delete the same from the mining area can be considered.
- xi. The Committee observed that KML file of CA area has been examined on the DSS and following was seen:
 - a. In reply to this Ministry letter dated 8.01.2024, State Govt. has submitted the KML file of identified compensatory afforestation (CA) land over an extent of 105 ha in Mahasamund FD and 347 ha in Surajpur FD. They have also submitted the KML file of proposed forest area of 174.925 ha excluding 9.383 ha of NTPC diverted area and 22.33 ha of Renki Village. The KML file has been analysed and observations are as under:
 - a) As per the Recorded Forest Area (RF/PF) boundary available on DSS, all the proposed CA sites are located in degraded forest land.
 - b) As per the DSS analysis, the proposed CA is having the canopy density of MDF, OF, Scrub and Non-forest (land without tree cover) as per the ISFR 2021. However, as per the Google Earth images moderately dense forest is not visible in the CA site proposed in compt. No. 210 and 250.

S.No.	Division Name	CA Compt. Name	Proposal Area (ha)	Software calculated area (ha)	VDF	MDF	OF	Scrub	Non-forest
1.	Surajpur	P65	26.00	25.986	0	0	16	0	10
2.		P1679	70.50	70.479	0	0	52	0	19
3.		P2533	47.70	47.682	0	0	40	0	8
4.		P1722	104.00	103.976	0	0	0	0	104
5.		P2248	25.20	25.194	0	0	5	11	10
6.		P2248	46.20	46.189	0	0	24	0	22
7.		P1678	16.70	16.695	0	0	0	0	16
8.		P1679	10.70	10.697	0	0	6	0	4
Total			347.00	346.898	0	0	143	11	193

S.No .	Division Name	CA Compt . Name	Proposa l Area (ha)	Software calculate d area (ha)	VD F	MD F	O F	Scru b	Non-fores t
1.	Mahasamund	252	10	10.001	0	5	5	0	0
2.		210	75	75.008	0	1	54	0	20
3.		250	20	20.002	0	1	8	0	11
Total		105	105.011	0	7	67	0	31	

- a. Observation based on high resolution Google Earth images:

S.No.	Division Name	CA Compt. Name	Observations
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1.	Mahasamund	252	CA site is free from encroachment and encumbrances.
2.		210	Road is passing through the CA site
3.		250	CA site is free from encroachment and encumbrances

S.No.	Division Name	CA Compt. Name	Observations
1.	Surajpur	P65	Un-metalled road is visible in the southern part of the proposed CA.
2.		P1679	Plantation work is visible.
3.		P2533	Plantation work is visible.
4.		P1722	Plantation work is visible and a road is passing through its centre.
5.		P2248	Plantation work is visible.
6.		P2248	Plantation work is visible.
7.		P1678	Plantation work is visible.
8.		P1679	CA site is free from encroachment.

- xii. Nodal Officer, Government of Chhattisgarh present in the meeting informed the Committee that the works visible mainly pertain to Staggered Contour Trenches for soil and moisture conservation. The canopy density of the area at present is appropriate for raising CA plantations. The Kacha road/path visible is not a main or permanent path and the same shall be closed during the fencing. The clarification of Nodal Officer was considered by the Committee.

- xiii. Sub-office, Raipur vide their letter No. FC-Misc/04/2023/IROCH/RPR/16 dated 18.04.2024 uploaded Site Inspection Report on Ministry's web portal in response to Ministry's letter dated 31.01.2024. Regional Office has recommended the following:

The salient features observed in the proposal and the sites are:

- a) CA: The CA land has been stipulated as 413.276 ha degraded land. Currently only 30 ha land is available. The User Agency is supposed to provide NFL. The Agency had agreed to provide NFL from its plantation area in tenancy land. So far it has not identified the land. There is a huge time gap between initial violation and implementation of the CA scheme, which has inflicted huge ecological loss.
- b) Safety zone: The PP has not constructed the safety zone properly. Safety zone was found at places in breaks along the boundary. The safety zone is currently present in part of Eastern portion demarcating the Gevra OCP, part of north and part of western boundary. There is no safety zone in the advancing front. The boundary is about 15 km, whereas the safety zone is hardly 3-4 km. This is against the mining safety norms besides the FC condition.

- c) Top soil management: During the site inspection, it was observed that top soil management by the agency is quite poor. There is no proper dumping of top soil and it is getting mixed with sub-soil. This leads to poor growth of plants. Topsoil on the overburdened site was found very thin and is vulnerable to erosion.
 - d) Soil conservation: During the inspection, it was observed that overburdened site is getting eroded and top soil is getting washed. Deep gullies and ravines formations were found, which are expanding every year. The slopes are getting steeper due to erosion, which need to be stabilized urgently by combination of mechanical means and plantation. It was also observed that there is a need to enhance the technical knowledge related to forestry in SECL as well as to fulfil the shortage of forestry technical experts. So that according to the demand of the area, special attention can be given to the planning and planting of local forestry tree species, so that the quality of afforestation in the planted area is complete.
 - e) Wildlife management plan: in pursuant to the Stage-I condition, the PP has got Wildlife Conservation Plan prepared by Tropical Forest Research Institute, Jabalpur. As informed by the PP, they have provided fund for the purpose; however, there is no information on implementation of the plan.
 - f) Species composition: Monoculture is to be avoided. Earlier plantations had many pure patches of Cassia Siamea. However, current plantations are improved ones, with mixed with number of local species like Sat, Pongamia, Bauhinia, Ficus, Gmelina etc. It was observed that there is a need to enhance technical knowledge related to forestry within SECL and to address the shortage of forestry technical experts. This would enable SECL for quality plantation. During the site inspection, it was observed that SECL has planted Sal seedlings in the non-coal barring area in the years 2022-23.
- xiv. Recommendation of the IG (F), Sub-Office, Raipur:
As stated above, the UA has to complete safety zone and provide CA land. The UA has to surrender the land not being used for mining or any other purpose. Additional penalty may be imposed for continued mining prior to Stage-II approval.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Nagpur, and the Nodal Officer, Chhattisgarh, recommended to accept the request of State Government for reduction in area proposed for diversion in Stage-1 approval from 206.638 ha to 174.925 ha and to allow the corresponding change in CA areas and quantum of CA area proposed with following conditions:
- i. The State Government shall ensure that CA and Penal CA will be carried over (105 ha+ 347 ha) DFL identified in Mahasamund Forest Division and and Surajpur Forest Division.

- ii. The User Agency shall return/surrender/handover the forest area where mining has already been done and the land is not being used for mining or any other purpose to the state government. A plan in this regard shall be submitted.
- iii. The proposed land is in possession of the User Agency and some area was broken without approval, which was considered while according Stage-1 approval and penal CA was imposed. However, keeping in view the fact that the mining has been done without approval and the broken up area is in continuous possession of user agency without Stage-II approval wherein certain infrastructure has also been built, therefore the penalty for violation shall be equal to the NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
- iv. Keeping in view the fact that the area proposed for diversion is within the possession of User Agency without a valid approval and the orders of Hon'ble Supreme Court for the mines pertaining to SECL, the Regional Office shall separately examine the matter and initiate action u/s 3A/3B if applicable.
- v. The State Government shall ensure that corrective measures for the maintenance of safety zone, top soil management and other issues raised by Regional Office are taken by the user agency within a period of three months from the issue of Stage-II approval.

Agenda No. 3

File No. FC-11/16/2024-FC

Sub: Proposal for diversion of 12.00 ha Reserved Forest land for development of Hazira Capacity Expansion Project (HCEP/TLU) by in favour of Shell Energy India Pvt. Ltd. At Village- Hazira, Taluka- Choryasi, District- Surat, Gujarat-Reference received from Government of Gujarat (Proposal No. FP/CJ/IND/ 29375/2017) (Non-site specificity issue)

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 27.08.2024. The corresponding details of the agenda may be seen at www.parivesh.nic.in. DIGF (Central) Regional Office, Gandhinagar and Nodal Officer, Government of Gujarat was present in the meeting during the discussion of the above proposal.
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 Member Secretary before the Advisory Committee (AC). Committee was also apprised of the provisions under Adhiniyam, 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 Gujarat vide letter No.

FED/FLP/e-file/6/2023/1931/F Section dated 12.02.2024 has forwarded the representation of Shell Energy India Pvt. Ltd. (SEIPL) stating that a proposal of Shell Energy India Private Limited for diversion of 12.00 ha Reserved Forest Land for development of Hazira Capacity Expansion Project (HCEP).

- ii. The proposal was rejected by the Regional Office, Gandhinagar, MoEF&CC vide reference letter No. FC-6/GJC-72/2023-GNR dated 30th August, 2023 stating that the activity proposed to be undertaken is "Non-site-specific".
- iii. Government of Gujarat has requested the Ministry for consideration of the proposal as per para 10(3) (iv) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 vide letter dated 12.2.2024.
- iv. The User Agency is operating 6.28 MTPA capacity Liquefied Natural Gas (LNG) regasification terminal at Hazira, Taluka Choryasi, District Surat, Gujarat since 2005 on 21 Ha of a reclaimed land. The LNG is imported in cryogenic ships maintaining the temperature @-160 degree and unloaded into the onshore cryogenic tanks (located within 750 mtrs) thus to maintain the temperature mainly for (a) Sending out gaseous/re-gasified Natural gas through 14 Kms long Gas Send out pipeline for onward distribution of gas through national grid pipelines to large industries e.g. fertilizer, power plants, city gas distribution etc. (b) Loading of LNG in situ directly from the tank in cryogenic trucks for direct distribution to small industries.
- v. The User Agency is currently in process of expanding the capacity of the existing LNG terminal from 6.28 MIPA to 20 MTPA namely the Hazira Capacity Expansion Project (HCEP) mainly by replicating the existing infrastructure and also establishing additional ancillary facilities resulting in increasing the re-gasification capacity. It is also proposed to construct an additional LNG truck loading facility by adding more bays to cater for in situ direct LNG loading on cryogenic tankers/ trucks.
- vi. The User Agency has submitted the justification for locating the project in forest land as "existing premises cannot accommodate extended Truck Loading Unit (TLU) ancillary arrangement due to scarcity of space. The current LNG terminal is land-locked from all the side either due to sea on west side or forest land on north & east side in addition to Adani Port Land on South Side. It is submitted that no other option is available as the project is for expansion of the existing project."
- vii. The User Agency has identified double land for Compensatory afforestation and has given an undertaking that no additional forest land shall be demanded for this project in future and will also comply with any other additional conditions stipulated by MoEF&CC.
- viii. ToR of this project is already approved by Impact Assessment Division of MoEF&CC vide letter 10/6/2023-IA.III dated 18th December, 2023 post physical site visit of MoEF committee and also visited this 12 Ha forest land.

- ix. The User Agency has stated that the capacity expansion project needs contiguous land parcel. Existing LNG terminal is surrounded by reserved forest land which is already applied by other industries for their mega projects and majority of them are already issued with Stage-1 approval. Proposed 12 Ha reserved forest land is the only remaining reserved forest land parcel which remain strategic for UA expansion project and will remain as standalone reserved forest land parcel resulting in blocking UA expansion plan.
- x. The proposal was placed before 13th Regional Empowered Committee (REC) meeting dated 24th August, 2023 wherein REC rejected the proposal stating that the proposal being a non-site specific in nature. Accordingly, Regional Office, Gandhinagar issued the rejection letter dated 30th August, 2023 issued to State Government of Gujarat.
- xi. The User Agency has made a representation before the State Government with a request to forward the representation of User Agency to MoEF&CC for consideration of the proposal as per para 10(3) (iv) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.
- xii. Government of Gujarat vide letter No. FED/FLP/e-file/6/2023/1931/F Section dated 12.02.2024 has recommended to consider user agency's representation for the reason (a) being on-site specific project based on PNGRB guidelines (b) no alternate options available for expansion being a land locked (c) technically and commercially not a viable option as the LNG is imported at Hazira Port and cryogenics tanks has to be closer to the unloading facility (d) agency already accorded the approval for 4.30 ha forest land for laying 36" additional send out line.
- xiii. The Industrial Extension Bureau, Govt. of Gujarat organisation vide letter dated 18th June, 2024 has requested the Ministry to reconsider the application of User Agency for diversion of 12 Ha of reserved forests.
- xiv. The Ministry vide letter dated 29.02.2024 has requested the Regional Office, Gandhinagar to submit its comments to the Ministry. RO, Gandhinagar has stated that *as per rule 10(3)(iv), the Ministry of Environment Forest and Climate Change may decide to take up this proposal for reviewing the decision taken by the REC and to decide finally on this matter or the User Agency may submit the proposal to Ministry for taking a final decision."*
- xv. The Ministry vide letter No. FC-11/16/2024-FC dated 12th April, 2024 has requested Government of Gujarat to provide its comments/justification as to why it is necessary or required to reconsider the instant proposal. Government of Gujarat was also requested to provide specific recommendations along with any additional documents/information for further perusal. The reply was awaited from State Government.
- xvi. The proposal was considered by the AC in its meeting held on 04.07.2024 wherein the Committee deferred the proposal as the

comments/justification from Government of Gujarat are awaited.

xvii. Thereafter the Government of Gujarat, Gandhinagar vide letter No. FED/0109/08/2024 dated 06.08.2024 has stated that further additional information submitted by the User Agency are as follows:

- a. The proposal is for capacity expansion of the existing LNG terminal from 6.28 MTPA to 20 MTPA namely the Hazira Capacity Expansion Project (HCEP) utilizing the existing unit and creation of additional infrastructure, essential for capacity expansion. The existing LNG terminal is landlocked and is to be serviced by the adjoining port facility available for the existing unit.
- b. Ports & Transport Department of Government of Gujarat vide letter dated Feb 2007 has submitted, wherein 36.0 ha reclaimed land was allocated to Gujarat Maritime Board for LNG facilities by the Revenue Department. However, only 21 Ha of land was reclaimed for and remaining 15 Ha adjacent land parcel was scheduled to be reclaimed later for future expansion project. Subsequently the remaining part of land was notified as reserved forest vide Forest & Environment Department, Government of Gujarat Gazette Notification dated 09th July 2014 (total 213 ha) and proposed 12 ha adjacent land parcel identified for future expansion falls within 213 ha reserved forest land.
- c. The User Agency has signed a Memorandum of Understanding with Government of Gujarat in 2013 and 2023 for expansion of LNG terminal which would not be feasible without the proposed land .
- d. User Agency has also made an application for Environment Clearance for expansion and Terms of Reference (ToR) for this project is already approved by Impact Assessment Division of MoEF&CC vide letter 10.06.2023-IA.III dated 18th Dec 2023 post physical site visit of MoEF committee, including the proposed forest land.
- e. Existing LNG terminal is surrounded by reserved forest land which is already applied by other industries for their mega projects and most part, except one proposal is already issued Stage-2 approval. Proposed 12 Ha reserved forest land is the only remaining reserved forest land available for expansion.
- f. The user agency for the purpose of Compensatory afforestation has identified non forest land double in extent to the area proposed for diversion and has given an undertaking that no additional forest land shall be demanded for this project in future and will also comply with any other additional conditions stipulated by MoEF&CC.
- g. In addition, the period of diversion would be co-terminus with the concession agreement applicable with the Gujarat Maritime Board.

- xviii. The Advisory Committee also observed that a proposal for 4.30 ha forest land for laying 36" additional send out line was granted in-principle approval on 25.05.2021 wherein it is mentioned that the proposal for laying of natural gas pipeline for the expansion project of existing HLPL LNG terminal. Further, for the proposal of 4.30 ha forestland, working permission has also been granted. The user agency has simultaneously moved the instant proposal for diversion of 12.00 ha forest land for capacity expansion of the existing facility which was rejected by the Regional Office. Henceforth, it was noted that the two proposals are linked and the earlier proposal which was granted in-principle approval was also for the expansion of capacity.
 - xix. The committee observed that the diversion of forest land has been sought for a specific purpose which requires necessary infrastructure and the expansion of the existing facility has to be on the adjacent area only. Keeping these facts in view, the committee observed that for the expansion of the project, the requirement of adjoining forest land is unavoidable and therefore the issue of non-site specificity does not arise.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Gandhinagar and Nodal Officer, Government of Gujarat and after going through the facts of the proposal, and keeping in view the provisions contained under rule 10(3)(iv) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, decided to review the decision taken by the Regional Office and observed that the use of adjoining forest land for expansion of the project in the instant case is unavoidable and therefore the issue of site specificity is justifiable as pleaded by the User Agency and State government. The Committee therefore recommended that the Regional Office shall consider the proposal and issue Stage-1/ 'In-principle' approval for diversion of 12.00 ha Reserved Forest land for development of Hazira Capacity Expansion Project subject to appropriate general, standard and specific conditions within a month time from the date of communication of the decision.

Agenda No.4

File No. FC/HPB/01/177/2022

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 diversion of 0.4148 ha of additional Degraded Protected forest land in favour of Himachal Pradesh Power Corporation Pvt. Ltd for the construction of Integrated Kashang HEP Stage-II & III (130MW) for some modification in the Project component construction of Silt Flushing Tunnel (SFT) within the jurisdiction of Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh (Online Proposal No FP/HP/HYD/49387/2020)- regarding.

1. The agenda item was considered by the AC in its meeting held on 28.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Himachal Pradesh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The APCCF-cum-Nodal Officer (VSESA) Government of Himachal Pradesh submitted the above mentioned proposal to RO, Chandigarh vide its Online proposal No. FP/HP/HYD/49387/2020 dated 31.10.2022 seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.4148 hectare of additional forest land in favour of Himachal Pradesh Power Corporation Pvt. Ltd for the construction of Integrated Kashang HEP Stage-II & III (130MW) for some modification in the Project component construction of Silt Flushing Tunnel (SFT) within the jurisdiction of Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh.
 - ii. The initial proposal for diversion of 17.6857 ha was accorded Stage-II approval vide Ministry letter No. 9HPC366/09-CHA dated 14.06.2011. The instant proposal is for requirement of additional area of 0.4148 ha. for construction of Silt Flushing Tunnel (SFT) within the jurisdiction H.P of Kinnaur Forest Division, Distt. Kinnaur, H.P.
 - iii. Due to Hydrological surprises in the operation of Stage-I (F.No.9 HPC366/09-CHA) 17.6857 approved 14.01.2011, of IKHEP some modification/amendment in the project component has been envisaged. This has resulted in the requirement of additional forest land for which project proponent has proposed & investigated three alternates and concluded one alternate. Proposed alternate is for construction of SFT drain is situated 360 m away from SFT portal and the requirement of land for add.
 - iv. It is stated that the construction of IKHEP Stage-I (65MW) has been completed in Sept. 2016 and commissioned. Whereas construction of State-II & III (130 MW) has not been completed due to pending litigation in Hon'ble NGT. Now, the cases in Hon'ble NGT have been disposed-off. Balancing Reservoir of Stage-I (BR-I) and other components has already been constructed and due to occurrence in physical changes in the hydrology, siltation problem is occurred during the summer and rainy season, for which, necessity of Silt Flushing Tunnel (SFT) has been arisen. Due to which need of additional Forest land to facilitate construction works of integrated Kashang HEP.

- v. No Violation of Forest (Conservation) Act, 1980 is reported. Total 21 Trees will be felled in this proposal.
- vi. The component-wise break up of forest land is given as below:

Component	Forest Land (ha)	Non Forest Land (ha)
SFT Drain	0.192	0
DFT Portal	0.0016	0
Proposed U/G Flushing Tunnel	0.05	0
Flushing Channel	0.1712	0
Total	0.4148	0

- vii. Diversion of 0.4148 ha of forest land in favour of Himachal Pradesh Power Corporation Limited for the construction of Integrated Kashang HEP Stage-II & III(130MW) for some modification in the Project component construction of Silt Flushing Tunnel (SFT) within the jurisdiction H.P of Kinnaur Forest Division, Distt. Kinnaur, H.P.
- viii. FRA undertaking certificate is given, Catchment Area Treatment Plan is also given, 1100 plants proposed for plantation. Land Suitability Certificate, and Muck Management Plan is also furnished by the user agency.
- ix. The proposal was considered in REC meeting held by Regional Office, Chandigarh on 07.11.2023 and decision is as under:
" The REC listened to the submission made by the Nodal Officer; DFO Kinnaur Forest Division and User agency and examined the proposal online on PARIVESH Portal including KML files and DGPS maps of project and CA areas and the committee observed that geographical area of the district shall be rectified by the State Government. The REC recommended the proposal for conveying In-principle approval after concurrence of MoEF & CC (HO) with standard terms and conditions".
- x. CIA & CCS study of the Satluj basin is done by DoE, HHRI, IIT, Roorkee in 2013-14, and said studies were completed in the year 2019-20, and the CEIA, has been submitted to MoEF&CC, and it is under consideration with MoEF&CC.
- xi. The proposal was sent back to Regional Office, Chandigarh with a request to re-assess the proposal in its entirety on 29.12.2023..
- xii. Accordingly, proposal was re-submitted to the Ministry for appropriate decision by the competent authority.
- xiii. As per directions of IGF (FC), an online meeting was held on 14.06.2024 and IGF (FC), MoEF&CC, DDGF (C), Regional Office, Chandigarh and Nodal Officer, Himachal Pradesh were present in the meeting. In this meeting, need for additional forest land was

explained by the State Government. After discussion State Government was informed to submit information on following points:

- a. Why Silt Flushing Tunnel is required?
 - b. Where the silt will be disposed?
- xiv. Reply to the same has been received from Nodal Officer, Himachal Pradesh vide letter dated 20.06.2024 through mail on 25.06.2024. Clarification submitted are as under:

Need of Silt Flushing Tunnel:

At the time of investigation and planning stage the water of Kashang Stream was silt free but even though during designing stage the de-silting arrangement/system was designed for 250 ppm. But due to change in the climatic condition of the Himalayan region the physical properties of Kashang Stream have also been changed and the density of particulate matter (more than 1000 ppm) in Kashang Stream has been observed. To cater this Siltation issue, need of Silt Flushing arrangement has been envisaged for which the proposal for diversion of additional forest land measuring 0.4148 ha has been initiated for the construction of Silt Flushing Tunnel, Channel & drain. This will increase generation of electricity making the best use of investment already made, reduce operational maintenance drastically and also enhance the service life of the project as whole.

Disposal of Silt:

This sediment laden water from the above de-silting basin shall further be conveyed through flushing conduit housed in a tunnel up to outlet chamber. Therefore, it shall be carried through open channel along hill site of existing road and discharge back into the Kashang Stream which will not impact environmentally to the existing water of Kashang Stream. Since this water is only silt laden water and this issue of siltation exist only during monsoon season.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee recommended the proposal for 'in-principle' approval for non-forestry use of 0.4148 ha of forest land for construction of Integrated Kashang HEP Stage-II & III (130MW) for construction of Silt Flushing Tunnel (SFT) within the jurisdiction of Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh in favour of Himachal Pradesh Power Corporation Pvt. Ltd with general, standard and following specific conditions: -
- i. The State Government shall ensure compliance of extant laws, rules, and guidelines relevant to Hydel projects and shall submit an undertaking to that effect along with Stage-I compliance report.

Agenda No. 5

File No. FC/HPB/01/134/2022

Subject Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Bhakra Beas Management Board (BBMB) for non-forestry use of 0.87 ha of Protected Forest land for the construction of Baggi (42 MW) Hydro Electric Power Project within the jurisdiction of Suket Forest Division, Distt. Mandi, Himachal Pradesh (Online Proposal No. FP/HP/HYD/144511/2021)- regarding.

1. The agenda item was considered by the AC in its meeting held on 28.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Himachal Pradesh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. Government of Himachal Pradesh vide letter No. Ft. 48-5413/2021(FCA) dated 09.09.2022 submitted the above mentioned proposal seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. Bhakra Nangal and Beas projects were originally the joint ventures of erstwhile states of Punjab and Rajasthan. On re-organisation of the erstwhile state of Punjab on 1st November, 1966 Bhakra Management Board was constituted under Section 79 of the Punjab Reorganisation Act, 1966 for the administration, maintenance and operation of Bhakra Nangal Project. During construction of Beas Sutlej Baggi Power Project, it was conceived that a power plant could be constructed at the exit of Pandoh Baggi Tunnel as sufficient head was available between Pandoh Reservoir and at the start of Sundernagar Hydrel Channel (SNHC). Consequently, a bypass tunnel at 170 mtrs was constructed to divert the water for the prospective plant. Baggi Power Plant, an extension of BSL project was proposed to have two units of 20 MW each on the basis of head and water availability. Some of the components of this proposed Baggi Hydro Electric Power Project were constructed during the construction of BSL Project.
 - iii. As per the present Hydro Potential studies for proposed Baggi Power Plant, the capacity of power plant has been revised to 42 MW consisting of two units each one of 21 MW capacity. The major components of the proposed Baggi power project are as under:

Sl. No.	Project component	Status
1.	Bypass Tunnel	Already constructed during the construction of BSL

		(P)
2.	Surge Shaft	Already constructed upto EL 859.0 m during construction of BSL (P). However to be extended/constructed upto EL 892.0 m.
3.	Catcher Chamber	To be constructed
4.	Penstock header and penstock	Already constructed and only steel liner to be fixed
5.	Power House	To be constructed
6.	Tail race Channel	To be constructed
7.	Switchyard	To be constructed

- iv. All components of Baggi HEP falls under BBMB Khasra land which is a non-forest land and Surge Shaft and its Catcher Chamber structure falls in Khasra No. 501, Mohal Khuri Dom. As per Revenue record this land comes under the definition of Forest land of HP Govt. portion of Catcher Chamber also falls under Khasra No. 467/285 Khuri Daum.
- v. The power plant plans to utilize 0.87 ha forest land for situating the Surge Shaft and Catcher Chamber while the rest of the plant will be situated on 18.5 ha Non forest land.
- vi. The area proposed for diversion is 0.87 ha of Protected Forest and the density of vegetation is 0.3 having Eco-class 5. About 241 trees are proposed to be felled in the proposal.
- vii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- viii. No violation of provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is observed. Certificate to this effect has been submitted by DFO concerned.
- ix. Compensatory Afforestation has been proposed over an area of 1.74 ha. degraded forest land in Village- Bairu, Tehsil- Sarkaghat, District- Mandi. CA scheme for 10 years along with site suitability certificate, KML file and DGPS map have been submitted.
- x. Compensatory Afforestation has been proposed over 9.5 ha degraded forest land in Survey/ Compartment No. 58E/8 in U-365 Baneha, Balag Beat, Ghoond Block, Balson Range, Theog Forest Division, Tehsil- Theog, District- Shimla
- xi. The Committee observed that as per DSS analysis, dense vegetation is visible in the area proposed for diversion and Compensatory afforestation has been proposed on a single patch i.e. 1.74 ha degraded forest land.
- xii. The Committee was informed that the proposal was discussed in REC meeting held on 04.08.2023. REC recommended the proposal for

consideration of in-principle approval after concurrence of MoEF&CC on usual terms and conditions.

- xiii. DDGF (Central), Regional Office, Chandigarh has also recommended the proposal for consideration of in-principle approval on usual terms and conditions vide notes dated 20.10.2023. He further stated that the proposed diversion is for the purpose Surge shaft which is an essential component of already existing Hydel project, is unavoidable & with minimum requirement of forest (as per DFO certificate).
- xiv. The file was sent to IA Division for obtaining views of IA division regarding CIA & CCS in the river basin and recommendation thereof on 14.11.2023.
- xv. The file was returned from IA Division on 08.12.2023 stating that since, small SHEP does not come under purview of EIA Notification, 2006, therefore, the comments of Expert Appraisal Committee was obtained in 2nd meeting of EAC dated 26.10.2023. The EAC after detailed deliberation recommended that:
 - a. The cumulative impact assessment and carrying capacity studies of the rivers where hydro-electric projects are proposed must be completed in time bound manner.
 - b. The Small Hydro Power Projects (<25 MW) of total 200 MW capacity (cumulative) may be permitted in the river basin, based on Hydro-electric potential studies done by the Ministry of Power, Government of India, without insisting on individual river basin study.
 - c. A committee consisting members from MOEF&CC, MoJS, MOP, State Govt and expert institutions may be constituted for framing Standard Operational Procedure (SOP) for development of Small Hydro Power Projects in eco-friendly manner.
 - d. List of SHPs may be finalized by the State Govt. in view of Hydro-electric potential studies done by the Ministry of Power, Government of India keeping in view of any court order/policy w.r.t. construction of SHPs/HEPs in the river basin.
 - e. The cumulative impact assessment and carrying capacity of the whole river basin will include the finalized list of SHPs along with all other proposed/existing HEPs in that particular river basin.
 - f. Further, it was also mentioned that the matter was also clarified from IA Policy, which provided comments in light of OM dated 28.05.2013 which states as under:
 - g. "the first project in a basin could come up without insisting on cumulative study. For all subsequent hydro-power projects in the basin, it should be incumbent on the developer of the second/other project(s) to incorporate all possible and potential impact of other project(s) in the basin to get a cumulative impact assessment done. This condition shall be stipulated at the ToRs stage itself during the EC process".

- xvi. In view of comments obtained from IA Division, Regional Office was requested to provide list of all existing and upcoming Hydro Electric Power Project in Beas basin along their capacity before placing the proposal for consideration of AC on 19.02.2024.
- xvii. Accordingly, Regional Office sought following information from the State Government vide its letter dated 24.02.2024:
 - a. State Govt. shall provide the complete list of all existing and proposed Hydro Electric Power Project in Beas basin along their capacity duly authenticated by concerned competent authority of the State Govt.
- xviii. Reply from State Government was submitted to the Regional Office. On the basis of reply received from the State Government, the file is submitted to the Ministry for approval.
- xix. Examination of the reply received from the State Government revealed that the list of all existing and upcoming Hydro Electric Power Project in Beas basin along their capacity submitted along with the reply is not duly signed by competent authority of the State Government.
- xx. The Committee was informed on following points:
 - The proposal for use of 0.87 Ha forest land for situating the Surge Shaft and Catcher Chamber of Baggi Power Project. The other components of the project are situated on 18.5 Ha Non forest land. The proposal is being processed at the Ministry to take decision on site-specificity.
 - As per the REC Minutes of Meeting, the proposed Baggi Power project will harness the head available between Pandoh Reservoir Level of Sundernagar Hydel Channel at Baggi. At present this hydro energy is dissipated through a stilling basin downstream of Baggi Control Works (BCW).
 - DDGF (Central), Regional Office, Chandigarh has also recommended the proposal for consideration of in-principle approval on usual terms and conditions. He further stated that the proposed diversion is for the purpose Surge shaft which is an essential component of already existing Hydel project and land is unavoidable & with minimum requirement of forest.
 - As per the detailed note of the project, the location of Surge Shaft is already fixed and the portion of the Surge Shaft is already constructed which has to be further extended upto 49.79 m height. Therefore, this location/layout of this component cannot be changed. It is to be noted that there is no violation on forest land reported in the extant case.
 - As per the revenue record, this proposed land comes under the definition of Forest land of HP Govt.
 - Non-availability of NFL for the dam has been obtained from the District Collected Mandi.
 - The proposal was discussed in REC meeting held on 04.08.2023. REC recommended the proposal for consideration of in-principle approval after concurrence of MoEF&CC on usual terms and conditions.

- Area proposed for diversion is 0.87 ha with 0.3 canopy density and 241 trees are proposed for felling.
 - The CIA and CCS report of Beas Basin has been accepted by MoEF&CC on 09.04.2019. The study report is submitted. The instant project of Baggi (42 MW) Hydro Electric Power Project is not mentioned in the report.
 - List of all existing and proposed Hydro Electric Power project in Beas basin submitted along with the reply is not duly signed by competent authority of the State Government.
 - However, it is pertinent to note that project is situated on the Hydel Channel and not on river per say. Therefore, the applicability of CIA & CSS report does not arise.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee recommended the proposal for '**in-principle**' approval for non-forestry use of 0.87 ha. of forest land for construction of Baggi (42 MW) Hydro Electric Power Project within the jurisdiction of Suket Forest Division, Distt. Mandi, Himachal Pradesh in favour of M/s Bhakra Beas Management Board (BBMB) with general, standard and following specific conditions:-
- ii. The State Government shall ensure compliance of extant laws, rules, and guidelines relevant to Hydel projects and shall submit an undertaking to that effect along with Stage-I compliance report.

Agenda No. 6

File No. FC/HPB/19/2023

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 1.61 hectare of Protected Forest land in favour of Baddi- Barotiwala-Nalagarh Development Authority, EPIP Phase- I, Jhar Majri, Baddi Distt. Solan, HP for upgradation of road in front of ACL factory situated at Bir-Plassi Nalagarh, within the jurisdiction of Nalagarh Forest Division, Distt. Solan in the State of Himachal Pradesh (Online Proposal No. FP/HP/ROAD/114837/2020)- regarding.

1. The agenda item was considered by the AC in its meeting held on 28.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis.

Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The DDGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Himachal Pradesh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:

- i. The Government of Himachal Pradesh vide online proposal No. FP/HP/ROAD/114837/2020 dated 30.01.2023 submitted/uploaded the above mentioned proposal to the Regional Office, Chandigarh to obtain prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 1.61 hectare of forest land in favour of Baddi- Barotiwala-Nalagarh Development Authority, EPIP Phase-I, Jhar Majri, Baddi Distt. Solan, HP for upgradation of road in front of ACL factory situated at Bir-Plassi Nalagarh, within the jurisdiction of Nalagarh Forest Division, Distt. Solan in the State of Himachal Pradesh.
- ii. The area proposed for diversion is 1.61 ha of Protected Forest and the density of vegetation is 0.1 having Eco-class 3. About 11 trees are proposed to be felled in the proposal.
- iii. The component-wise break up of forest land is given as below:

S. No.	Component	Forest Land (ha)	Non Forest Land (ha)
1.	Road	1.61	0
2.	Dumping Area	0	0
	Total	1.61	0

- iv. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- v. Violation of provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is observed. Certificate to this effect has been submitted by DFO concerned. It is mentioned that the work has been done in the year of 2006 and the violated area i.e. 1.61 ha. is already in use without prior approval of central Government. The MD of the HPSIDC is responsible for the violation. Further, it is also mentioned that the State Forest Department of HP has initiated the action against the officer responsible for violation and as per FCA, 1980 guidelines, complaint has been filed in Ld. Court of Civil Judge Sr Division Nalagarh.
- vi. The detailed note on violation of Provisions of IFA, 1927 as submitted by the DFO, Nalagarh Forest Division and action taken by the Forest Department so far are as under:

- a. As is evident from the detailed report on the project submitted by the then DFO Nalagarh in the proposal folder, the local residents exercised their rights of way for their agricultural activities, but after the declaration of BBN as special Industrial zone, the industrial units were set up and also the vehicular traffic started to use these paths as the terrain is plain and with time it converted into the kacha road.
- b. That there was consistent demand of local people and the industrialists for construction of road. The then Hon'ble Industry Minister during his visit to Nalagarh on 18.06.2014 also desired that this road should be constructed on priority basis, hence the then DFO has requested SDM Nalagarh vide letter No. 4781 dated 25/08/2015 to take up the matter with HP.PWD/BBNDA/Industry Department to prepare proposal under FCA 1980 for diversion of forest land for construction of this road for convenience of local people and to stop unauthorized use of forest land but no action was taken in this regard till 2018. During the year 2018 the BBNDA had submitted online FCA proposal No. FP/HP/Road/34897/2018 for diversion of land for construction of this road.
- c. During March, 2020 SDM Nalagarh vide letter No. 492-93 dated 16/03/2020 has forwarded a complaint made by local residents regarding bad condition of road from Guru Farm to village Bir Plassi with a requested to metal the road. On receipt of complaint from SDM Nalagarh vide letter quoted above, the ACF Nalagarh was requested to enquire into the matter and it was revealed that this road was constructed in the year 2006-07 in PPP mode by HPSIDC, M/s Asian Cement company, M/s. AIMIL Pharmaceuticals, M/s Purna Pharmaceuticals, M/s Rupana paper Mills. The relevant record was sought from Dy. Director Industries, SWCA, Baddi. Dy. Director Industries vide letter No. 1621 dated 02/12/2020 had submitted record confirming that the road was constructed and completed in April, 2008, The record of Divisional Office Nalagarh as well as Range Office Nalagarh was also traced to find out whether any correspondence was made regarding Illegal construction of this road but no correspondence in this regard was found. The Divisional Office came to know about the incidence on 02/12/2020 and DFO Nalagarh immediately directed Range Forest Officer, Nalagarh to file complaint under section 32 & 33 of IFA, 1927 for violation of provisions of ibid Act, before Ld. Court of Civil Judge Senior Division Nalagarh on 22/03/2021 against the erring officers/officials and the same has been registered as Case No. 01/2022 in the Court of law. This case is under trial now which has been verified by Range Forest Officer Nalagarh vide his office letter No. 313/N dated 04/08/2023. From the above fact it is dear that the cognizance of offence has been taken immediately as and when the offence came to the notice of this Department.
- d. From the perusal of record, it was noticed that the following staff was posted in Bir Plassi beat of Salni Majra Block of Nalagarh range during the currency of work:

Sr. No.	Year	Name of Officers/ Officials	Remarks
1.	04/2006 to 05/2006	Shri Mahinder Singh Chandel ,RFO	Transferred (Now retired)
2.	During 2006 to 30.11.2009	Shri Hem Raj, DR Block officer, Saini Majra	Retired on 30.11.2009 (Since deceased)
3.	During 2006 to 19.08.2009	Shri Gopal Chand, Fgd I/C Bir Plassi beat	Expired on 19.08.2009
4.	06/2006 to March 2009	Shri Jawahar Sarup Sharma, RFO	Retired on 30.11.2019

Show cause notice has been issued to the officer at Sr. No. 4 to explain his position as per enquiry report vide this office letter No. RK/ACL/1359 dated 30/04/2022.

- e. The DV. Director of Industries was requested to identify such personnel of HPSIDC who were directly responsible for the violation vide this office letter No. RK/ACL/1357 dated 30/04/2022. The Dy. Director of Industries has supplied the list of staff posted at Division Office Baddi & H.O Shimla, who were involved in execution of the work during the year 2006-08 vide his office letter No. HPSIDC/EE-bdi/Gen./021-400 dated 07/06/2022.
- f. Recommendation regarding suitable action to be taken against the officers/officials of HPSIDC as per section 38 of Forest Conservation Act, 1980 in accordance with provisions of the Act was sent to CF Solan vide this e-office letter No. 1/142713/2022 dated 29.06.2022.
- g. It is further requested that the user agency may kindly be imposed Penal CA and Penal NPV keeping in view the damage caused by them to the Forest Land.
- vii. The State Govt. submitted that the CF Solan has informed that a complaint under section 32 & 33 of IFA, 1927 for violation of provisions of ibid Act, has been filed before Ld. Court of Civil Judge, Senior Division Nalagarh on 22/03/2021 against the erring departments and Industries and the same is under trial. A copy of complaint has been uploaded against the additional information detail of Part-II as "COPY OF COMPLAINT FILED". Further, full justification for condonation of violation and detailed enquiry report has been uploaded against the additional information detail column of Part-II as "Full Justification for condonation of Violation & Detailed Enquiry Report".
- viii. Compensatory Afforestation has been proposed over an area of 3.22 ha. double DPF in Survey No. 53A/12, Compartment No. C-3 of DPF Bir Plassi (Nalagarh Range), Village- Bir Plassi, Tehsil- Nalagarh, District- Solan. CA scheme for 10 years along with site suitability certificate, KML file and DGPS map have been submitted.
- ix. The Committee observed that as per DSS analysis, existing road is visible and Compensatory afforestation has been proposed on a single patch i.e. 3.215 ha degraded forest land.

- x. The site inspection of the instant proposal was conducted by Technical Officer, Regional Office, Chandigarh of MoEFCC from 20.06.2024 along with the officials of the State Forest Department and representatives of User Agency. The SIR has also been recommended by DDGF (C), Regional Office, Chandigarh with following observations:
 - a. The complete area 1.61 ha found in use and under violation of IFA 1927.
 - b. No tree is required to be felled out of proposed 11 trees as the existing violated road is already very wide.
 - c. The CA area is covered with bushes only and found suitable for plantation.
 - d. During site inspection of CA area in this case and in other cases of Himachal Pradesh it has come to notice that there is no provision of watch & ward after plantation. However, the CA scheme prepared and amount charged is for 10 Years. The State Govt. may be requested to make the provision of watch & ward for complete 10 years
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee recommended the proposal for '*in-principle*' approval for non-forestry use of 1.61 ha. of forest land for upgradation of road in front of ACL factory situated at Bir-Plassi Nalagarh, within the jurisdiction of Nalagarh Forest Division, Distt. Solan in the State of Himachal Pradesh in favour of Baddi- Barotiwala-Nalagarh Development Authority, EPIP Phase- I, Jhar Majri, Baddi Distt. Solan, HP with general, standard and following additional conditions:
- i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
 - ii. Protection of CA plantation shall be carried out by the State Government at the cost of User Agency.
 - iii. Revised CA scheme including provisions for watch and ward for 10 years may be submitted by the State Government along with the compliance report.

Agenda No. 7

F. No. 8-21/2015-FC

Subject: Proposal for diversion of 277.15 ha of forest land in favour of M/s Central Coalfield Limited (CCL) for Rajrappa Open Cast Coal Mining Project in Bokaro Forest Division, District Bokaro in the State of Jharkhand – reg.

- 1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at

www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand were present in the meeting.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The State Government of Jharkhand vide their letter No. Van Bhumi-21/2013/4115/V.P. dated 30.07.2015 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposal has been recommended for Stage-I approval in the meeting of Forest Advisory Committee held on 13.07.2020 and with the approval of competent authority the Ministry vide letter dated 03.09.2020 accorded Stage-I approval to the proposal subject to fulfilment of conditions prescribed therein including condition no. ii (c) which states as *"The State Government shall ensure that no afforestation/plantation under any scheme or programme has been taken up in the past in the proposed site for taking up compensatory afforestation"*.
 - iii. Thereafter, Government of Jharkhand vide their letter No. Van Bhumi-21/2013/2626/V.P. dated 07.09.2022 submitted compliance report of conditions stipulated in Stage-I approval dated 03.09.2020.
 - iv. On examination of the same in the Ministry, it has been observed that the State Government informed that the total area for CA Land is double of 277.15 hectares of diverted forest land i.e. 554.30 hectares has been proposed in the past, out of which afforestation work has already been done on an area of 84.00 ha in Mauja-Nawadih. Instead, net area in Mauja- Nawadih of 14.00 ha and net area in Mauja Gopalpur of 70.00 ha, total area is 84.00 ha, 3 new site are proposed for plantation.
 - v. The Ministry vide its letter dated 28.08.2023 requested the State Government to provide the patch wise details of earlier approved CA sites and change in CA sites after Stage-I approval along with KML files.
 - vi. In this reference, the State Government vide their letter No. Van Bhumi-21/2013-795/V.P. dated 06.03.2024 has informed that out of 554.30 ha of earlier approved CA sites, 84 ha has been revised due to afforestation work has already been done.
 - vii. The committee observed that State Government has submitted patch wise details of earlier approved CA sites and revised CA sites proposed after grant of Stage-I approval. Out of total area of 554.30 Ha, an area of 84 Ha was changed by State Government and revised CA sites were proposed after grant of Stage-I Approval. The State Government has submitted CA scheme of the changed CA site along with Land Suitability Certificate.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand, and recommended the proposal for raising Compensatory Afforestation on alternative degraded forest land sites in case of Rajrappa Open Cast Coal Mining Project subject to following condition:
 - i. Compensatory Afforestation is crucial for maintaining ecological stability. Therefore, the balance CA must be carried out within stipulated time frame positively. This is required for maintaining a green and healthy environment in the State of Jharkhand.

Agenda No. 8

F. No. 8-56/2009-FC (pt)

Subject: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand - regarding.

1. The agenda for above subject proposal was considered by the Advisory Committee in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. While deliberating on the proposal, Advisory Committee observed that:
 - i. The above cited proposal was accorded Stage-I approval vide Ministry's letter dated 11.05.2010 and Stage-II/ final approval vide letter dated 17.09.2010, subject to fulfilment of conditions prescribed therein.
 - ii. User Agency i.e. M/s NTPC submitted a representation dated 09.10.2018 requesting for amendment in condition no. 8 of Stage-II/ final approval dated 17.09.2010 and condition no. 7 of Stage-I approval dated 11.05.2010 which states that " The user agency will take up programme for at least 50 m green belt along the sides of the Pakwa nallah and Dumhani nallah from the initial years under the supervision of the state forest department ".
 - iii. In this regard, the Ministry vide its letter dated 29.01.2019 requested the State Government to furnish comments on the said representation and provide documents as available with the State Government related to the instant proposal.
 - iv. The Regional Office, Ranchi of this Ministry vide their letter no. 5-JHA104/2009- BHU/3277 dated 09.07.2019 informed that Hon'ble NGT vide its order dated 18.02.2019 in OA No. 182/2016(EZ), constituted a committee to inspect the Pakri Barwadih Coal Mining Project of M/s NTPC Ltd. and to verify as to whether the conditions of the Forest

Clearance (FC) and Environmental Clearance (EC) are meticulously complied with by the M/s NTPC and the inspection was carried out by the committee on 15.03.2019. During inspection, it was observed that some of the condition of FC approval (Stage-I and Stage-II) were still partially complied/ or where the project proponent has to take actions for complete compliance. Ministry vide its letter dated 03.09.2019 and subsequent letter dated 23.02.2022 requested the RO, Ranchi to take appropriate action in this matter as per provisions of Ministry's guidelines given under para 1.21 (iii) of Handbook of Forest (Conservation) Act, 1980.

- v. The User Agency i. e. M/s NTPC vide their representation dated 18.01.2022 again requested for amendment in condition no. 8 of Stage-II/ final approval dated 17.09.2010 and condition no. 7 of Stage-I approval dated 11.05.2010 which states that " The user agency will take up program for at least 50 m green belt along the sides of the Pakwa nallah and Dumhani nallah from the initial years under the supervision of the state forest department" citing the justification that Dumuhani nallah, flowing across the mining leases will be re- aligned for which approval of Water Resource Department, Government of Jharkhand has been obtained. In this regard, Ministry vide its letter dated 23.02.2022 requested the State Government to provide additional information/comments.
- vi. The Government of Jharkhand vide letter no. vanbhumi-75/2009-1915 V.P. dated 08.07.2022 advertizing PCCF, Government of Jharkhand's letter no. 893 dated 22.10.2020, letter no. 490 dated 13.06.2022 and letter no. 507 dated 16.06.2022 submitted their reply in response to Ministry's letter dated 29.01.2019 and 23.02.2022. From the examination of reply of the State, the following is revealed:
 - a. The State Government informed that the user agency has violated the provisions of condition no 8 of the Stage-II approval as the user agency at its own diverted the Dumhani nallah without prior approval of the Central Government under the Forest (Conservation) Act, 1980. State Government has further informed that despite standing directions of the CCF to abide by the condition no. 8 of approval till a time amendment in the same is granted by the Central Government, the user agency has violated the provisions of said condition. The land used in violation of the conditions of approval has been reported to be 37.20 ha. The State Government has recommended to levy penal CA and Penal NPV in respect of 37.20 ha of forest land used by the user agency in violation of Forest (Conservation) Act, 1980.
- vii. The Regional Office vide their letter dated 25.11.2022 submitted the site inspection report and assessed that the area involved in violation is 156 ha and gave a tentative assessment of penalty amounting to Rs. 818982060 (Eighty-one crores, eighty-nine lakhs eighty-two thousand and sixty). In assessment of the quantum of violation, the following points are considered by the Regional Office:
 - a. Penal NPV: - 2 times of the Normal NPV as per para 1.21(iii) of the FC Guidelines Handbook.

- b. Loss of Eco-system services that the green belt would have provided: - Equal to the NPV.
- c. The greenbelt along the Nalla would have served as a good Habitat for avian fauna and other several biodiversity. Therefore, 50% of NPV is accounted for Habitat Destruction as per the guideline dated 1/8/2017.
- d. Compensatory afforestation and soil moisture conservation cost that the user agency should have borne as per the laid condition. Since afforestation was to be done in linear patches, considering the increased fencing the rate of Afforestation is considered as ₹5 Lakh per Ha.
- e. Therefore, the Penalty assessed for the Fait-accompli violation is:

$$156 \times (3.5 \text{ times NPV} + \text{Afforestation cost}) = 156 \times (3.5 \times 1357110 + 500000) = ₹818982060/-.$$
- viii. The proposal was considered by the Advisory Committee (AC) in its meeting held on 09.12.2022 and the AC observed that since the lease area of the user agency is transacted by various nallah and therefore, the issue related to impact assessment on hydrological regimes by shifting of nallah needs to be considered holistically and accordingly, the Committee recommended that Sub-Committee of the AC may be reconstituted to ascertain and report on the following:
 - a. Assessment of hydrological regimes of the area and impact of ongoing mining operations of the user agency in general and Dumuhani Nallah in particular and changes brought in by the User Agency and its impact on the ecology of the area.
 - b. Efficacy of mitigation measures, if any, undertaken by the user agency in their lease area.
 - c. Holistic assessment of 1787 ha of forest land involved in the mining lease of the user agency, its present status and legitimacy of future use proposed by the user agency.
- ix. The Regional Office, Ranchi vide their letter dated FP/JH/Min/38798/2019/1014 dated 03.04.2023 submitted a report of Sub-Committee of AC.
- x. The said report was considered by the Advisory Committee in its meeting held on 25.04.2023 wherein the Committee recommended to modify the condition no. 8 in Stage-II approval as under:
'The user agency shall restore and conserve the Khorra Nalla (west) and Pakwa Nalla (east) watersheds on priority basis under supervision of the forest department and expert hydrologists/agencies and develop their watershed status as per the Survey of India toposheet no. 73 E/I. A greenbelt of 100 meters on either side of both Khorra Nala and Pakwa Nalla shall be maintained'.
The Committee further observed that in total disregard to the conditions of approval the user agency has mined out the area and changed the course of the Dumuhani nala, which was actually required to be protected and maintained as green belt. Keeping this in view the Committee recommended that the penalty shall be imposed for violation committed over the forest area (1026.438 ha) without approval equal to five times the normal NPV plus simple interest of 12 % from the date of actual violation committed till the deposition of penalty shall be imposed.

- xi. On the basis of the above said recommendations of the Advisory Committee, and with the approval of the competent authority the Ministry vide letter dated 25.05.2023 has issued Modification in condition of Stage-II approval.
- xii. Thereafter the User Agency has filed a case in Hon'ble NGT against the demand for penal NPV raised by the State Government and in an another case violations regarding EC and FC was reported to the Hon'ble NGT. The ministry has filed replies in both the cases, therefore, the status of sub judice cases should also be taken into account while deliberating the matter. It is imperative to mention that the prayers of the NTPC in the petition are as under:
 - a. To set aside the letter dated 25.05.2023 issued by the MoEF;
 - b. To set aside the demand notice dated 14.06.2023 received from DFO Hazaribagh for realizing of penal NPV;
 - c. To stay the letter dated 25.05.2023 issued by the MoEF;
 - d. For such further and other reliefs as the nature and circumstances of the case may require.
- xiii. Further the Secretary, Ministry of Power vide their DO No. 11/25/2023- Th.1 dated 30.10.2023 proposed to hold a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&CC) & Ministry of Coal for amicable resolution of the issue.
- xiv. Thereafter, the Ministry vide letter dated 10.11.2023 requested the State Government to furnish the updated status of the proposal and status of the compliance of the conditions stipulated in the Stage-I approval along with the report/comments on the court matter in the instant case.
- xv. Further, the user agency i.e. NTPC Limited vide their representation dated 09.11.2023 requested to reconsider the matter as below:
 - a. Waival of penal NPV imposed on the NTPC for Pakri-Barwadih coal mining project.
 - b. Delinking of Stage-II forest clearance of Pakri Barwadih (North-West) with the deposition of penal NPV of PBCMP.
 - c. Permit to maintaining of green belt of 15 m along Pakwa and Khora Nala in line with the regulation no. 149 of Coal Mines regulation, 2017.
- xvi. The matter was discussed in the Ministry and it was decided that since the conditions have been stipulated in the approval as per the recommendations of the Advisory Committee, therefore the State Government shall submit a point wise report/comments on the representation of the User Agency along with its recommendations and thereafter the matter would be placed before the Advisory Committee for appropriate decision in the matter. The same was conveyed to the State Government vide letter dated 22.01.2024.
- xvii. The State Government vide their letter dated 05.04.2024 furnished their comments without any recommendation stating that the Central Government is the competent authority for amendment or

- reconsideration of the conditions imposed in approvals granted under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- xviii. The Advisory Committee (AC) observed that the proposal was placed before the AC in its meeting held on 30.04.2024 wherein the Committee observed that the State Govt. has just forwarded the representation of the User Agency without any specific comments, recommendations and view point of the state on the matter. Accordingly, it was decided that the State Govt. be requested to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and submit a point-wise detailed report to the Ministry. The committee also took note of the court case filed by the User Agency with respect to challenging the decision of the Ministry and the demand note of penal NPV raised by the DFO and sought the update in this regard in the future meetings.
- xix. The Ministry vide its letter dated 20.05.2024 requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the Nodal Officer, Government of Jharkhand shall present the same before the Advisory Committee.
- xx. In this regard the Nodal Officer, Government of Jharkhand informed the committee that the PCCF, Government of Jharkhand vide their letter dated 04.06.2024 has submitted the reply.
- xxi. The proposal was again considered by the AC in its meeting held on 07.06.2024 wherein the Committee observed that the State Govt. has not provided any specific comments, recommendations and view point of the state on the matter and keeping in view the factual position/field situation the Nodal Officer, Government of Jharkhand was requested to give a presentation before the Advisory Committee which has not been done. Accordingly, it was decided that the State Govt. shall carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF) Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xxii. The Ministry vide letter dated 26.06.2024 has requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xxiii. The proposal was again considered by the AC in its meeting held on 04.07.2024 wherein the Committee observed that the PCCF (HoFF), Government of Jharkhand was requested to give a presentation before the Advisory Committee which has not been done. Accordingly, it is again re-iterated that the State Govt. shall carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xxiv. The Ministry vide letter dated 26.07.2024 has requested the State Government to carry out an in-depth analysis of the matter and the

relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.

- xxv. The PCCF (HoFF), Government of Jharkhand has given a detail presentation in front of Advisory Committee and informed that
- Pakri-Barwadih Coal Mining Project is Captive Block of M/s NTPC Limited. Located in North Karanpura Coalfield in Hazaribagh West Forest Division in Hazaribagh District. Total Lease Area: 4695 Ha (including North – West Project).
 - The User Agency has violated the condition No. 8 of Stage- II approval and diverted Dumuhani Nallah and carried out mining on the land which was to be developed as green belt.
 - The matter was discussed by FAC in its meetings held on 21.09.2022, 09.12.2022, and 25.04.2023.
 - The FAC in its meeting dated 25.04.2023 discussed in detail and agreed to amend the condition no. 8 of Stage-II approval as “The UA shall restore and conserve the Khora Nalla and Pakwa Nalla watersheds on priority basis under supervision of the forest department and expert hydrologists / agencies and develop their watershed status as per the SOI toposheet no. 73 E/I. A greenbelt of 100 meters on either side of both Khora Nalla and Pakwa Nalla shall be maintained”. FAC also recommended that the penalty shall be imposed for violation committed over the forest area (1026.438 ha) without approval equal to 5 times the normal NPV plus simple interest of 12% from the date of actual violation committed till the deposition of penalty shall be imposed.
 - DFO Hazaribagh West Forest Division vide its letter dated 14.06.2023 raised demand of Rs. 857.52 crore from UA, as the amount of penalty imposed (in FAC meeting on 25.04.2023). UA filed appeal before the NGT [Appeal No. 20 / 2023 (EZ)] against the penalty imposed by Gol. NGT vide its order dated 01.08.2023 has stayed the DFO Hazaribagh West Forest Division demand letter dated 14.06.2023.
 - Further PCCF (HoFF) informed the committee that the following inspection of violation by various Teams/Committees has been carried out in the instant proposal as under:

S No.	Committee/Team	Remarks
1	Inspection by officials of Hazaribagh West Forest Division	<p>As per inspection report of the DFO dated 16.03.2022, it was found that UA have done mining over 37.2 ha of land in violation of the Stage-2 forest clearance condition.</p> <ul style="list-style-type: none"> Length of Dumhuni Nalla affected due to violation: 3.1 Km Average width of Nalla: 20 m Width of green belt as per FC condition: 50 m + 50 m = 100 m

		<ul style="list-style-type: none"> Total violation = 3.1 Km x (100+20)m = 37.2 ha
2	Inspection by IRO, GOI Ranchi	Inspection report submitted to GOI vide IRO Ranchi letter dated 25.11.2022 <ul style="list-style-type: none"> Violation committed by UA over 156 ha area Recommended penalty of Rs. 81.9 crore It also recommended that the proposal of forestry clearance of Pakri Barwadih North-West project should only be considered after the penalty of ₹81.9 crore is realized from user agency.
3	Inspection by FAC appointed committee (FAC date: 21.09.2022)	Inspection could not be done by the sub-committee headed by FAC member Shri O. P. Sharma due to unavailability of Hydrologist therein
4	Inspection by FAC appointed sub-committee (FAC date: 09.12.2022)	Inspection report submitted to GOI vide IRO Ranchi letter dated 03.04.2023
5	FAC meeting held on 25.04.2023 and modified the FC condition and imposed penalty	

g. The User Agency has submitted a representation dated 09.11.2023 to MoEF&CC and requested as under:

- Waival of penal NPV imposed
- Delinking of Stage-II forest clearance of Pakri Barwadih (North-West) (331.198 ha) with the deposition of penal NPV of Pakri Barwadih (1026.438 ha)
- Permission to maintain green belt of 15 meter along Pakwa and Khora Nala in line with the regulation no. 149 of Coal Mines regulation, 2017.

xxvi. The Advisory Committee noted that user agency has represented for a specific condition i.e. the penal NPV which was imposed for the entire area proposed for diversion (1026.438 ha) and accordingly the demand note was raised by the concerned DFO. In view of presentation given by PCCF (HoFF) and available facts with regard to area reported to be in violation and considering the fact that the user agency has broken up the area in total disregard to the conditions of approval, the Committee observed that the condition of penal NPV has been rightly imposed. The User Agency or the State has not produced any new facts or details which may prove that all due precautions were taken and the violation was not wilful and intentional act of the user agency. Accordingly, the committee observed that the condition wrt penal NPV does not require any modification.

xxvi. The committee also noted that considering the request for delinking of Stage-II approval of Pakri Barwadih (North-West) (331.198 ha) with the deposition of penal NPV of Pakri Barwadih (1026.438 ha) will be appropriate as the two proposals are separate proposals and the user agency is not able to comply the stipulated condition in Pakri Barwadih

(North-West) (331.198 ha) proposal for which Stage-I approval has been granted.

- xxvii. The committee also considered the request of the user agency for maintaining a green belt of 15 m instead of 100 meters along Pakwa and Khora Nala, and observed that as per the guidelines issued by the Ministry, a green belt of only 50 meter width along the Nalas/streams can be allowed in the instant case.

4. **Decision of Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi, PCCF(HoFF) and Nodal Officer, Government of Jharkhand. After going through the facts of the proposal, the Committee recommended the following:

- i. The condition no. 8 in the Stage-II approval issued vide Ministry's letter dated 17.09.2010 for diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand may be modified as under:

'The user agency shall restore and conserve the Khorra Nalla (west) and Pakwa Nalla (east) watersheds on priority basis under supervision of the forest department and expert hydrologists/agencies and develop their watershed status as per the Survey of India toposheet no. 73 E/I. A greenbelt of 50 meters on either side of both Khorra Nala and Pakwa Nalla shall be maintained'.

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

- ii. The condition no. (x) of Stage-I approval issued vide Ministry's letter dated 26.05.2023 for Pakri Barwadih (North-West) (331.198 ha) proposal may be waived off.

Agenda No. 9

F. No. FP/JH/Road/42722/2019

Subject: Proposal for diversion of 21.931 ha of forest land in favour of RCD for widening & Strengthening of Chaibasa-Tonto-Roam (Km 0.00 to 58.825 km) Road under Chaibasa & Kolahan Forest Division in West Singhbhum district of Jharkhand State (FP/JH/ROAD/42722/2019) – regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Jharkhand vide their letter No. Van Bhumi-16/2022-2490/V.P. dated 25.08.2022 submitted the above mentioned proposal through online seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to Regional Office, Ranchi. Since the proposal involves violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Therefore, in view of the Ministry guideline dated 08.09.2022 the proposal was earlier forwarded to the Ministry (RoHQ Division) for further processing.
 - ii. The proposal is for widening and strengthening of existing road.
 - iii. Two divisions i.e. Chaibasa and Kolahan Forest Division involved in the proposed area.
 - iv. The State Govt. has reported that entire forest area of Chaibasa Forest Division has been notified as Elephant Reserve. Elephant movement is frequent in and around the area proposed for diversion. Mitigative measures/Plan would be needed to reduce the impact of the project on mega fauna as well as other fauna in the region. In Kolahan FD- Entire forest area of Kolhan Division has been notified as core area of Singhbhum Elephant Reserve. Elephant movement is frequent in and around the area proposed for diversion. Mitigative measures/Plan would be needed to reduce the impact of the project on mega fauna as well as other fauna in the region.
 - v. Legal status of the proposed area is Protected Forest, Revenue Forest and GMJJ land and Density of the proposed area reported as 0.45 to 0.65 with total 5295 number of project affected trees.
 - vi. Violation had been reported over approx. 0.26 ha of forest land. As reported, details of violation and action taken are as under:
 - a. **Details of violation:** In this case, the applicant has violated the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Violation had been reported over approx. 0.26 ha of forest land, the user agency i.e. M/s Triveni Engicons Private Limited started work by way of clearing bushes and leveling the sides in a portion of the road. This work has been done by the user agency without the approval of the Government of India, which is a violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - b. **Action Taken:** State Government has informed that a complaint Case no. 64/2018 has been registered against the perpetrator in the court of CJM, Chaibasa.

- vii. The State Govt. has informed that 46.021 ha of Jungle-Jhari land has been identified in Mauza - Palisai of Chaibasa Forest Division for CA. DFO Chaibasa Forest Division has informed that the said identified CA is not suitable for plantation as there is not enough space available for planation. In this regard DFO, Saraikela Forest Division has identified 46.538 ha of degraded forest land for carrying out CA plantation. Certificate from the DFO regarding suitability of the area identified for CA and from management point of view.
- viii. The committee however observed that there is no justification/certificate submitted by the state for the non-availability of non-forest land for the purpose of raising compensatory afforestation. Keeping in view the extant rules and guidelines the state has to identify suitable non-forest land for raising the Compensatory Afforestation.
- ix. The CWLW in his comments emphasized that Mitigative measures/Plan would be needed to reduce the impact of the project on mega fauna, elephant habitat, human elephant coexistence as well as other flora and fauna in the region.
- x. The Project Elephant Division of the Ministry has submitted its comments as given below:
 - a. The proposed construction of Chaibasa-Tonto-Roam Road in West Singhbhum District, Jharkhand, it is to mentioned that the construction area completely falling under the Singhbhum Elephant Reserve which was notified in the year of 2001 by the Government of Jharkhand.
 - b. GIS analysis done by the Project Elephant Division indicated that three elephant corridors Ankua - Ambia, Raibera – Pulbaburu (Leda-Bera) and Anjadera – Bichaburu are located around the proposed area.
 - c. As per the sample block count data presented in the All-India Synchronized Elephant Census of 2017, around 679 elephants were estimated for Jharkhand. This comprises of 22% of the regional elephant population in the East–Central region and about 2.3% of the country's elephant population.
 - d. It is worthwhile to mentioned that severe human elephant conflicts have been reported in the state of Jharkhand. A total of 941 Human beings and 38 elephants have been died due to Human Elephant Conflicts in the State of Jharkhand since 2009. On an average, every year, over 65 people have died and over 130 people suffered injuries due to HEC.
 - e. In view of above, the proposed project will have severe impact on elephant movement and may result in high Human Elephant Conflict in the region.
- xi. The Regional Office, Ranchi has informed as under:
 - a. The proposal was sent back to State Government soliciting approval of SCNBWL in consonance with the instructions received.
 - b. The state government in its reply dated 31/7/2023 informed the Regional Office that the proposed area falls in the Elephant Reserve which has no legal provisions of Protected Area. State Government has quoted ministry's guideline dated 19.12.2012

where the ministry has made clear that Elephant habitats are not legal entities and Wildlife (Protection) Act 1972 applies to legal entities only. Therefore the state government concluded that as the elephant reserve had no legal provision for recognition as Protected Area neither the need of approval by SC NBWL arise nor there is any basis of taking the proposal into the board.

- c. Even after receiving the justification, this office again insisted for approval of SCNBWL for the project as solicited by the headquarter vide letter dated 29.08.2023.
 - d. The state government in its reply dated 16.10.2023 yet again reiterated the same guideline of the ministry and emphasised that there is not any ground or need for taking the proposal in the NBWL.
 - e. The justification by the state government is in accordance to the guideline issued by the ministry and till the time the elephant reserves are accorded Legal status of Protected areas, approval of NBWL may not be insisted for public non-forestry work.
 - f. Therefore, the state government has recommended this vital road project for consideration of in principle S-I without the approval of SCNBWL and along with the assurance that Site Specific Wildlife Management Plan shall be submitted before issuance of final S-II approval.
- xii. The Site inspection has not been carried out by Regional Office. However the REC has recommended the proposal in its meeting held on 21.02.2023 subject to imposition of penal NPV.
 - xiii. The committee observed that the entire forest area of Chaibasa Forest Division has been notified as Elephant Reserve. Elephant movement is frequent in and around the area proposed for diversion and also the entire forest area of Kolhan Division has been notified as core area of Singhbhum Elephant Reserve. Elephant movement is frequent in and around the area proposed for diversion.
 - xiv. The committee also noticed that the CWLW in his comments emphasized that Mitigative measures/Plan would be needed to reduce the impact of the project on mega fauna, elephant habitat, human elephant coexistence as well as other flora and fauna in the region. Also the Project Elephant Division of the Ministry has submitted its comments wherein it has been mentioned that the proposed project will have severe impact on elephant movement and may result in high Human Elephant Conflict in the region.
 - xv. The committee found that the State Government has recommended this vital road project for consideration of in principle approval without the approval of SCNBWL and along with the assurance that Site Specific Wildlife Management Plan shall be submitted before issuance of final approval. However, keeping in view the sensitivity of the proposed area, it is important to explore the possibility of mitigation measures and ensure their effectiveness beforehand.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand. After going through the facts of the

proposal and submissions made by the Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand, the Committee deferred the proposal for widening & Strengthening of Chaibasa-Tonto-Roam Road for want of following information :

- i. A rapid survey/study through a reputed institute (WII) shall be carried out to explore the possibility of appropriate mitigation measures in consultation with the CWLW. The State shall do the needful on priority preferably within a period of one month from the date of issuance of letter in this regard.
- ii. The proposal has been recommended by the REC, however keeping in view the sensitivity of the area, the regional Office shall also carry out the site inspection and submit its report.
- iii. The State shall identify suitable non-forest land for raising of compensatory afforestation and submit the requisite documents/details accordingly.

Agenda No.10

File No. 8-77/2013-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 JSW Steel Ltd (the preferred Bidder) for non-forestry use of 5.44 ha of RF forest land for approach road outside mining lease area for Mining lease No.2346 in Nirthadi Reserve Forest, Holalkere Range, Chitradurga Division, Chitradurg District, Bengaluru, Karnataka State (Online Proposal No.FP/KA/MIN/2901/2013).- regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chennai, IGF (Central), sub-office Hyderabad and Nodal Officer, Government of Telangana attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The proposal was granted Stage-I approval by the Ministry vide its letter of even number dated 30th October, 2017 subject to certain conditions prescribed therein.
 - ii. The Government of Karnataka, Forest, Ecology and Environment Department vide their letter no. FEE 23 FFM 2013 dated 26th June, 2024 submitted /uploaded a report on compliance to conditions stipulated in the 'in-principle' approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 accorded by

this Ministry vide letter dated 30.10.2017 for the above mentioned subject proposal.

- iii. It was informed by the PCCF (HoFF) Govt. of Karnataka vide letter dated 29.12.2024 has been informed that the Director, Department of Mines and Geology, Bengaluru vide letter No. DMG: 2020: MLS: AUC: 2018-19/2371 dated 14-08-2018 has issued the Letter of Intent with reference to e-auction conducted on 24-07-2019 to M/s. JSW Steel Ltd (the Preferred Bidder) subject to fulfilment of the conditions mentioned therein with reference to grant of iron ore mining lease. The existing Mining Lease period of M/s. Mineral Enterprises Limited, Bengaluru expired on 31-03-2020. In this regard, the status of compliance of the Stage-1 approval submitted vide letter dated 27-12-2018 had been re-examined and the reply was re-submitted to the Government of Karnataka vide letter dated 15-05-2020 stating that "there is no additional information on the matter of violation reported in the Compliance Report and the report submitted already holds good as on till date. As the lease of M/s. MEL has already expired on 31-03-2020. Accordingly, requested to move the proposal to the Government of India for seeking ex-post facto final (Stage-II) approval, so that dues to Government, if stipulated in the FC approval, may be recovered from the User Agency."
- iv. Further, it was informed that the Nodal Officer and Principal Secretary (MSME and Mines), Commerce and Industry Department, Government of Karnataka has issued the Vesting Order (vide No. CI 60 MMM 2020 dated. 01.07.2020) and Revised vesting Order (vide No. CI 60 MMM 2020 dated. 03.06.2022) stating that all valid rights, approvals, clearances, licenses and the likes vesting with the previous lessee in respect of M/s Mineral Enterprises Limited, Bengaluru (ML. No. 2346) are deemed to have been vested in favour of the Successful Bidder i.e., M/s JSW Steel Ltd. Accordingly, the Director, Department of Mines and Geology, Bengaluru has executed a new Mining Lease in favour of M/s JSW Steel Ltd with the new Mining Lease No. 0014 (vide letter No. DMG/MLS 014/2020-21/2011 dated. 30.07.2020).
- v. The M/s. JSW Steel limited has submitted a representation to the SG office vide requesting for transfer of 'in-principle' approval accorded to M/s Mineral Enterprises Limited, Bengaluru by submission of compliance to the stipulated condition and requested to process for final approval. Accordingly, the SG vide letter dated 20.12.2023 forwarded the representation submitted by M/s JSW Steel limited to the Deputy Conservator of Forests Chitradurga Division, Chitradurga for physical verification and for recovery of the pending payments if any from M/s Steel Limited and thereafter to submit the complete condition –wise Compliance Report. Accordingly, DCF, Chitraduga Division, after verification has submitted the condition wise compliance report.
- vi. The Committee noted that the PCCF (HoFF), Government of Karnataka, Forest, Ecology and Environment Department submitted the status of compliance of the conditions stipulated in the Stage-I approval dated 30.10.2017 is given as under:

S. No.	Conditions stipulated by MoEFCC, New Delhi letter dated 30.10.2017	Status of Compliance report submitted by the State Govt. on 26.06.2024
i.	Legal status of Forest land shall remain unchanged;	In this regard the State Govt. informed that the legal status of the Forest land will be unchanged and continues to be forest land even after the diversion. It will be monitored by the Forest Department. Moreover, the User Agency has submitted an Undertaking in this regard.
ii	Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted, shall be raised on the identified land and maintained thereafter as per approved plan by the State Forest Department from amount deposited by the User Agency in the Account of Ad-hoc CAMPA;	<p>In this regard the State Govt. informed that:</p> <ul style="list-style-type: none"> The erstwhile lessee has already transferred and mutated non-forest land in Sy No. 94 of Hinduskatte village of Hiriyurtaluk, Chitradurga District for an extent of 18.16 Acre (7.34 hectare) in favour of Forest Department vide Mutation No. H14 on 05-02-2016. Mutation & RTC copies are given. <u>The process for PF notification is underway.</u> The User Agency has submitted Survey of India Toposheet no. D43Q9 (old 57 C/9) in 1:50,000 scale duly marking the identified non-forest CA land in Sy. No. 94 which is enclosed as Annexure - 4 and also marked on village map which is given. The CA Charges of ₹99, 87,840/- @ ₹18.36 lakhs per ha has been paid by the erstwhile lessee and M/s JSW Steel limited which is as below. The erstwhile lessee i.e., M/s Mineral Enterprises Limited has paid an amount of ₹16,32,000/- @ ₹3,00,000/- per ha for 5.44 ha CA Charges which is as follows. Vide e-office challan dated 11-12-2017 for ₹14,79,680/- [Included in total amount of ₹58,48,000/-] vide e-office challan dated 14-06-2018 for ₹1,52,320/- [Included in total amount of ₹58,48,000/-]
iii	The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;	
iv	The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the state Forest Department before issue of the Stage-II clearance;	
v	The non-forest land transferred so mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section -4 or PF under Section-29 of the Indian forest Act, 1927 latest the relevant Section (s) of the local Forest Act, 1927 latest within a period of Six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non non-forest	

	land under Section -4 or section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;	Payment is showing paid on the PARIVESH portal. Further, M/s JSW Steel Limited has paid an amount of ₹83,55,840/- for differential CA Charges for 5.44 ha @ present rate i.e., ₹18, 36,000/- per hectare which is as follows.
vi	The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage as directed and advised by State Forest Department in the Ad-hoc CAMPA Account of the State concern through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;	<p>a. Vide UTR No IBKLR92023081100009316 dated: 11-08-2023 and IBKLR200626229355 dated 26-06-2020 for ₹58,01,760/- [Included in total amount of ₹9,42,18,742/-].</p> <p>b. vide e-office challan dated 21-12-2023 for ₹25,54,080/- [Included in total amount of ₹48,69,290/-]</p> <p>Payment is showing paid on the PARIVESH portal.</p>
vii	The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the order of the Hon'ble Supreme Court of India dated 28.03.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-Fc Dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;	<p>In this regard the State Govt. informed that the NPV Charges of ₹66,83,530/- @ ₹12,28,580/- per ha has been paid by the erstwhile lessee and M/s JSW Steel limited which is as bellow.</p> <ul style="list-style-type: none"> The erstwhile lessee i.e., M/s Mineral Enterprises Limited has paid an amount of ₹43,68,320/- @ ₹8,03,000/- per ha for 5.44 ha CA Charges vide e-payment portal (Transaction dated 12-12-2017) vide e-payment challan dated 11-12-2017 [Included in total amount of ₹58,48,000/-]. Further, M/s JSW Steel Limited has paid an amount of ₹23,15,210/- for differential NPV Charges for 5.44 ha @ present rate i.e. ₹12,28,590/- [per hectare vide e-payment portal (Transaction date 22-12-2023) vide e-payment challan dated 21-12-2023 [Included in total amount of ₹48,69,290/-] <p>Payment is showing paid on the PARIVESH portal.</p>
viii	Any fund received from the user agency under the project and deposited in the State	In this regard the State Govt. informed that the User Agency has made above mentioned payment towards

	Forest Department account, except the funds realized for regeneration / demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;	Compensatory levies to Ad-hoc CAMPA through e-payment portal. Copy of Status of Payment Page taken from FC Web Portal is enclosed. Payment is showing paid on the PARIVESH portal.
ix	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;	In this regard the State Govt. informed that the UA has submitted copy of environment clearance dated 04-12-2023 for the ML No. 0014 Mining lease from Government of India MOEF & CC [State Environment Impact Assessment Authority, Karnataka (SEIAA)] vide identification No. EC23B001KA191081.
x	No labour camp shall be established on the forest land.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xi	The User Agency shall provide alternate fuels preferably fuels to the labourers and the staff working at the site so as to avoid any damages and pressure on the nearby forest areas.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xii	The boundary of the diverted forest land, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS Coordinates.	In this regard the State Govt. informed that the User Agency has demarcated the forest land proposed for diversion on the ground by erecting pillars as per stipulated condition. Photos exhibiting the same are given.
xiii	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xiv	The forest land shall not be used for any purpose other than that specified in the proposal.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xv	The forest land proposed to be diverted shall under no circumstances be transferred	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has

	to any other agency, department or person without prior approval of Central Government.	submitted an Undertaking in this regard.
xvi	No damage to the flora and fauna of the adjoining area shall be caused.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xvii	The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds' nests artificially made out of Eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;	In this regard the State Govt. informed that No tree felling is required in this project.
xviii	Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;	In this regard the State Govt. informed that No tree felling is required in this project.
xix	The User Agency shall raise strip plantation on either sides of the road and central verge at the project cost, as per IRC specification, with maintenance of 7-10 years. The User Agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21- 2009 (Guidelines on landscaping & tree plantation), on either sides of the road before final clearance.	In this regard the State Govt. informed that this is an approach road for the Mining lease no.0014, Avenue Plantation all along the road is already carried out by the erstwhile lessee Photo exhibits are given.
xx	Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.

	Forest Department at the project cost.	
xxi	Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designate dumping sites and in no case the muck/debris shall be allowed on roll down the hill slopes.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xxii	The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xxiii	The User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State forest Department.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xxiv	The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, 5th February, 2013 and 05th July, 2013, in support thereof:	In this regard the State Govt. informed that the erstwhile lessee has already obtained FRA certificate in respect of the Mining Lease & Road together in FORM-II alongwith proceedings of the Deputy Commissioner, chitradurga vide No. IND: CR:115/2009-10 dated 26-07-2014 is given
xxv	The User Agency shall not collect any toll from the vehicles carrying forest officers on duty.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xxvi	The designing of culverts/bridges, if any, over the natural streams/ rivers/ canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water -logging, and also does not hamper movement of wild animals.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.

xxvii	Proper drainage shall be built with engineering structures all along the road, as suggested in the inspection report.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xxviii	Avenue plantation shall be raised and maintained at the cost of user agency.	In this regard the State Govt. informed that this is an approach road for the Mining lease no. 0014, Avenue plantation all along the road is already carried out by the erstwhile lessee. Photo exhibits are given.
xxix	Fugitive dust emissions shall be controlled by making water spraying arrangement on the road.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xxx	The user agency shall have only the right of way and the control over the road shall remain with the forest department.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xxxi	The State Govt. shall ensure that all the violations done by the user agency in mining lease area and under this project are rectified before issue of Stage - I Clearance;	<p>In this regard the State Govt. informed that a Forest Offence Case No.10/2013-14 dated 12.03.2014 was registered by RFO, Hollelkere against the erstwhile lessee for illegally forming road 2 km length 18 meter wide in Sy. No. 18 of Dindadahalli and Sy No.5 of Bedarabommanahalli which are Reserve Forest.</p> <p>Remarks: It may be noted that the following condition has been imposed during the issuance of the Stage-I approval:</p> <p><i>The State Govt. shall ensure that all the violations done by the user agency in mining lease area and under this project are rectified before issue of Stage - I Clearance;</i></p> <p>In view of the above, the word Stage-I is a typographical error because when Stage-I was issued then this condition was imposed and now the proposal is being dealt for Stage-II approval, hence, this word may be read as Stage-II.</p>
xxxii	The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Govt. and to the concerned regional Officer of the Ministry regularly.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.

xxxiii	Any other condition that the concerned Regional office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife: and	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.
xxxiv	The State Govt. and user agency shall ensure compliance to all conditions stipulated above and also the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court order (s) and National Green Tribunal Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	In this regard the State Govt. informed that the User Agency has agreed to comply with the condition and has submitted an Undertaking in this regard.

- vii. Further, the Committee noted that the Mining Lease under the MMRD was granted originally for a period of 20 years with effect from 6-10-1952 for an area of 103.81 ha. (100.17 ha. forest and 3.64 ha. revenue). Later on, the Government of Kamataka had accorded sanction for first renewal of Mining Lease No. 1074 for a period of 20 years with effect from 6-10-1972. Further, the Government of Katakana vide their Notification dated 18-4-2001 had accorded 2nd renewal of the Mining Lease No.1074 for a period of 20 years with effect from 7-10-1992 to 06.10.2012 in favour of M/s. Mineral Enterprises Limited, Bengaluru.
- viii. The Ministry had granted renewal of the main proposal vide letter dated 07.04.1997 in favour of M/s Mineral Enterprises for diversion of 105.0 ha of forest land for which the approached road proposal is being dealt herewith. As per the CEC report the mine is category A mine. This validity of this approval was co-terminus with the lease period i.e. up to 06.10.2012.
- ix. The SG has submitted the revised proposal for 109.17 ha including 5.44 ha for road area for renewal on 25.03.2013 which was considered in the Ministry in separate file.
- x. In the meantime, the MMDR amendment Act was came into force and the Ministry vide letter dated 01.04.2015 was issued the guidelines for extending the validity of the FC Approval with co-terminus with the validity of the mining lease.
- xi. The SG has informed that the safety zone is maintained inside the mining lease and the area has been diverted and NPV has also been paid by the UA for the area falling in the safety zone.
- xii. After the examination of the renewal proposal and after promulgation of the MMDR Amendment Act, the Ministry vide letter 12.06.2015 has informed the State Govt., that:

"The Committee, after detailed discussion and examination of the proposal, recommended that in view of provisions of MMDR Act, 1954, as amended and also in view of the MoEF&CC's guidelines dated 1st April, 2015 making the forest clearance under the Forest (Conservation) Act, 1980 co-terminus with period of mine lease, State Government may take action in accordance with MoEF&CC's guidelines dated 1st April, 2015 as far as proposal of the State Government for renewal of Government of India's approval for diversion of 103.73 ha of forest land falling within the mining lease is concerned"

- xiii. The Committed noted that the Ministry had also directed the SG to submit the separate proposal for diversion of 5.44 ha for approach road.
- xiv. The validity of the mining lease was extended by the State Government letter dated 28.03.2015 from 06.10.2012 to 30.03.2020 as per the MMDR Amendment Act, and as per the Ministry's guideline dated 01.04.2015.
- xv. Regarding submission of the separate proposal of 5.44 ha as requested by the Ministry and for which FC was not available, the SG requested that from the comprehensive proposal of 109.17 ha submitted earlier may be considered only for 5.44 ha for approach road. The request for the State Govt. has been considered and accordingly 'in-principle' approval was granted.
- xvi. The Committee noted that, the instant proposal is for consideration of Stage-II approval in favour of M/s JSW Steel Ltd (the preferred Bidder) for non-forestry use of 5.44 ha of RF forest land for approach road outside mining lease area for Mining lease No.2346 in Nirthadi Reserve Forest, Holalkere Range, Chitradurga Division, Chitradurg District, Bengaluru, Karnataka State.
- xvii. The Committee noted that the proposal has been accorded Stage-I approval by the Ministry vide its letter of even number dated 30th October, 2017 subject to certain conditions prescribed therein in favour of M/s Mineral Enterprises Limited.
- xviii. After the expiry of the ML period on 30.03.2020, the State Govt. has re-auctioned the mine and JSW Steel Ltd was the preferred Bidder. Accordingly, the State Govt. has issued vesting orders in favour of JSW Steel Ltd on 01.07.2020 and revised order dated 03.06.2022.
- xix. The Committee noted that the compliance for the Stage-I approval granted in favour of earlier lessee i.e. M/s Mineral Enterprises Limited has been submitted by the new user agency and duly accepted and recommended by the State Govt.
- xx. The Committee noted that the CA land has been transferred and mutated in favour of the State Forest Department and the required CA levies and NPV along with the differential NPV as per revised rates has been submitted by the UA.

- xxi. The Committee noted that the compliance seems satisfactory to all the condition. However, with regards to the condition no. xxxi:
"The State Govt. shall ensure that all the violations done by the user agency in mining lease area and under this project are rectified before issue of Stage - II Clearance";
It is noted that the word Stage-I seems to be a typographical error because when Stage-I was issued then this condition was imposed and now the proposal is being dealt for Stage-II approval, hence, this may be read as Stage-II.
- xxii. The Committee noted that in the compliance the State Govt. informed that a Forest Offence Case No.10/2013-14 dated 12.03.2014 was registered by RFO, Hollelkere against the erstwhile lessee for illegally forming road 2 km length 18 meter wide in Sy. No. 18 of Dindadahalli and Sy No.5 of Bedarabommanahalli which are Reserve Forest.
- xxiii. The State Govt. in its reply has also stated that, the status of compliance of the Stage-I approval submitted vide letter dated 27.12.2018 had been re-examined and the reply was re-submitted to the Government of Karnataka vide letter dated 15.05.2020 stating that **"there is no additional information on the matter of violation reported in the Compliance Report and the report submitted already holds good as on till date.** As the lease of M/s. MEL has already expired on 31-03-2020. Accordingly, requested to move the proposal to the Government of India for seeking **ex-post facto final (Stage-II) approval**, so that dues to Government, if stipulated in the FC approval, may be recovered from the User Agency."
- xxiv. **The Committee noted that since the State Government has requested for seeking ex-post facto final (Stage-II) approval, with respect to the violation reported, the penal provisions for the same becomes applicable as per clause 1.16 (ii) (a) of the consolidated guidelines issued under Van (SES) Adhiniyam, 1980 on 29.12.2023 as the road was constructed in violation of the Adhiniyam 1980.**
- xxv. The Committee noted that for the reported violation no penalty has been imposed in the Stage-I approval. The mining operations are being continued by the new lessee after the State Government has transferred the lease to the new lessee.
- xxvi. **Further, the AC noted that the violation has been carried out by the previous lessee for which the State Government has booked a case under IFA, 1927. Now, the lease has been transferred to the new lessee who is not responsible for the reported violation. However, the said road which has been made in violation is being used by the current lessee as the mine is still in operation after the transfer of the mining lease to the new lessee. Therefore, current lessee is liable to pay the penalty since the road constructed in violation is being used by the current lessee without due approval of the Central Government.**

- xxvii. The AC considering the recommendation of the State Govt. and noted that the proposal may be considered for Stage-II approval with a suitable condition as per clause 1.16 (ii) (a) of the consolidated guidelines issued under VSESA, 1980 on 29.12.2023.
 - xxviii. The Committee further noted that the 'in-principle' approval granted for 5.44 ha of forest land for approach road on 30.10.2017. The five years' time has already been completed. The UA has deposited the differential amount of the NPV as per the revised rate of NPV. The lease period was expired on 30.03.2020 and the mine was re-auctioned and the JSW was successful bidder. The State Government vide vesting order dt 03.06.2022 as per the provision contained in MMDR Act 1957 and as per the prevalent Ministry's guideline has transferred the lease and all approvals to the JSW. Moreover, the UA vide letter dated 22.04.2019 and vide letter dated 31.05.2019 made a representation to this Ministry. The Ministry vide letter dated 01.07.2019 forwarded the said representation to the SG with a request to submit the complete compliance report. SG has now submitted the complete compliance report of the State -I approval dated 30.10.2017. In view of the above facts and chronology of events in the instant case, the delay seems justified.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central) RO Bengaluru, and Nodal officer, Govt. of Karnataka. After going through the facts of the proposal and submissions made, the committee recommended the proposal for grant of **'Final Approval'** approval, subject to the following conditions:
- i. *The State Government shall determine the date of the reported violation for calculation of the penal NPV. Accordingly, the State Govt. shall also ensure that the UA (current lessee) shall deposit the payment for the penalty through online portal. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made;*
 - ii. *The State Government shall ensure that correct KML files of diverted area, the CA area have been uploaded on the e-Green watch portal with all requisite details prior to handing over forest land to user Agency; and*
 - iii. *The State Government shall issue the final order of diversion only after notifying the CA land as RF/PF.*

Agenda No. 11

File No. 8-17/2023-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 807.917 ha (instead of 785.49 ha) forest land out of which 804.367 ha forest land in RF-389, 390, 290, 291, 292, 293, 294, 296, 319, 320,

391, 392 & PF-316, 317 of Forest Range Waidhan/ Sarai East and 3.55 ha Revenue forest in various Khasra's for Open Cast Bandha Coal Mine Project in favour of M/s EMIL Mines & Mineral Resources Limited under Singrauli Forest Division, Singrauli District of Madhya Pradesh State (Online No. FP/MP/MIN/144129/2021) - regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Madhya Pradesh vide their letter No. F-1/841/2023/10-11/1710 dated 27.04.2023 forwarded a fresh proposal for diversion of 807.917 ha forest land for Open Cast Bandha Coal Mine Project in favour of M/s EMIL Mines & Mineral Resources Limited under Singrauli Forest Division, Singrauli District of Madhya Pradesh State.
 - ii. Out of 807.917 ha forest land, 86.694 ha is Protected Forest (PF), 717.673 ha is Reserved Forest and 3.550 ha is Revenue Forest.
 - iii. The project is a part of commercial coal mining initiative implemented by Government of India for making India "Aatmanirbhar" in domestic coal supply. Bandha Coal Block Forest diversion proposal is for Open Cast Coal Mining. The coal is proposed to be used for both internal consumption (Captive power plants of Aditya Birla Group) and for general commercial sale. The project would provide direct and indirect employment to approx. 5000 people
 - iv. The crown density reported in the 807.917 ha forest land is 0.5 and the forest type reported as Eco-Class 3 and total 110496 number of trees of various species & girth size have been proposed to be felled.
 - v. The transport of overburden to the dumping site is proposed to be done with Shovel-Dumper combination and transport of the extracted Coal from Coal face to the Railway siding is proposed to be done with Shovel- Dumper/Conveyor belt combination
 - vi. The Dy. DGF (Central), Regional office, Bhopal in its site inspection report has reported that the proposed area for diversion was observed to be demarcated on the ground with pillars painted in yellow and long-lat information written over it. The area is covered with natural forest of canopy density ranging from 0.3 to 0.6. The topography was generally plain with gentle gradient. The soil was sandy loam with considerable depth. The main composition of forest include-1) *Shorea robusta*, 2) *Madhuca indica*, 3) *Tectona grandis*, 4) *Lagerstroemia parviflora*, 5) *Butea monosperma*, 6) *Carea arborea*, 7) *Casia fistula*, 8) *Diospyros melanoxylon*, etc. There were a lot of regeneration of *Diospyros melanoxylon*, *Butea monosperma* and *Lagerstroemia parviflora*. It was

observed that the enumeration was taken up by sampling method. Total number of samples were 87 of 1.00 ha each. One of the sample plots was checked for enumeration and was found to be correct. Total number of trees enumerated was 1,07,051 including the undisturbed area. However, the company authorities informed that the felling of trees would be taken up in phases as per requirement.

- vii. Further, it has been mentioned in the SIR that the total number of trees in the proposed diversion area, enumerated as 1,07,051, is by sampling method taking about 10% of the total area for diversion. But there may be considerable variation between the said figure and actual no of trees involved in the proposal. This may be due to error in location & shape of the samples. Also, the said enumeration has been done in pit area, external dump area and also undisturbed areas which does not give clear picture of actual no. of trees proposed to be felled. Therefore, it is advisable to take up total enumeration of the trees proposed for actual felling including area proposed for open cast mining and external dumping of overburden in the forest land) species and girth class wise to arrive at actual no. of felling of trees.
- viii. As per para 1.4 (vi) of the Chapter of the consolidated guidelines dated 29.12.2023 the Species-wise and diameter class-wise abstract of trees to be felled should be furnished in the prescribed form. Total enumeration is necessary only up to 10 hectares. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plans or by standard sampling methods. Thus, the sampling can be done for the larger areas; however, it is important to ensure that the sampling is adequate to provide a true representation of the area.
- ix. The Regional Office has also mentioned in the SIR that there are two plantations already raised in the proposed area which are as follows:

Scheme	Area (Ha)	Raising Year	Compt No.
State Scheme (Tendu Patta)	150	2017	RF-291
CA for Nigahi Project of NCL	29	2019-2020	RF-293

- x. The land use reported in the Forest land as well as in the Non-Forest land is as under:

Component wise breakup			
S.no	Component	Forest Land (ha.)	Non-Forest Land (ha.)
1	Railway Siding	0.54	15.46
2	Rationalisation area	77.684	0
3	External Dump	183.75	166.51
4	Safety Zone	7.48	6.532
5	Pit/Internal Dump	538.463	776.899
6	Infrastructure + Settling pond	0	77.619
Total		807.917	1043.02

- xi. As per the component wise breakup, the total rationalized area is mentioned as 77.684 ha over the forest land.
- xii. The Bandha Coal Block Forest diversion proposal is for Open Cast Coal Mining. Out of 13 Coal seams, Seam-VIII and Seam-VII are proposed for opencast mining. The average thickness of Seam VIII is 1.85m and situated at a minimum depth of about 56 m and average thickness of the Seam VII is 12.30m and situated at a minimum depth of 90 m. The average grade of coal is G-10. Since, depth of the Seams are not very large and having huge reserve, it was found economical to extract the same by Open Cast method of mining as per approved mining plan. The target capacity of mining is 5 MTPA. The extractable reserve is about 197.00 million Tonnes, and hence the life of mine is about 45 years.
- xiii. Satellite imagery shows that two (2) Transmission lines are passing through RF-389 which is proposed for diversion. In this regard the State Govt. informed that
 इस संबंध में लेख है कि THDC को अमीलिया कोल ब्लॉक के लिये आवेदित 1283 हेक्टेयर के प्रकरण में भारत सरकार द्वारा 843 हेक्टेयर वनभूमि प्रत्यावर्तित की गई है। इस 843 हेक्टेयर वनभूमि से विद्युत की 02 लाईनें गुजर रही थीं। अतः इन 02 विद्युत लाईनों को शिफ्ट करने के लिये 29.78 हेक्टेयर तथा 24.70 हेक्टेयर वनभूमि प्रत्यावर्तन का प्रस्ताव भारत सरकार से स्वीकृत कराया गया है, जिनका अनुक्रमांक FP/MP/TRANS/ 37348/2018 - 29.78 Hectares and FP/MP/TRANS / 37350/2018 - 24.70 Hectares है। यह दोनों लाईनें सिंगल सर्किट में बिछाने के उपरान्त आवेदक संस्था को यह कोल ब्लॉक आवंटित हुआ है। अतः इस लाईन को भी खदान सीमा से हटाने के लिये भारत सरकार को प्रस्ताव भेजा गया था जिसका अनुक्रमांक FP/MP/TRANS/144947/2021 - 84.617 Hectares है। इस प्रस्ताव पर भारत सरकार से सैद्धांतिक अनुमति प्राप्त हो चुकी है।
- xiv. The safety zone of 7.5 meter inside the proposed diversion area boundary has been proposed all around the proposed diversion area. The total area of the safety zone is 14.012 ha (Forest area 7.48 ha and non-forest area-6.532 ha).
- xv. The proposed forest land is having two important Nallah/ River tributary i.e. Bandha Nala which comes under the catchment of Sone River and Kachanmuda Nala of which water flows into Rihand Dam are flowing through the mining lease area. In this connection, the Nodal Officer, Govt. of Madhya Pradesh apprised that a scientific study on the Hydrological regime in the area has been carried out by the technical expert and the same is also approved by the Water Resource Department, Ganga Basin, Rewa of the State Government of the Madhya Pradesh. Further, one major stream called Bandha was observed in compartment number RF-293, the same would remain undisturbed as no open cast mining is proposed in the area. However, the project authorities informed that a catch drain would be laid all

- along the periphery to collect the rainwater and the same would be drained in Bandha stream.
- xvi. Satellite imagery shows the presence of Metal Road within the proposed forest land for diversion. In this regard the State Govt. informed that इस वनक्षेत्र में जो मार्ग पूर्व से प्रचलित है, उन्हें आवेदक संस्था के व्यय पर लीज़ बाउण्ड्री के बाहर निर्मित किया जायेगा।
- xvii. As per the Site inspection report of DFO, Singrauli and CCF Rewa, the Working plan prescription shows that compartment nos. RF-291, 292, 293 & 391 fall in Elephant Corridor. However, no movement of Elephants have been noticed in the last 10 years. The Working plan also prescribes, in case the diversion of the said area is essentially required, an alternative Elephant Corridor may be formed. The DFO and CCF have recommended the proposal on the condition of compliance of the above condition. However, as per enquiry with local forest staff the wildlife in the area include occasional movement of Leopards, Sloth Bear, Spotted Deer, Nilgai, Wild Pigs, etc.
- xviii. The State Govt. has informed that a site-specific Wildlife Management Plan duly approved by CWLW has been submitted wherein the CWLW vide its letter dated 09.06.2023 has approved the Wildlife Management Plan with a cost of Rs. 920.70 lakh for 10 years subject to following conditions:

माइन क्षेत्र का कुछ भाग हाथी कॉरीडोर के अंतर्गत होने के कारण मानव-हाथी द्वंद्व को कम करने के लिए आपकी संस्था के प्रतिनिधियों से हुई चर्चा के अनुसार हाथियों के आने की तत्काल सूचना का प्रसार करने हेतु सजग एप, उच्च तकनीकी सूचना प्रणाली वाले AI Based Early Warning System को संभावित / प्रभावित स्थलों पर आवेदक संस्था द्वारा लगाया जावेगा, जिसका व्यय आवेदक संस्था द्वारा किया जावेगा।

वन्यप्राणी संरक्षण योजना में प्रावधानित कार्यों की मुख्य वन संरक्षक, रीवा एवं वनमण्डलाधिकारी, सिंगरौली के संयुक्त रूप से प्रतिवर्ष अनुश्रवण किया जावेगा एवं तत्संबंध में प्रतिवेदन अधोहस्ताक्षरकर्ता को प्रेषित किया जाना होगा।

- xix. The Compensatory Afforestation (CA) over an area of 808.5 ha Non-forest/ Revenue land have been proposed against diversion of 807.917 ha forest land. The CA sites are located in three districts namely Sagar, Katni & Agar Malwa.
- xx. Satellite imagery shows the encroachment in few patches proposed for CA. In this regard the State Govt. informed that क्षतिपूर्ति वनीकरण के लिये आवेदक संस्था द्वारा जो गैर वनभूमि उपलब्ध कराई जा रही है, उनमें मौजूद अतिक्रमणों को सैद्धांतिक स्वीकृति के उपरान्त हटा लिया जायेगा। यह गैर वनभूमियां वनविभाग द्वारा अतिक्रमण मुक्त होने के बाद ही प्राप्त की जायेगी। यदि

आवश्यक हुआ तो आवेदक संस्था के व्यय पर चेन लिंक फेंसिंग के उपरान्त ही इन गैर वनभूमियों का कब्जा वन विभाग द्वारा प्राप्त किया जायेगा।

- xxi. The Regional Office has informed that CA has been proposed over 18 patches out of which 12 have been inspected by the Regional Office. Further it has been mentioned that in the Area: 70.13 ha; Village-Saderi; Khasra No.-379, 20 & 650, certain encroachments have taken place and about 7 to 8 houses have been constructed illegally in Khasra no. 379. Therefore, the project proponent should either evict the encroachment or propose a new non forest area for the CA. Further, a low voltage electric line has also been noticed in one of other patches. The Nodal Officer informed that the land will be handed over to the forest department free from all encumbrances prior to Stage-II approval.
- xxii. The proposal was considered by the AC in its meeting held on 07.06.2024 wherein the Committee deferred the proposal and asked the Regional Office Bhopal to examine the matter and submit the following information :
- a. *The Regional Office has informed that the tree enumeration has been done by sampling method which may not give clear picture of actual no. of trees proposed to be felled. The guidelines issued by the Ministry do permit enumeration by sampling in areas over 10 ha, However, RO Bhopal shall re-examine the matter and ensure that the sampling is adequate and the number of trees arrived at is a true representation of the area.*
 - b. *The correct component wise KML files have not been submitted because the proposed land use details of the area are not matching with the KML file. The correct component wise KML file of the proposed diversion area shall be obtained by the Regional Office and submitted along with comments.*
 - c. *The Regional Office has informed in the SIR that the 31.94 ha in RF-291, cultivation was in practice and a small population was also found to be staying in their individual houses built there. In the forest stock map, the same area was marked as "ENCR". The exact status of the said land was under process of determination, jointly by the Forest and Revenue departments. The Regional Office Bhopal shall get the exact status of the said 31.94 ha area confirmed and inform whether the same has been included in the area proposed for diversion or not.*
 - d. *The proposal has been submitted for open cast mining, however it has been informed that the areas where external dump is proposed, the depth of Coal seams are more than 280 meters which are proposed to be extracted by underground method of mining. Further, the areas where extraction of Coal is proposed to be taken up by open cast mining method, only two seams would be worked and the extraction of Coal in other deeper seams would be by underground method of mining as in forest. In this regard the Regional Office shall confirm the details and extent of the area which is to be worked by underground mining and the area where open cast mining will be carried out. A*

detailed land use map commensurate with the mining plan and the diversion proposal indicating underground mining and open cast mining areas shall be obtained and submitted along with comments.

- e. *The Committee also took a note that out of 807.917 ha proposed land, an external dump has been proposed over 183.75 ha forest land which covers approximately 22.74% area of the proposed forest land. The Regional Office shall examine the matter and submit its comments.*
- xxiii. The said recommendations of Advisory Committee was communicated to the Regional Office vide Ministry letter dated 25.06.2024. In this regard the Regional Office, Bhopal vide their letter dated 01.07.2024 (received via email dated 01.07.2024) has submitted the information.
- xxiv. The proposal was again considered by the AC in its meeting held on 04.07.2024 wherein the Committee desired that DDGF(C) Regional Office Bhopal shall make a detailed presentation in view of compensatory compliances proposed in the proposal and mitigation measures required with respect to wildlife conservation and ecological restoration.
- xxv. The said recommendations of Advisory Committee was communicated to the Regional Office vide Ministry letter dated 26.07.2024 and DDGF(C) Regional Office Bhopal was requested to make a detailed presentation as per above recommendation in front of Advisory Committee in its next meeting.
- xxvi. The DDGF(C) Regional Office Bhopal has given a detail presentation in front of Advisory Committee and presented that the Bandha Coal Mine shares its boundary on east with Amelia Coal Block by M/s THDC limited which is already in operation after Stage-II approval.
- xxvii. The DDGF(C) Regional Office Bhopal informed that the during the Site Inspection it was observed that the enumeration was taken up by sampling method. Total 87 number of samples were reported to be laid with a dimension of 1.00 ha each. One of the sample plots was checked for enumeration and found to be correct. The total number of trees in the proposed diversion area, enumerated as per sampling method were 1,10,496. The total area enumerated by sampling method was 87 ha which accounts for about 10% of the total diversion area. It was further observed that the sample plots were laid proportionately and distributed throughout the area proposed for diversion, based on the crown density of trees and the total tree count in the sample plots were extrapolated for the total diversion area. The co-ordinates of the sample plots along with their locations on the map were also provided by the DFO. Therefore, after examining all the above-mentioned facts, the sampling is found to be adequate and the number of trees arrived at, is a true representation of the diversion area. However, it is further informed that the enumeration by sampling method was done as per Para 4 (vi) of Chapter 1 of the Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023. It is further informed that as per the approved Mining Plan, the mining activities would be carried out in phased manner. Therefore, at

- the time of felling; actual number of trees felled (species and Girth wise) may be submitted to the Govt. Of India for record purpose.
- xxviii. The DDGF(C) Regional Office Bhopal has informed that the 31.94 ha area recorded as encroachment area(ENCR) is a part of 807.917 ha area.
- xxix. The DDGF(C) Regional Office Bhopal informed that as per the approved mining plan, prepared by CMPDI and approved by Ministry of Coal, only two seams are proposed to be worked by Open Cast mining method covering an area of 1315.362 Ha. involving 538.463 Ha. (RF-290, RF-291, RF-292, RF- 319, RF-320, RF-389, RF-390, RF-391, RF-392, PF-316, PF- 317 and Revenue Forest-535/1445, 682/1, 936/1448, 1176/1440) of Forest Land from which 197 MT of Coal will be extracted from Seams VII and VIII. The deeper seams in the area would be worked by underground mining post completion of Open Cast Mining, after 45 years. Over a balance area of 384.638 ha (including forest and non-forest land) involving 203.907 ha (RF-292, RF-293,PF-316) of Forest Land, all the seams including seams VII & VIII are proposed to be worked by underground method of mining owing to their greater depths within the block. The total extractable reserve from underground mining method is 62 MT. Further as per the approved Mine Plan, after completion of open cast mining a revised Mine plan for underground mining would be prepared taking into consideration greater details of the seams to be worked by underground method of Mining.
- xxx. The DDGF(C) Regional Office Bhopal informed that External Dump is proposed over an area of 350 Ha involving both forest (183.75 ha.) and non-forest land. As the quantity of OB is substantial, it is not feasible to re-handle and put it back in internal dumps as it will increase the height beyond the safe limits. CMPDIL, a premier planning institute, under Ministry of Coal, Government of India has critically evaluated all the options and designed the dumps up to a height of 120 m above ground based on modelling and regional experience, taking all safety and statutory factors into account and the same has been approved by Ministry of Coal (MoC).Further it is observed that there is no non-forest land available for external dump outside the coal block as entire area around the block is coal bearing with other operating mines and allocated Coal blocks. Therefore, taking into consideration all the facts mentioned above, the external dump proposed over 183.75 ha forest land accounting for about 22.74% of the total area proposed for diversion, is observed to be justified.
- xxxi. The Committee noticed that that the part of the Mining lease is covering the existing Railway line wherein the Nodal Officer, Govt. of Madhya Pradesh clarified that no infrastructure would be developed or mining done by the Project authorities within 50 meters of the existing Railway line. Moreover, the coal evacuation is proposed through Railway Siding, SILO, Rapid Loading System and conveyor belt combination for which 0.54 ha forest land would be required for the establishment of Railway related infrastructure over the Forest land for which the detailed project report has been approved by the Railways. The transport of overburden to the dumping site is proposed to be done with Shovel-Dumper combination and transport of the extracted Coal

from Coal face to the Railway siding is proposed to be done with Shovel Dumper/Conveyor belt combination.

- xxxii. It was observed that one major stream called Bandha was observed in compartment number RF293, the same would remain undisturbed as no open cast mining is proposed in the area. However, the project authorities informed that a catch drain would be laid all along the periphery to collect the rain water and the same would be drained in Bandha stream.
- xxxiii. The Committee noticed that a forest area of 183.750 ha has been proposed for external over burden dump. It has been mentioned that in the areas where external dump is proposed, the depth of Coal seams are more than 280 meters which are proposed to be extracted by underground method of mining. The mention of the same has been made in the approved mining plan. Further, the areas where extraction of Coal is proposed to be taken up by open cast mining method, only two seams would be worked and the extraction of Coal in other deeper seams would be by underground method of mining.
- xxxiv. The Committee observed that as per the Site inspection report of DFO, Singrauli and CCF-Rewa, the Working plan prescription shows that compartment nos. RF-291, 292, 293 & 391 fall in Elephant Corridor. However, no movement of Elephants have been noticed in the last 10 years. The Committee, however observed that the state must ensure that a site specific Wildlife Management Plan duly incorporating the possible movement of elephants is prepared/implemented by the State Forest Department at the cost of user agency.

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 Dy. DGF (Central), RO, Bhopal, the Committee recommended the proposal for grant of '**in-principle**' approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 807.917 ha (instead of 785.49 ha) forest land for Open Cast Bandha Coal Mine Project in favour of M/s EMIL Mines & Mineral Resources Limited under Singrauli Forest Division, Singrauli District of Madhya Pradesh State to the general, standard and following specific conditions:

- i. The user agency shall prepare and submit a site-specific Wildlife Management Plan by incorporating the possible movement of elephants, duly approved by CWLW before Stage-II approval and same shall be implemented by the State Forest Department at the cost of user agency.
- ii. The proposed forest land is having two important Nallah/ River tributary i.e. Bandha Nala which comes under the catchment of Sone River and Kachanmuda Nala of which water flows into Rihand Dam are flowing through the mining lease area. The user agency will take up programme for at least 50 meter green belt along the sides of the Nallah from the initial years under the supervision of the State Forest Department and protection and conservation of nullahs will be ascertained.
- iii. As per the component wise breakup, the total rationalized area is mentioned as 77.684 ha over the forest land. In this regard, the user agency shall submit

- an undertaking that the same shall not be used for any non-site specific activity or additional infrastructure.
- iv. Satellite imagery shows the presence of Metal Road within the proposed forest land for diversion for which it has been informed that Existing road be shifted outside the lease boundary. In this regard the State Govt. shall submit the details along with plan before Stage-II approval.
 - v. Satellite imagery shows encroachment in few patches proposed for CA for which the State Govt. informed that the land will be handed over to the forest department free from all encumbrances prior to Stage-II approval. The State Govt. shall submit the site suitability certificate for proposed CA land free from all encumbrances from the concerned DFO before Stage-II approval.

Agenda No. 12

File No. 8-16/2023-FC

Subject: 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 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Madhya Pradesh vide their letter No. F-3/16/2018/10- 11/1667 dated 26.04.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion 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.
 - ii. Thereafter on the basis of technical analysis, the State Government vide letter no F-3/16/2018/10-11/3669 dated 16.08.2023 submitted that on re-examination of the affected forest area in this project, the area of affected forest land has been found to be 2250.05 hectares.
 - iii. Density of vegetation in the proposed area is from 0.4 to 0.7 having Eco class 3 and approximately 7,17,232 number of trees will be affected at the full reservoir level(FRL) out of which a total of 5,75,164 no. of trees are marked for felling at FRL-4-meter Level.
 - iv. The proposal involves rehabilitation of 644 no. of families out of which 604 are Schedule Tribes families and 40 are other families.

- v. The proposed forest diversion area is falling in Satpura - Melghat Tiger corridor and the CCF, Betul and the CF, Narmadapuram in their Site Inspection reports have mentioned that the forest land proposed for diversion forms a part of an active wildlife corridor utilized by wild animals (Tiger, Panther, etc.). The project execution may therefore lead to habitat fragmentation and cause obstruction in the corridor.
- vi. The State Government vide letter no. F-3/16/2018/10-11/1667 dated 26.04.2023 has mentioned that compensatory afforestation has been proposed over an area of 2407.189 ha non forest land in Agar Malwa, Sagar, Betul and Jabalpur District, Madhya Pradesh. However, the detailed Compensatory Afforestation scheme for the proposed non forest land has not been submitted.
- vii. It has been observed that the District Collectors, Sagar, Betul, Agar Malwa and Jabalpur have reserved land for carrying out CA in the instant proposal. However, after examination of the same it has been found that as per District Collector, Betul vide their order dated 25.09.2018 an area of 662.00 ha of land has been reserved for CA out of which an area of 386.469 ha is proposed for CA against the instant proposal in Tehsil Betul, Amla and Godhadungri. However, the land type of proposed CA is recorded as Forest land, Bade Jhar ka Jungle. Also as per District Collector, Sagar vide their order dated 18.09.2018 an area of 1071.99 ha of land has been reserved for CA and same is proposed for CA against the instant proposal. However, the land type of proposed CA in Tehsil Kesli, Village – Padhna Khurd, Chirai, Rengajholi is recorded as Government Forest land. Further the land type (Bhumi Noiayath) of CA land is not recorded in District Collector, Jabalpur order dated 18.02.2019. Therefore, the Ministry vide letter no. 8-16/2023-FC dated 13.06.2023 requested the State Government to clarify that whether such lands proposed for CA does not comes in the ambit of Forest (Conservation) Act, 1980 and justify these lands as Non Forest Land.
- viii. In this regard, the Government of Madhya Pradesh vide their letter No. F3/16/2018/10-11/3669 dated 16.08.2023 has informed that the project is likely to be executed in a phased manner as under and in First Phase 116.27 ha forest land is required and for the same Compensatory Afforestation scheme for the area of 116.27 ha non forest land is submitted.

S. No	Phase	Component	Proposed area in Ha
1	First	Dam seat and Sluice, Pipeline PH/DC, Spillway Channel with Fish Ladder, Approach & Diversion Road, Transmission line	116.27
2	Second	FRL-4	1135.57
3	Third	FRL-4	616.748
4	fourth	FRL	381.462
		Total	2250.05

- ix. As per DSS analysis, it has been observed that Satellite imagery shows the presence of Settlements/Built-up, Agriculture land, earthen dam, Road, playground, presence of earthen dam and canals in the CA areas and the proposed CA area are not free from encumbrances.
- x. As per the technical approval dated 18.10.2017 it has been reported that the Morand Dam will be constructed in Phase-I and if the water requirement gets fulfilled by the same in that case the construction of Ganjal will not take place. Moreover, the Indira Sagar Dam is located at a distance of 54.40 Km from the proposed forest diversion site for Harda Dam and Tawa Reservoir is located at a distance of 34.33 Km from the proposed forest diversion site for Morand Dam. However, later on the State Govt. has informed that even after the construction of Ganjal Dam, a large area will remain deprived of irrigation facilities and State Government vide approval letter number F31- 21/2017/2401, dated 21/04/2022 has decided to construct both the dams.
- xi. The RO, Bhopal in site inspection report has reported that as the proposed area for diversion is 2250.05 ha, the user agency has provided 2289.209 ha nonforest land at several locations in Betul, Jabalpur, Sagar & Agar Malwa District. Further it has been reported that there was no numbering of the trees falling in either submergence area or dam seat or spillway channel and it was found that there was no complete enumeration of the trees in the proposed area for diversion had taken place. Moreover, the figures given for no. of affected trees in the proposed diversion area was as per the no. of trees per ha mentioned in the working plan.
- xii. As per the DSS analysis, the proposed forest land for diversion is located at a distance of 52.22 Km from the Ratapani Wildlife Sanctuary and 37.28 Km from the Bori Wildlife Sanctuary. However, the proposed forest diversion patches are falling on Satpura-Melghat Tiger corridor.
- xiii. The compensatory afforestation has been proposed over non forest land in Agar Malwa, Sagar, Betul and Jabalpur District, Madhya Pradesh. However, the detailed Compensatory Afforestation scheme for the proposed non forest land has not been submitted and the Government of Madhya Pradesh vide their letter No. F-3/16/2018/10-11/3669 dated 16.08.2023 has informed that the project is likely to be executed in a phased manner and in first phase 116.27 ha forest land is required and for the same Compensatory Afforestation scheme for the area of 116.27 ha non forest land is submitted.
- xiv. The proposal was considered by the Advisory Committee (AC) in its meeting held on 14.11.2023 wherein the Committee deferred the proposal for want of following information:
 - a. In order to have actual assessment of the no. of trees involved in the project, the species wise and girth class wise complete enumeration of the trees falling in proposed diversion area shall be submitted.
 - b. Keeping in view the fact that the area proposed for diversion and submergence is quite large and is located in a landscape which is part of an active wildlife corridor i.e., Satpura-Melghat Tiger corridor, the execution of the project may lead to habitat fragmentation and cause obstruction in the corridor. Therefore, a

- study of the possible impacts of the project on the Biodiversity and Wildlife by Wildlife Institute of India which shall be submitted along with the specific recommendation from the CWLW and State Govt.
- c. The State shall submit the recommendations/comments of National Tiger Conservation Authority (NTCA) on the instant proposal.
 - d. Keeping in view the fact that the area is within Satpura-Melghat Tiger Corridor, the State shall take necessary action as per rules to seek the requisite recommendations of NBWL/SBWL.
 - e. The complete CA scheme, along with relevant documents, revenue record, maps and KML files for the total non-forest land proposed for Compensatory Afforestation shall be submitted. The State shall ensure that the proposed area is free from all encumbrances.
- xv. The said decision of the Advisory Committee was communicated to the State Government vide Ministry letter dated 27.11.2023 and in this reference the State Government vide their letter no. F-3/16/2018/10-11/830 dated 06.02.2024 has submitted the information. The examination of the said information has revealed that:
- a. In order to have actual assessment of the no. of trees involved in the project, the species wise and girth class wise complete enumeration of the trees falling in proposed diversion area as requested has not been submitted by the State Govt. which needs submission.
 - b. The study of the possible impacts of the project on the Biodiversity and Wildlife by Wildlife Institute of India along with the specific recommendation from the CWLW and State Govt. as requested has not been submitted by the State Govt. which needs submission.
 - c. The recommendations/comments of National Tiger Conservation Authority (NTCA) on the instant proposal as requested have not been submitted by the State Govt. which needs submission.
 - d. Necessary action as per rules to seek the requisite recommendations of NBWL/ SBWL as requested has not been taken by the State Govt. which needs submission.
 - e. The complete CA scheme, along with relevant documents, revenue record, maps and KML files for the total non-forest land proposal for Compensatory Afforestation and to ensure that the proposed area is free from all encumbrances as requested has not been submitted by the State Govt. which needs submission.
- xvi. The proposal was again considered by the Advisory Committee (AC) in its meeting held on 28.02.2024 wherein the Committee deferred the proposal for want of following information:
- a. In order to have actual assessment of the no. of trees involved in the project, the species wise and girth class wise complete enumeration of the trees falling in proposed diversion area as requested has not been submitted by the State Govt. which needs submission.

- b. The study of the possible impacts of the project on the Biodiversity and Wildlife by Wildlife Institute of India along with the specific recommendation from the CWLW and State Govt. as requested has not been submitted by the State Govt. which needs submission.
 - c. The recommendations/comments of National Tiger Conservation Authority (NTCA) on the instant proposal as requested has not been submitted by the State Govt. which needs submission.
 - d. Necessary action as per rules to seek the requisite recommendations of NBWL/ SBWL as requested has not been taken by the State Govt. which needs submission.
 - e. The complete CA scheme, along with relevant documents, revenue record, maps and KML files for the total non-forest land proposal for Compensatory Afforestation and to ensure that the proposed area is free from all encumbrances as requested has not been submitted by the State Govt. which needs submission. The Ministry vide letter dated 16.02.2024 has requested the State Govt. to furnish the above mentioned information.
- xvii. The said decision of the Advisory Committee (AC) was communicated to the State Government vide Ministry letter dated 08.03.2024. In this reference, the State Government vide their letter dated 06.08.2024 has submitted the information. The examination of the said information has revealed that:
 - a. In order to have actual assessment of the no. of trees involved in the project, the species wise and girth class wise complete enumeration of the trees falling in proposed diversion area as requested has not been submitted by the State Govt. which needs submission.
 - b. The study of the possible impacts of the project on the Biodiversity and Wildlife by Wildlife Institute of India along with the specific recommendation from the CWLW and State Govt. as requested has not been submitted by the State Govt. which needs submission.
 - c. The recommendations/comments of National Tiger Conservation Authority (NTCA) on the instant proposal as requested have not been submitted by the State Govt. which needs submission.
 - d. Necessary action as per rules to seek the requisite recommendations of NBWL/ SBWL as requested has not been taken by the State Govt. which needs submission.
 - e. The complete CA scheme, along with relevant documents, revenue record, maps and KML files for the total non-forest land proposal for Compensatory Afforestation and to ensure that the proposed area is free from all encumbrances as requested has not been submitted by the State Govt. which needs submission.
- 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 Dy. DGF (Central), RO, Bhopal

and Nodal Officer, Government of Madhya Pradesh, the Committee observed that the State Govt. has not submitted the complete information in view of recommendations of Advisory Committee (AC) in its meeting held on 28.02.2024 which was communicated to the State Government vide Ministry letter dated 08.03.2024. Accordingly, it is again re-iterated that the State Govt. shall submit the required information as per Ministry letter dated 08.03.2024.

Agenda No. 13

File No. 8-01/2024-FC

Subject: Diversion of 1397.54 ha forest land out of which 1335.35 ha Reserved forest land (RF) in various forest compartments and 62.19 ha Revenue forest in various Khasra's of Forest Range Waidhan/ Sarai East for Open Cast Dhirauli Coal Mine Project in favour of M/s Stratatech Mineral Resources Private Limited under Singrauli Forest Division, Singrauli District of Madhya Pradesh State (Online No. FP/MP/MIN/142344/2021) - regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Madhya Pradesh vide their letter No. F-1/845/2023/10 11/492 dated 22.01.2024 forwarded a fresh proposal on the above subject to obtain prior approval of the Central Government, in terms of the under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposed diversion area involves 1397.54 ha forest land out of which 1335.35 ha Reserved forest land (RF) in various forest compartments and 62.19 ha Revenue forest in various Khasra's of Forest Range Waidhan/ Sarai East under Singrauli Forest Division.
 - iii. The proposed diversion area is having Forest classification of Eco-class 3 and having canopy density of 0.6 wherein 5,70,666 number of trees are marked for felling.
 - iv. The tree enumeration was carried out by sampling method. The total no. of samples laid was 140 of 0.1 ha each and total no. of trees proposed for felling, arrived at is 5,70,666. As per the extant guideline Chapter-1, 1.4(vi), for areas more than 10 hectares the abstract of tree can be computed either from the working plan or by standard sampling method.
 - v. The Component wise breakup of the proposed forest land as well as non-forest land are as under:

Sr.	Component Name	Area inside (in Ha)	Total Area (Ha)
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No.		Forest	Non-Forest	
1	Excavation Area	1068.51	1028.08	2096.59
2	Safety Zone	10.46	9.27	19.73
3	Green Belt Area	30.97	15.83	46.80
4	Rationalization Area	51.82	20.29	72.11
5	Infrastructure Area	0	30.05	30.05
6	OB Dump Area	225.4	162.15	387.55
7	Other uses (Garland Drains)	2.75	2.59	5.34
8	Other uses (Road Diversion)	2.56	1.57	4.13
9	Other uses (Embankment)	5.07	2.43	7.50
10	Other use (Setting Pond)	0	2.20	2.20
	Total area	1397.54	1274.46	2672

- vi. As per the component wise breakup, the total rationalized area is mentioned as 72.11 ha out of which 51.82 ha is forest land and the balance area of 20.29 ha is in non-forest area.
- vii. The DFO, Singrauli and CF, Rewa in their site inspection reports mention that as per the existing working plan the proposed area (RF-373) is falling in Elephant Corridor. The RO, Bhopal in its site inspection report mentioned that Compartment no. RF-373 is under Elephant corridor according to working plan of Singrauli Division. The prescriptions in the working plan is as follows:- 16.6 (9): Any permanent disturbance creating activities like construction of building, establishment of timber depot & labour camp and other permanent & temporary establishments are restricted in this area. 16.6 (10): The compartment falling under Elephant corridor should not be allotted for non-forestry activity if in case it is unavoidable to take these compartments for non-forestry activity then in that case alternative corridor route has to be established.
- viii. As per the 3-D subsidence prediction, study report Maximum tensile strain reported in the proposed area is 17.47. The State Govt. was asked to examine the same and submit its comments in case the proposal is for underground mining only. In this regard, the State Govt has submitted that DFO office is not competent to comment on Subsidence report of tensile strain. However, UA has submitted subsidence report in Parivesh portal and this proposed Coal block is not for underground mining only.
- ix. The present proposal is for Coal Mining Project. It has been informed that the Dhirauli block is allocated to M/s Stratatech Mineral Resources Private Limited (SMRPL) vide letter no. NA 104/7/2020-NA dated 03.03.2021 by Ministry of Coal (MoC), Government of India. The mine is envisaged to be worked in combination with Open Cast and Underground mining method. Total mine lease area is 2672 ha. It is planned to extract Coal with capacity of 5.0 MTPA from Open Cast mine and 1.5 MTPA from underground mines. Open cast mining is proposed by surface miners (SM)-FEL-truck combination for Coal and drill blast for Overburden. Underground mining is proposed by continuous miner (CM). The project will produce G7/G8 grade Coal.

The extracted Coal is proposed to be supplied to Mahan Energen Limited (Power Plant) and for Open Commercial Sale.

- x. Coal that will be mined out from this block will be transported using the existing road of "Suliyari-Khanuakhas-Rajmilan" to Gajra behra railway siding & also to Adani Power Plant (MEL) in Bandhaura. It is also proposed by Railway/Truck/Conveyor based on consumer location and the Coal deposits in the instant mine lease is available in total 9 seams, out of which 5 Coal seams has been proposed to be mined out through open cast method and balance 4 coal seams have been proposed to be mined out through under-ground mining technology. Hence, primarily the 1397.54 ha proposed forest land has been proposed to be utilized for open cast mining of Coal and thereafter the 1397.54 ha proposed forest land shall be used for underground Coal Mining. As per the 3-D subsidence prediction study report Maximum tensile strain reported in the proposed area is 17.47.
- xi. The State Govt. has submitted a detailed justification for the felling of trees in phase manner. It was stated by the Nodal Officer that the felling of trees in the mine lease shall be carried out in the phases over a period of 40 years. Further, it was highlighted by the Regional Officer that 36,38,165 number of plants have been proposed to be planted in different phases within the lease area against total 5,70,666 number of trees earmarked for felling. The plantation of 36,38,165 trees by the user agency is over and above the required CA compliance in the instant proposal. The details of phased felling and planation proposed for reclamation are as under;

Phasing of Land	Years from Start of Mining Operation	Land Requirement (Ha)		Plantation on Reclaimed Land (Ha)			Number of Tree Planted		
		Forest Land (Ha)	Tentative no of tree to be felled	Plantation area in Forest Land (Ha)	Plantation area in Non Forest Land (Ha)	Total Plantation area (Ha)	Plantation in forest land (Nos)	Plantation in non- forest land (Nos)	Total Plantation (Nos)
Phase I	1 to 3	345.33	141011	4	16	20	10000	40000	50000
Phase II	4 to 5	300.17	122570	32	8	40	48000	12000	60000
Phase III	6 to 10	237.06	96800	224	259.57	483.57	336000	389355	725355
Phase IV	11 to 15	136.17	55603	150	76.94	226.94	225000	115410	340410
Phase V	16 to 20	220.41	90001	150	74.77	224.77	225000	112155	337155
Phase VI	21 to 30	108.66	44370	200	123.62	323.62	300000	185430	485430
Phase VII	31 to 40	49.74	20311	200	210.45	410.45	300000	315675	615675
Final Closure		0	0	437.54	245.22	682.76	656310	367830	1024140
Total		1397.54	570666	1397.54	1014.57	2412.11	2100310	1537855	3638165

- xii. The OB dump area is in combination of Private, Govt and Forest Land available in the Dhirauli block. The Proposed OB dump can accommodate 259 MBCM (13%) OB, dump height has been planned 90-100 meter height from ground level, which is maximum possible elevation on grounds of DGMS safety stipulations. 225.4 ha of land is an absolute requirement for external dumping because the in-crop seam that need to be touched to develop a working face is at 60 meters depth from surface. To touch it and cut a trench (longitudinally) because of hilly terrain has a compelling initial stripping ratio of 9:1 (Cum/t). Internal dump can accommodate 1704.54 MBCM OB (87%) which is planned by keeping 100 m lag distance from working bench of quarry with approx 90 m height from the ground level, which has been best optimized on reasons of its safety and stability. Forest land under proposed OB dump is coming between quarry and dump area (private

Land) in linear extension surrounded by quarry and OB dump. During the mine operation, OB removed from area is hilly forest, in order to make access road for initial mining operation and consequent dumping thereof, most of the land will be affected by cut and fill activities, as an operational compulsion. Hence, due to location of forest land in proposed OB dump area it is inevitable to avert involvement of forest land that shall be taken in phases.

- xiii. Further, it was noted that the over burden dump area requirement in this proposal (225.4 ha) is ~16 % of the forest area sought for diversion. The Advisory Committee was apprised that the UA has revised the area (6.3 ha) earlier required for infrastructure on the forest land and now there will no infrastructure proposed on forest land.
- xiv. It was observed that the Compartment no. RF-373 is under Elephant corridor according to working plan of Singrauli Division. The prescriptions in the working plan is as follows:-
 - a. 16.6 (9): Any permanent disturbance creating activities like construction of building, establishment of timber depot & labour camp and other permanent & temporary establishments are restricted in this area.
 - b. 16.6 (10): The compartment falling under Elephant corridor should not be allotted for non-forestry activity if in case it is unavoidable to take these compartment for non-forestry activity then in that case alternative corridor route has to be established. However, as per the document (unsigned map) the Elephant Corridor is away from the proposed diversion area and the same has been confirmed by the CWLW, Govt. of Madhya Pradesh vide letter dated 21.05.2024.
- xv. In this regard, Govt. of Madhya Pradesh informed that the Chief Wildlife Warden (CWLW), Govt. of Madhya Pradesh approved a Wildlife management plan of INR 10.65 crores with a view to protect & conserve the flora and fauna in the region. Furthermore, minimum distance between the Dhirauli Coal block and an Elephant corridor is 5 Km and the instant coal block is located outside at a distance of 10.386 km from the Eco-sensitive zone boundary of Sanjay Tiger Reserve.
- xvi. It was noted that the area proposed for diversion fall in high conservation zone as per DSS analysis. In this regard, it was highlighted that the Regional Office Bhopal has submitted a site inspection report and recommended the proposal with certain observation. The AC sought comments from DDGF (C), RO, Bhopal in this regard.
- xvii. The DDGF (C), RO, Bhopal in its site inspection report has reported that the compartment nos. RF-360, 364, 370 and 371 are on higher altitude and are endowed with natural Sal forest with canopy density ranging from 0.5 to 0.6. The stripping ratio in the area is very high for Open cast Mining. This implies that the area involves huge amount of overburden removal and removal of forest. It was suggested that extraction of Coal in the above-mentioned area should be taken up only by underground method of mining wherein huge overburden and excellent forest in the area would not be required to be removed. In

rest of the compartments, extraction of coal may be taken up by Open cast mining method as proposed.

- xviii. The Dy. DGF, RO Bhopal in his report clarified that the area in these 4 compartments to be avoided which is around 510 ha which comprises of around 36% of the total forest area to be diverted and 19.08% of the total mining lease area. The AC further sought comments from the Nodal officer regarding justification for mining in these four patches.
- xix. In this regard the State Govt. has sought a technical opinion from the mineral resource department of the State Govt. regarding possibilities of carrying out underground mining in 4 patches as mentioned by the RO in his report and based on the technical report of the mineral resource department a detailed reply dated 30.05.2024 was submitted, which need consideration of AC.
- xx. The State Govt. has clarified that as per the Mining plan, 186.06 million tons of Coal is likely to be produced from 5 Coal seams which have been proposed to be worked upon based on Open cast technology and remaining 112.07 million tons of coal shall be extracted from the other 4 coal seams located very deep from the surface and wherein underground mining technology will be adopted. Thus, 62.4% of entire coal reserves of an instant mine are available in the 5 coal seams and proposed to be excavated through open cast method of mining. Moreover, the maximum floor depth of an open-cast seams from surface is around 280 m in the block and considering the geo-mining characteristics of the block and for conservation of resource, it is proposed to extract the coal reserves within the block using combination of open cast mining (upto seam VII) and underground mining (below Seam VII to Seam II) method. Therefore, underground method of mining cannot be acceded in the whole 1397.54 ha proposed forest land to save the large number of trees because this will hinder the complete mineral extraction from the proposed mine and also devoid the extraction of 62.4% coal reserve available in the 5 coal seams which have been proposed to be mined out through open cast method.
- xxi. The total proposed diversion area is 1397.54 ha for open cast Coal mining by M/s Stratatech Mineral resources Pvt. Ltd. Accordingly, as per the rules, the area proposed for Compensatory Afforestation is 1397.54 ha in non-forest land, spread over 45 patches, 29 villages and in 04 districts. The details are as under:

S. No.	District/ Division	Tehsil	Village	Total Area (Ha)
1	Sagar North	Rahatgarh	Laxmanpura	33.56
2	Raisen	Begamganj	Chainpura Muzafata	9.89
3	Shivpuri	Bairad, Shivpuri, Pohri, Kolaras	Basai, Budha, Imlipura & Others	757.88
4	Agar Malwa	Agar, Badod, Baraud	Sanawad, Shivgarh, Chipya & Others	596.21
			Total area	1397.54

- xxii. The project involves rehabilitation of 49 families from the proposed diversion area. However, the user agency has prepared and submitted an approved rehabilitation plan.
- xxiii. The satellite imagery and land use plan submitted by the user agency reveals that there are five (5) transmission lines which are passing through the proposed forest land for diversion. However, the copy of approvals granted under Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980 along with NoC from concerned agencies to shift the power lines from the proposed area have not been submitted by the State Government.
- xxiv. As per DSS analysis, the Compensatory Afforestation has been proposed in total 45 patches comprising an area of 1397.523 ha wherein two CA patches namely Village Imlipura, Khasra No 2 and 19, Shivpuri District are falling in the Forest compartment boundary. In this regard the State Government informed that वनमण्डलाधिकारी, शिवपुरी द्वारा पत्र क्रमांक 2097 दिनांक 24.05.2024 से अवगत कराया गया है कि ग्राम ईमलीपुरा के खसरे क्रमांक 2 एवं 19 के मानचित्र को वनखण्ड के मानचित्र पर ओवरलेप करने पर यह पाया गया कि यह खसरे वनक्षेत्र से बाहर पाये गये हैं।
- xxv. The proposal was considered by the AC in its meeting held on 04.07.2024 wherein the Advisory Committee recommended that:
 - I. 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 Sushil Kumar Awasthi, Additional Director General of Forest (Wildlife), MoEF&CC, New Delhi.
 - b. Shri Arta Trana Mishra, Dy. Director General of Forest, Regional Office, MoEF&CC, Bhubaneswar.
 - c. Shri Shrawan Kumar Verma, Dy. Inspector General of Forest, In-Charge Regional Office, MoEF&CC, Gandhinagar.
 - II. Further, Advisory Committee sought the following clarifications from the State Govt.
 - a. The Nodal Officer shall clarify whether the CA area proposed in Village Imlipura, Khasra No 2 and 19, Shivpuri District are not falling in the Forest compartment boundary.
 - b. The Nodal Officer shall provide the details of proposed CA site namely Village: Raghunathapura (Survey No. 3), Shivpuri District.
- xxvi. Based on the said recommendation of the Advisory Committee, the Ministry has issued letter dated 24.07.2024 to the Sub Committee. Also the Ministry vide letter dated 24.07.2024 has requested the State Govt. to submit the information/clarification as per recommendation of Advisory Committee.

- xxvii. In this regard, the said Sub-Committee has submitted its report vide their letter no. ADG(WL)/Misc./2024/07 dated 23.08.2024. The report of the sub-committee inter-alia mentions the following:

Dhirauli Coal Block in Singrauli Coalfield, in the State of Madhya Pradesh has been allocated to M/s Stratatech Mineral Resource Private Limited (SMRPL} vide Letter No. NA-104/7/2020-NA dated 03.03.2021 by MoC, Gol. (Forest Land 1397.54 Ha} Capacity 6.5 MTPA (5 MTPA OC, 1.5 UG). Coal Reserves are present in this area as per the surveys done by Mineral Exploration Corp. Ltd (MECL) and the coal seams are specifically passing through proposed forest blocks. Mining of coal is a site specific activity. There are coal mines (total 16 as per report) in nearby area which are mainly operating in forest land as open cast mine.

Though the proposal is inviolate by Decision Rule of DSS, as per the site inspection, the forest area is of miscellaneous species having moderately dense forest. It was also observed that the soil is stony with poor site quality. This has been also reflected in the Working Plan of Singrauli Division, which say the site quality as IVB.

The proposed area bears forest type 'Tropical dry deciduous Forest' having predominance of Sal and its associates, e.g. Tendu (*Diospyros melanoxylon*) and other such species. As per discussion with the DFO and local forest officials, during sampling, 140 samples of 0.1 ha each were laid in the area with sampling intensity of 1%. The sampling data shows 148,526 saplings of girth less than 30 centimetres, while total no. of trees (including saplings below 30 cm gbh} proposed for felling are estimated as 5,70,666. Accordingly, the estimated number of trees for felling calculated by the Forest Department on basis of sampling above 30 cm gbh are 4,22,140. Before felling of trees physical counting of trees to be felled to be done. Efforts should be done to transplant any rare, endemic species marked to be felled.

The User Agency has proposed OB dump over an area of 387.55 ha, which includes 225.4 ha forest land and 162.15 ha non-forest land. It was informed during inspection that Compartment No. 360 Sarai East (Area — 217 Ha.) is proposed as external OB dump. This compartment is non-coal bearing. As per the Topo-sheet of this compartment, a larger part of the area of this compartment has steep gradient. The User Agency need to be advised to use minimum area for dumping.

As per the representative of user agency, this area will be for keeping the OB dump temporarily and subsequently these dumps will be used for filling of pits. After the OB dump are reused the forest land, may be reverted back to original by taking suitable measures including planting of native species and given back to the department.

The drainage of this block is mainly controlled by westerly flowing Hardul Nala, which traverses the block and passes almost through central part of the block. Many small seasonal nalas originating from elevated topography of north eastern and south-central part of the block drain its water into Hardul Nala. There is no major river near by the block. Hence, in order to maintain the hydrology of the area, it is felt that the Hardul Nala needs to be retrained/diverted. Hydrological study of the area may be conducted by some reputed organisation to get the possible diversion way. The approval from the water resource department may be obtained before the diversion of nala. Embankment to be made to ensure that no mine waste enters the nala and safety zone of 50 m width with plantation may be done all along the lease on either side of the nala.

Since the area has presence of wildlife, a comprehensive Wildlife Mitigation Plan needs to be prepared by the State Govt. for the entire landscape. Site-specific plans should be prepared and implemented for each mining areas including Dhirauli, at the cost of user agency. Even though the project area is not part of any Elephant Corridor as per PCCF(WL) MP, the site-specific mitigation plan should address the safe movement of elephant and mitigation of man animal conflict.

As per the break-up of area proposed for diversion, 72.11 ha has been kept as Rationalization Area. It includes 51.82 ha forest land and the balance 20.29 ha. is non-forest area. As per the user agency, this area is in scattered small patches inside the proposed area for diversion and these scattered patches in multiple locations shall be used several identified land uses between two mine infrastructures, e.g. setting pond, connecting roads etc. The kml files of this area may be prepared and after the usage, it shall be developed as green belt.

The area statement of proposed diversion proposal includes part or full area of the 16 compartments in two Ranges {Waidhan & Sarai east}, totalling 1397.54 ha. According to revised Forest Types (Champion and Seth classification-1968), the area has been classified as Dry Peninsular Sal Forest (5B/C1c), Northern Dry Mixed Deciduous Forest (5B/C2) and Dry Bamboo Brakes (5/E9). The area has highly undulating and rugged topography. The sub-committee inspected the overall area extending from south-western corner (Comp - RF 360 & 362) to central and eastern parts comprised by compartments {RF 364, 370 & 371}. The representative area is covered by plateaus on undulating plains comprising of sedimentary, crystalline and metamorphic rocks. The structural plateaus in the area are covered with patchy red sandy soil with rocky outgrowth, thus limiting the site quality to IV-B. Some of the compartments are also under anthropogenic pressure and resultantly partly understocked. The stock maps and compartment history sheets prepared by Working Plan Officer (Plan Period — 2018-19 to 2027-28 of Shri Rajiv Mishra) were also examined,

which describe the site quality as IV-B in all these compartments, i.e. RF 360, 364, 370 & 371. The entire area bears a similar canopy density (0.4-0.5) overall with representative Site quality IV-B. Hence, reliance can be made on the technical feasibility report to decide the method of mining.

- xxviii. The Advisory Committee observed that as per report of the sub-Committee the sub- Committee recommends the proposal for diversion of 1397.54 ha forest land out of which 1335.35 ha Reserved forest land (RF) in various forest compartments and 62.19 ha Revenue forest in various Khasras of Forest Range Waidhan/ Sarai East for Open Cast Dhirauli Coal Mine Project in favour of M/s Stratatech Mineral Resources Private Limited under Singrauli Forest Division, Singrauli District of Madhya Pradesh State with following conditions -
- a. The User Agency shall prepare a detailed mining plan for 40 years, linking the progress of mining and felling of the trees clearly. Felling of trees shall be done, when it is absolutely necessary in phase-wise manner in the areas which become due for mining as per mining plan.
 - b. Compensatory afforestation (CA) shall be done on identified land through artificial regeneration of Sal and planting of other native associates of Sal to restore the ecological services of the area. This should be achieved by planting of trees as well as by other measures of eco-restoration, e.g. soil & water conservation and rain water harvesting. Sal and associates of Sal of at least 18 month old seedlings should be used in CA.
 - c. The identified forest land for external OB dump shall be used judiciously by taking appropriate measures to check soil erosion in the area. Since this is non-coal bearing area, hence, after the initial use as OB dump, the entire area shall be reverted back to original by flattening and taking suitable measures including planting of native species.
 - d. A hydrological study for the entire area shall be prepared by reputed organisations like any IIT or NIT at the cost of User Agency. The Hardul Nala retraining work should be done as per the hydrological study and in consultation with Water Resources Department.
 - e. Diversion of transmission line shall be done using a defined corridor with minimum centre to centre distance between the lines to economise need of additional land.
 - f. A comprehensive wildlife mitigation plan shall be prepared by the State Govt. for the entire landscape. Although the project area is not part of any Elephant Corridor, but in view of its proximity to an elephant corridor and ESZ of a tiger reserve, the site-specific mitigation plan should be prepared for funding by user agency to avoid future conflicts.
 - g. A Comprehensive Rehabilitation and Resettlement (R&R) Plan shall be prepared and implemented before commencing mining operations in the area.

- h. Catchment treatment plan should be prepared to compensate the loss of catchment to the small nalas and rivulets in and around the proposed mining lease.
- xxix. During the meeting the Nodal Officer, Government of Madhya Pradesh has submitted its letter no. F-1/845/2023/10-11/4506 dated 26.08.2024 wherein in reference to Advisory Committee recommendation dated 04.07.2024 conveyed vide Ministry letter no. 8-01/2024-FC dated 24.07.2024 it is mentioned that दिनांक 25.08.2024 को मेरे द्वारा शिवपुरी जिले के ग्राम इमलीपुरा के खसरा नम्बर 2 के रकबा 18.18 हेक्टेयर तथा खसरा नम्बर 19 के रकबा 23.72 हेक्टेयर को फॉरेस्ट स्टॉक मैप में दर्शित निकटतम मुनारा क्रमांक 70 का जीपीएस रीडिंग N. 25°51'44.00"N. E 77°39'14.00"E लेकर मिलान किया गया जिसमें पाया गया है कि उक्त खसरा नं 2 एवं एव 19 वनक्षेत्र के बाहर हैं। उक्त क्षेत्र चारों तरफ से वन से घिरा हुआ है। निरीक्षण में ग्राम रघुनाथपुरा के सर्वे नम्बर 3 के रकबा 6.00 हेक्टेयर गैरवनभूमि को पी एफ ब्लॉक बेहरदा के कार्य आयोजना के मानचित्र अनुसार KML files का ओवर लेप कर मिलान किया एव पाया कि ये वन सीमा से लगा हुआ है शासकीय राजस्व भूमि है।

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 Dy. DGF (Central), RO, Bhopal, the Committee recommended the proposal for grant of '*in-principle*' approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Diversion of 1397.54 ha forest land out of which 1335.35 ha Reserved forest land (RF) in various forest compartments and 62.19 ha Revenue forest in various Khasra's of Forest Range Waidhan/ Sarai East for Open Cast Dhirauli Coal Mine Project in favour of M/s Stratatech Mineral Resources Private Limited under Singrauli Forest Division, Singrauli District of Madhya Pradesh State subject to the general, standard and following specific conditions:

- i. As per the component wise breakup, the total rationalized area is mentioned as 72.11 ha out of which 51.82 ha is forest land. In this regard the user agency shall submit an undertaking that the said forest land shall not be used for any non-site specific activity or additional infrastructure.
- ii. The User Agency shall prepare a detailed mining plan for 40 years, linking the progress of mining and felling of the trees clearly. Felling of trees shall be done, when it is absolutely necessary in phase-wise manner in the areas which become due for mining as per mining plan.
- iii. Compensatory afforestation (CA) shall be done on identified land through artificial regeneration of Sal and planting of other native associates of Sal to restore the ecological services of the area. This should be achieved by planting of trees as well as by other measures of eco-restoration, e.g. soil & water conservation and rain water

- harvesting. Sal and associates of Sal of at least 18 month old seedlings should be used in CA.
- iv. The identified forest land for external OB dump shall be used judiciously by taking appropriate measures to check soil erosion in the area. Since this is non-coal bearing area, hence, after the initial use as OB dump, the entire area shall be reverted back to original by flattening and taking suitable measures including planting of native species.
 - v. A hydrological study for the entire area shall be prepared by reputed organisations like any IIT or NIT at the cost of User Agency. The Hardul Nala retraining work should be done as per the hydrological study and in consultation with water Resources Department.
 - vi. Diversion of transmission line shall be done using a defined corridor with minimum centre to centre distance between the lines to economise need of additional land.
 - vii. A comprehensive wildlife mitigation plan shall be prepared by the State Govt. for the entire landscape. Although the project area is not part of any Elephant Corridor, but in view of its proximity to an elephant corridor and ESZ of a tiger reserve, the site-specific mitigation plan should be prepared for funding by user agency to avoid future conflicts.
 - viii. A Comprehensive Rehabilitation and Resettlement (R&R) Plan shall be prepared and implemented before commencing mining operations in the area.
 - ix. Catchment treatment plan should be prepared to compensate the loss of catchment to the small nalas and rivulets in and around the proposed mining lease.

Agenda No. 14

F. No. 8-22/2023-FC

Subject: Diversion of 146.996 ha forest land under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Integrated Coal Mining including post mine reclamation in Marki-Mangli II coal block in Yavatmal District of Maharashtra State in favour of M/s Yazdani International Private Limited (Online No. FP/MH/MIN/145510/2021) - regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF, RO, Nagpur and the Nodal Office, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Maharashtra vide their letter No. FLD-3223/CR-179/F-10 dated 02.08.2023 submitted a fresh proposal for diversion of 146.996 ha forest land under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Integrated Coal Mining

including post mine reclamation in Marki-Mangli II coal block in Pandharkawada Forest Division, Yavatmal District of Maharashtra State.

- ii. The proposed forest diversion area is 146.996 ha out of which 129.771 ha is Reserved forest and 17.225 ha is un-classed Forest and the density of vegetation is less than 0.4 in Pandharkawada Forest Division having Eco-class 3 with 113425 nos. of trees are marked for felling.
- iii. The Nodal Officer, Government of Maharashtra informed that the present proposal is for Coal Mining through Open cast method.
- iv. The Component wise breakup of the proposed forest land is as under:

Sr. No.	Particulars	Area (Ha)
1	Excavation Area	144.542
2	Safety Zone/Green Zone	2.454
	Total	146.996

- v. The State Government has informed that the proposed forest land for diversion is covered under approved tiger conservation plan of Tadoba Andhari tiger reserve. Further, proposal for wild life clearance under section 38((o) ((g) has already been cleared by State Board of Wildlife as communicated by PCCF (WL) Government of Maharashtra. A comprehensive Wild Life Conservation plan prepared depicting the impacts of mining and the same has been approved by the CWLW is submitted. However, recommendations of NBWL will be submitted before final approval and the recommendations in the instant proposal are yet to be obtained from the NTCA.
- vi. The Nodal Officer, Govt. of Maharashtra apprised that the Plantation of 9600 saplings was undertaken in Mukutban Round Beat Bhendala in compartment number 20 B on 12 ha land which is under control of Forest Department Corporation of Maharashtra (FDCM). However, the user agency obtained the NoC from the FDCM and agreed to bear the cost of plantation.
- vii. The State Govt. has reported that there is no habitation coming in lease boundary, no displacement is involved. Mining lease, however involves 155.01 ha tenancy/ agriculture land, out of which 62.59 ha land has been vested with the company which was purchased/ under agreement through direct negotiations by earlier allottee. Remaining private tenancy land would be acquired preferably through direct negotiations or under the provision of RFCT LRR 2013.
- viii. The committee noticed the mined out area through satellite imagery within the lease boundary along with the Tailing pond. In this regard, the Nodal Officer, Govt. of Maharashtra clarified that this mine was in operation and prior allottee extracted 0.1 MT up to year 2014 creating mine pit within lease hold area and small external OB dumping outside the lease area as is seen in satellite imagery and this work was carried out in the Non-forest land after executing the lease excluding forest land. Prior allottee did not work in forest land.
- ix. A seasonal nallah has also been proposed to be diverted within the Mining lease wherein the State Govt. informed that the actions have been initiated to obtain NOC from Water Resource Department, Government of Maharashtra for proposed diversion of seasonal nallah in non-forest land of Marki Mangli II

lease area. The NOC of Nallah diversion from the Non-forest land will be submitted before the final/ Stage-II approval.

- x. During the discussion of the proposal, it is learnt that the Proposed Land use details (Post closure) of the Forest land involved in the Project as per the approved mining plan are submitted. However, variation has been observed based upon the proposed land use given in the approved Mining plan and the land use Map as submitted & uploaded by the user agency in Part-I form.

Sr. No.	Land use in Forest land (Post closure)	Area (Ha) as per the Mining plan	Area (Ha) as per the Land use Map
1	Backfilled Area	37.06	37.06
2	External Dump	52	52
3	Safety zone	6.06	2.454
4	Road & Infrastructure	12.20	---
5	Rationalization of Area	39.676	3.702
6	Excavated Void	---	51.78
	Total	146.996	146.996

- xi. Thus a variation has been observed between the proposed land use given in the approved Mining plan and the land use Map as submitted & uploaded by the user agency in Part-I form. Further, the post closure land use mentions that an area of 52 ha will be used for external dump and 12.20 ha will be used for roads and infrastructure. There seems to be no justification for using 52 ha forest land as external dump and 12.20 ha for road and infrastructure, post mine closure. Moreover, these activities are not site specific in nature.
- xii. The Dy. DGF (Central), RO, Nagpur apprised that the Safety zone has not been suitably demarcated in certain places of the Mining lease.
- xiii. The State Govt. informed that as per Rule 13 Sr. No. 7 of Scheduled -II under Van (Sanrakshan Evam Samvardhan) Rules, 2023 it has been categorically mentioned that Land qualifying for Compensatory Afforestation under Serial No. (1) or (2) and is located in continuity of a notified boundary of a National Park or a Wildlife Sanctuary or area linking one protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors in such cases Size of Compensatory Afforestation land as compared to forest land to be diverted for non forest purpose should be 15% less. In the present proposal as certified by DFO, Chiplun (Ratnagiri), the non- forest area of 148.123 Ha from G. Nos. 5,6,9,10.12 & 20 Village Ratambi Tal. Sangameshwar Dist. Ratnagiri, is proposed for Compensatory Afforestation in proposed eco-sensitive zone of Sahyandri Tiger Reserve. Village Ratambi is situated in the core part of the Western Ghat and forms part of the proposed Eco Sensitive Area (ESA) of the Western Ghats as per suitability certificate of DFO Chiplun. As per DSS analysis of MoEF proposed CA land is adjacent to buffer zone of STR. Village Ratambi shares its border with the Chandoli National Park, which is part of the Sahyadri Tiger Reserve (STR). The villages adjoining to Ratambi in the STR Patharpunj, Male and Kolane, in Satara District, are in the core zone of the STR and are included in the 'Critical Tiger Habitat' of STR, as per the Maharashtra Government Notification dt. 21st August 2012. The land proposed for CA is adjacent to the critical tiger habitat

of STR and the Crestline of the Western Ghats. In its letter number 1-2/2020-NTCA dated February 07,2023 to PCCF (WL). NTCA made available GIS data on all tiger corridor including corridor of TCP of TR under their DSS on the web site of NTCA. Corridor delineated in TCP passes through proposed location in village Ratambi on Crestline of the Western Ghat outside STR connecting it to the Protected Areas of Goa & Karnataka. Part of G. No. 20, of village Ratambi, is proposed for CA and a part of G.No. 20 is a Reserved Forest and included in the buffer zone of the Sahyadri Tiger Reserve vide Maharashtra Government Notification dt. 21st August 2012. It is also imperative to note that proposed area once notified as RF, can be included in the buffer zone of STR. Keeping in view the criteria for rebate as mentioned above, proposed location fits into criteria of area linking one protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors and qualify for the rebate of 15%, which amounts to 22.045 ha out of proposed diversion of 146.996 ha.

- xiv. The committee took a note that the DFO concerned has submitted the suitability certificate for 148.413 ha non forest area for Compensatory afforestation (CA) which falls in proposed ESZ of Sahyandri Tiger Reserve. While the user agency requested that their proposal may be considered for incentives as per schedule II of Van Adhiniyam Rules 2023. Further, the State Govt. informed that since the location of proposed non forest land for CA falls in tiger corridor and proposed ESZ, proposed CA land qualify for the rebate of 15% which amount to 22.045 ha out of proposed 146.996 ha. Further as per Rule 13 Sr. No. 7 of Scheduled -II under Van (Sanrakshan Evam Samvardhan) Rules, 2023 it has been categorically mentioned that Land qualifying for Compensatory Afforestation under Serial No. (1) or (2) and is located in continuity of a notified boundary of a National Park or a Wildlife Sanctuary or area linking one protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors in such cases Size of Compensatory Afforestation land as compared to forest land to be diverted for non-forest purpose shall be Fifteen per cent less. However as per the DSS analysis the Non-forest land proposed for CA under Ratnagiri District was found to be adjacent to the Buffer zone of Sahyadri Tiger Reserve and located at a distance of 2.81 Km from the Koyna-Chandoli Tiger corridor.
- xv. The proposal was earlier considered in the AC meeting held on 30.04.2024 wherein the Committee decided that the proposal shall again be placed before AC in the next meeting after receipt of the following:
 - a. Variation has been observed in the proposed land use given in the approved Mining plan and the land use Map as submitted & uploaded by the user agency in Part-I of application form. Therefore, the State Govt. needs to revisit and submit a land use map, KML file in accordance with the approved mining plan.
 - b. The post closure land use in the mining plan mentions that an area of 52 ha will be used for external dump and 12.20 ha will be used for roads and infrastructure. Both these activities are non-site specific in nature. Moreover, there seems to be no justification for using 52 ha forest land as external dump and 12.20 ha for road and infrastructure, post mine closure. Moreover, in the component wise breakup given in the proposal, 144.52 ha area has been proposed for excavation and

2.454 ha has been proposed to be used for safety zone. A justification in this regard shall be submitted.

- c. As per DSS analysis, the area proposed for CA is adjacent to the buffer zone of Sahyadri Tiger Reserve and located at a distance of 2.81 Km from the Koyna Chandoli Tiger corridor. The State shall therefore submit along with the documentary evidence whether the area proposed for Compensatory Afforestation is a part of any National Park, Wildlife Sanctuary, a notified tiger or wildlife corridor or otherwise along with the justification for the quantum of rebate applicable.
 - d. The State shall submit a detailed report along with chronology of the prior mining lease in the given area and the mining activities carried out by the prior allottee on NFL. Further, it has been mentioned that a part of the NFL has been acquired by the prior allottee. The state shall therefore examine whether the NOC from the prior allottee is required in the instant case or not.
 - e. The State shall examine whether a valid Letter of Intent (LoI) exists in favour of the present allottee or not. A report along with documentary evidence shall be submitted.
 - f. The diversion of a nallah has been proposed within the mining lease. Therefore, the permission/NoC from the Water Resources Department, Government of Maharashtra shall be submitted.
- xvi. The said recommendations of the Committee was communicated to the State Government of Maharashtra vide the Ministry letter No 8-22/2023-FC dated 17.05.2024.
 - xvii. In this regard, the Government of Maharashtra vide their letter No Desk-17/FCA-S1/PID-145510/Yavatmal/494 dated 29.05.2024 has submitted the information. However, on examination of the information in the Ministry, it was found that the State Govt. has not submitted the complete information/ documents.
 - xviii. Therefore, the Ministry vide its letter dated 24.06.2024 again requested to the Government of Maharashtra to submit the complete information on the following:
 - a. As per the DSS analysis report it has been reported that still the correct component wise KML file of the activities proposed to be undertaken on the Forest as well as Non-forest land has not been given.
 - b. The land use plan submitted by user agency against point no (i) above, it has been mentioned that post mining an area of 23.160 ha for external OB dumps, 28.08 ha for excavated void, 1.70 ha for settling pond and 11.042 for rationalization of area on forest land. However, the state was asked to give the justification for using 52 ha forest land as external dump and 12.20 ha for road and infrastructure, post mine closure, which has not been submitted.
 - c. The State had mentioned that a part of the NFL was acquired by the prior allottee. The state was therefore asked to examine whether the NOC from the prior allottee is required in the instant case or not. In this regard no response has been received from the state govt.
 - d. The NoC for Nallah diversion from the Water Resource Department, Govt. of Maharashtra has not been submitted
 - xix. In this reference, the Government of Maharashtra vide letter dated 01.07.2024 submitted the required information/ documents.

- xx. Upon deliberation on the land use, the Nodal officer, Govt. of Maharashtra confirmed that the that forest land will be used only for excavation is 144.542 ha and safety zone will be maintained over 2.454 ha forest land and out of earlier shown 52 ha land shown as external dump in post mining land use, it was appraised that 23.16 ha forest land is proposed over excavated area (re-handled/ backfilled) and 28.840 ha is on excavated land in non-forest area. It has been further informed that the infrastructure that would be developed over 12.20 ha Non-forest area will be finally reclaimed as plantation in post mining land use.
 - xxi. The committee observed that the NoC for nallah diversion located on the Non-forest land from the Water Resource Department, Govt. of Maharashtra has not been obtained yet. In this regard, the Nodal Officer, Govt. of Maharashtra informed that the actual requirement for nallah diversion would be required after 12 years since the commencement of the mining work and a study is now being carried out by Water Resource Department and Neeri has been completed and submitted to CDA, Nashik Government of Maharashtra for obtaining the final design of Nalla. Therefore, the issuance of NoC would take some more time.
 - xxii. The Nodal officer, Govt. of Maharashtra confirmed that all land acquired and mentioned has been vested by order No NA-104/3/2020-NA dated 03.03.2021 of Nominated Authority, Ministry of Coal, Government of India in favour YIPL (user agency) as a successful bidder. Therefore, the requirement of the NoC from prior allottee who worked in the Non-forest land is not appropriate.
 - xxiii. The committee observed that the State Government of Maharashtra seeking rebate upto 15% in the area of proposed Non-forest land for CA proposed in the present proposal cannot be acceded owing to the fact that the proposed Non-Forest land for CA under Ratnagiri District is not located in continuity of a notified boundary of a National Park or a Wildlife Sanctuary or area linking one protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors and also the proposal is for commercial coal mining.
 - xxiv. The RO, Nagpur furnished the site inspection report and while recommending the instant proposal it has been mentioned that the recommendation is subject to the approval from the SC NBWL. The State Govt. in this regard had earlier mentioned that the proposed forest land for diversion is covered under approved tiger conservation plan of Tadoba Andhari tiger reserve.
 - xxv. The committee observed that the approval of SCNBWL can be parallely processed in the instant case.
 - xxvi. The committee noted that the CA proposed over the Non-Forest land, in Village Ratambi, Taluka Sangameshwar under Ratnagiri District is located near the proposed eco-sensitive zone of Sahyandri Tiger Reserve and having good vegetation cover. Therefore, additional degraded forest land needs to be identified for carrying out Compensatory afforestation (CA) work nearby the proposed forest land for diversion so as to minimize ecological loss in the area.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of

Maharashtra, the Committee 'recommended' the proposal for diversion of 146.996 ha forest land for Integrated Coal Mining including post mine reclamation in Marki-Mangli II coal block subject to the General, Standard and following Specific conditions:

- i. The user agency shall transfer 146.996 ha Non-forest land as CA which is equal in extent to the forest land being diverted.
- ii. The user agency in consultation with the State Forest Department shall identify the degraded forest land nearby the mining area for Compensatory afforestation (CA) which shall be carried out over area equal in extent to the forest land being diverted i.e. 146.996 ha and the same shall be raised and maintained by the State Forest Department at the project cost. A detailed scheme in this regard shall be submitted by the State Government with the detail of funds deposited, KML files and site suitability certificate given by the Nodal officer along with the compliance report of Stage-I approval.
- iii. The diversion of a Nalla has been proposed within the mining lease. The user agency will take up programme for at least 50 meter green belt along the sides of the Nallah from the initial years under the supervision of the State Forest Department.
- iv. The copy of NoC from the competent authority of the State Government for Nalla diversion in the lease shall be submitted.

Agenda No. 15

F. No. 8-05/2024-FC

Subject: Diversion of 0.28 ha of forest land for construction of underground Optical Fiber Cable for High speed broadband connectivity of Gram Panchayat in Mulshi Block of Pune District in favour of Bharat Sanchar Nigam Limited in the State of Maharashtra (FP/MH/OFC/14575/2021) – regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF, RO, Nagpur and the Nodal Office, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Maharashtra vide their letter no. FLD-1923/C.R.229/F-10 dated 02.02.2024 submitted the above mentioned proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to the Ministry.
 - ii. The proposal is for ex-post facto approval. The total forest area involved in the instant proposal is 0.2800 ha for construction of underground Optical Fiber Cable for High speed broadband

connectivity of Gram Panchayat in Mulshi Block of Pune District in the State of Maharashtra.

- iii. Legal status of the proposed area is Private, Reserved Forest and Density of the proposed area reported as 0.4 with total 28 number of project affected trees.
- iv. Violation had been reported over approx. 0.06 ha of forest land. As reported, details of violation and action taken are as under:
 - c. **Details of violation:** In this case, the applicant has violated the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 by digging of trench on 0.06 ha of forest land for laying of underground OFC in Mulshi Block started in the month of January, 2019. The State Government has also submitted Violation Report, wherein the State Government has reported that the violation is not caused by the neglect of the responsibility on the part of Vendor person. The issue consists of an unconscious ignorance of a material facts on ground while execution of the work.
 - d. **Action Taken against the person's responsible for violation:** For the offence a case of criminal complaint filed in JMFC joint Civil Judge Pune Court.
- v. The DFO concerned in his site inspection report has informed that the proposed area lies within the ESZ of the Tamhini Wildlife Sanctuary and Sudhagad Wildlife Sanctuary.
- vi. The State Government has informed that alignment of cable lies within the Eco-sensitive zone of Tamhini Wildlife Sanctuary and Sudhagad Wildlife Sanctuary. Notification for Tamhini Wildlife Sanctuary was published on 25.02.2021 wherein as per the list it is mentioned that 'underground cabling may be promoted'.
- vii. The Regional Office, Nagpur in its site inspection report has mentioned that total 28 number of trees to be felled in the entire stretch of OFC line passing through the forest area. The species like Mangifera Indica, Syzigium Cumini etc are existing in the area. During the inspection the representative of the User Agency was enquired on whether the OFC line can be laid through drilling so as to avoid felling of trees. The representative of the BSNL informed that, laying of OFC through drilling is easier and cost effective, however, as the area is having vegetation and presence of rocks, drilling cant not used for laying of OFC.
- viii. Further, the Regional Office, Nagpur in its site inspection report has mentioned that out of 0.28 ha of forest area proposed for diversion, an extent of 0.0992 ha forms part of the two Wild life sanctuary i.e. 0.0238 ha in Tamhini Wildlife Sanctuary Pune and 0.0684 ha in Sudhagad Wildlife Sanctuary. However, the project is intended to lay the OFC along the exiting katcha road, no such significant impact can be anticipated due to the project on wildlife.
- ix. The Nodal Officer, Government of Maharashtra justified the location and stated that basic aim of the project is to provide the people of under developed areas with reliable and high-speed media

connectivity. Further reported that, no alternative alignment to the proposed alignment and also reported that the project is site specific as the target locations and the route are defined.

- x. The Nodal Officer, Government of Maharashtra also informed that though the forest area proposed for diversion forms part of the two Wild life sanctuaries. However as the proposal is for laying of OFC cable and as per the guidelines/provisions under Wildlife (Protection) Act, 1972 the proposal needs approval from the State Board of Wildlife which has been already obtained.
- xi. The committee observed that as small portion of the area is within WLS necessary permission as applicable in view of Ministry guidelines needs to be obtained.
- xii. The committee observed that as the area proposed for diversion is less than one ha. Compensatory afforestation is not required. However, as per the provision of Van (Sanrakshan Evam Samvardhan) Rules 2023, the UA shall make necessary payment towards raising and maintaining of 10 times the trees to be felled i.e. $28 \times 10 = 280$ trees.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Maharashtra, the Committee recommended the proposal for grant of “***in-principle***” approval for diversion of 0.28 ha of forest land for construction of underground Optical Fiber Cable for High speed broadband connectivity of Gram Panchayat in Mulshi Block of Pune District in favour of Bharat Sanchar Nigam Limited in the State of Maharashtra subject to the General, Standard and following Specific conditions:

- i. The penalty for violation shall be five times the NPV for the area used in violation plus 12% simple interest from the date of raising of such demand till the deposit is made.
- ii. The UA shall make necessary payment towards raising and maintaining the plantation of 10 times the trees to be felled i.e. $28 \times 10 = 280$ trees.
- iii. Keeping in view the fact that a small portion of the area is within WLS, state shall ensure that the necessary permission as applicable under WLPA 1972 is obtained.

Agenda No. 16

F. No.: FC-II/MH215/2023-NGP

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 9.4715 ha (Revised from 6.4325 ha) forest land for laying underground Natural Gas Pipeline of Nagpur to Jharsuguda alongwith Optical Fiber Cable (OFC) Stretch of Nagpur to Jharasguda Pipeline passing through district Nagpur, Bhandara and Gondiya in the State of Maharashtra in favour of GAIL India Limited (Online No. FP/MH/Pipeline/153017/2022) - regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF, RO, Nagpur and the Nodal Office, 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-2023/CR-109/F-10 dated 19.04.2023 submitted the proposal for diversion of 9.4715 ha forest land seeking prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to the Regional Office, Nagpur.
 - ii. The State Govt. informed that the total length of pipeline in Gondia district is 103.801 Km. The area of Non-forest land is 196.3416 Ha. And forest land is 4.4005 ha. which is very minimal i.e. only 4.23% of total land requirement. The width of RoW is 20 meters in private land however in forest area the width has been reduced to bare minimum of 10 meters. The alignment of pipeline is fixed based upon detailed route survey and technical feasibility wherein optimum, economic and most feasible route is selected by avoiding environmentally/ ecologically sensitive areas such as forest, wildlife sanctuaries, National Park, CRZ area,/Area under acquisition for mining activity, plantations, highly populated area, future development, safety of people and property, shortest possible length, minimum number of bends, favorable ground profile for pipe line, avoidance of rocky stretches, minimum number of obstacle crossings such as NH, SH, Railways, Rivers, flood prone and tidally affected areas, accessibility to pipeline route during construction, maintenance and operation as far as possible. Therefore the selected alignment is through minimum forest land.
 - iii. The State Govt. has informed that the proposed stretch of Nagpur to Jharsuguda pipeline passing through district Nagpur, Bhandara and Gondia (Maharashtra) State involves 9.4715 ha. of forest land in Nagpur, Bhandara and Gondia Forest Division and 322.2292 Ha. of non-forest land passing through 134 villages involves in Nagpur, Bhandara and Gondia District and the user agency laid down the pipeline as per P&MP Act, 1962.
 - iv. The State Govt. has informed that proposed area involves Chhote Jhad ka jungle, Zudpi jungle, Protected Forest and Forest by dictionary meaning. Density of the proposed area is reported from 0.1 to 0.3.
 - v. The State Govt. has informed that the User Agency has carried out violation on 0.1595 ha of forest land in year 2023. Also the State Government has reported that as per the Govt. of India policy for laying of underground Natural Gas Pipeline along with Optical Fiber Cable OFC from Nagpur to Jharsuguda Nagpur to MH MP Border Maharashtra section by GAIL India Ltd and Funds granted for construction the work and it is Bonafide in the interest of public welfare and for development of nation. Hence action was not proposed.

- vi. The Nodal Officer, Government of Maharashtra the area being diverted is not important from wildlife habit point of view. But the Gas pipeline passes through 25 villages which fall under NTCA's corridor map of WII's Eastern Vidharbha Landscape Tiger Corridor Atlas. Therefore the user agency has submitted proposal of wildlife clearance as per instruction. Presently the proposal was sanctioned by State Board of Wildlife on dated 16.10.2023 and forwarded to National Board of Wildlife.
 - vii. The committee observed that the proposed alignment falls under Inviolable or In high conservation zone (HCV) category as per the DSS Rule-1 because the part of the proposed forest land is falling in the Tiger corridor
 - viii. The committee observed that the Compensatory Afforestation is proposed on non forest land of village Jalalhaba, Gat No. 59 over an area of 10.00 ha and DFO, Gondia also given the site suitability certificate.
4. **Decision of Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Maharashtra, the Committee recommended the proposal for grant of **"in-principle"** approval for diversion of 9.4715 ha (Revised from 6.4325 ha) forest land for laying underground Natural Gas Pipeline of Nagpur to Jharsuguda alongwith Optical Fiber Cable (OFC) Stretch of Nagpur to Jharsuguda Pipeline passing through district Nagpur, Bhandara and Gondiya in the State of Maharashtra in favour of GAIL India Limited subject to the General, Standard and following Specific conditions:
- i. The penalty for violation shall be five times the NPV for the area used in violation plus 12% simple interest from the date of raising of such demand till the deposit is made.
 - ii. The copy of approval from the SC-NBWL shall be submitted along with the compliance of Stage-I approval.
 - iii. The Compensatory Afforestation shall be carried out on non-forest land of village Jalalhaba, Gat No. 59 over an area of 10.00 ha.

Agenda No.17

File No. 3-MGC017/2022-SHI

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Green Valley Industries Ltd. for non-forestry use of 11.09 ha of deemed forest land for Opencast Limestone Mining Project (10.71 Ha Mining Area + 0.38 ha approach road to mine) located at Madan Pyrda, Chiehruphi village in East Jaintia Hills District of Meghalaya (Online Proposal No. FP/ML/MIN/40422/2019) - regarding

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis.

Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The DDGF (Central), Regional Office, Shillong attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Meghalaya vide letter dated 18.04.2022 submitted the above mentioned proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanraksha Evam Samvardhan) Adhiniyam, 1980.
 - ii. The User Agency M/s Green Valley Industries Limited is having a cement plant which is in operation located a distance of about 6.00 km from the proposed mine. This proposed mine will be a stable source of limestone as raw materials to the cement manufacturing unit.
 - iii. The User Agency was granted a Prospecting License over an area of 15.60 ha by State Govt. vide order dated 24.08.2010 and its agreement was executed on 30.09.2010. As per JIT-I report, the 15.60 ha area has been declared as deemed forest land.
 - iv. **A total of 11.9 ha is proposed for diversion in Deemed Private forest land. Purpose wise breakup is given as under:**

Sl. No.	Particulars	Area (in ha)
1.	Mining area	9.60
2.	Safety Zone of Green Belt Development	1.11
3.	Approach road	0.38
Total		11.09

- v. Density of vegetation has been reported as 0.75 (Eco-class I). Total of 581 trees (below 60 cm =146 nos. & above 60 cm = 435 nos) are going to be affected by the said diversion. As per report of Range Forest Officer, enumeration list comes out to be 588. As per DSS report, the proposed diversion site is considered as per Decision Rule-1 the area is inviolate.
- vi. The Compensatory Afforestation has been proposed over non-forest land equivalent to the area to be diverted in non-forest land i.e. 11.09 ha identified at Nongumiang Village of West Khasi Hills District. Examination of the CA site using DSS tools revealed that 4.0 ha MDF, 4.0 ha Open Forest and 3.5 ha scrub land. Site suitability certificate has been submitted by concerned DFO. It has been certified by the DFO that CA site is located adjacent to Nongumiang RF and is completely devoid of any trees.
- vii. No Violation of the Forest (Conservation) Act, 1980 have been reported by the concerned DFO. The proposal doesn't involve displacement of persons as reported by State Govt. The area proposed for diversion does not form a part of National Park/ Sanctuary/ Biosphere Reserve/ Elephant Corridor etc. Moreover, the area does not have importance from archaeological point of view. The Proposed diversion area is 6.58 km from Eco-Sensitive Zone of Narpuh Wildlife Sanctuary and 7.92 km from the Narpuh Wildlife Sanctuary, as reported by concerned DFO. Compliance of the Schedules Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted along with the proposal.

- viii. The Environmental Clearance (EC) is required for this project. The SEAC, Meghalaya had granted Term of Reference (TOR) vide letter No ML/SEIAA/MIN/GVL-BI: 2/P-01/2020/6/1678 dated 02.02.2021.
- ix. Mining lease issued by Mining & Geology Department, Govt. of Meghalaya vide No. MG.86/2012/170 dated 04.01.2018. The total area of mining lease is 10.71 ha. Mining Plan have been submitted on 03.10.2019. Environmental Management Plan has been submitted. Mine Closure Plan and Reclamation Plan is part of the Mining Plan is given.
- x. The above facts were discussed in the Regional Empowered Committee meeting held on 28.02.2023. REC noted that the State Govt. official informed in the meeting that this since the proposal being near to the Eco-Sensitive Zone of the Narpuh Wildlife Sanctuary, the REC felt that its impact to the villagers may arise and the study of any endemic species present since it is also known that there are Hollock gibbon / elephant which may be taken by the State Forest Department in consultation with all the stake holders on the cumulative impact and its mitigation/conservation measures. After discussion by the members, it was suggested that since this project is the starting point for all the projects in the area, it would be of much importance if a kind of an Interpretation Centre or Conservation Garden can be established which would be of great importance for the whole area. On this matter Forest Department in consultation with the DFO Jaintia Hills Wildlife Division, Jowai has submitted that User Agency may bear the cost for 3 (three) works items under Jaintia Hills Wildlife Division, Jowai i.e. (i) Survey of Floral and Faunal of the area under Eco-Sensitive Zone amounting to Rs. 8.00 lakhs, (ii) Interpretation Centre including all accessories, interior designing, sitting benches, approach road etc. at the cost of ₹40.00 lakhs and (iii) Arboretum at the cost of ₹6.14 lakhs. The REC discussed in detail the work items submitted by the State Govt. considering the importance of conservation measures proposed to be implemented as the proposal being near to the Narpuh Eco-Sensitive Zone and the cumulative impact of the 9 cement companies in the vicinity of the proposed area. REC recommended the work on survey of Floral and Faunal for ₹8.00 lakhs and Interpretation Centre for ₹40.00 lakhs for which the further costs, if any, would be borne by other eight Cement Industries in the close vicinity of this proposed area.
- xi. The REC recommended the proposal for sending to Ministry for approval of the Competent Authority with usual conditions of mining subject to submission of the following:
 - a. Sol toposheet for proposed compensatory afforestation land.
 - b. The User Agency to deposit the cost for 2 (two) works items under Jaintia Hills Wildlife Division, Jowai i.e. (i) Survey of Floral and Faunal of the area under Eco-Sensitive Zone amounting to ₹8.00 lakhs and (ii) Nature Interpretation Centre at the cost of ₹40.00 lakhs with the State Forest Department.
- xii. The State Govt. vide letter dated 20.03.2023 furnished the Sol toposheet of CA land as desired by the REC.

- xiii. Deputy Director General of Forests (Central), Integrated Regional Office, Shillong has also recommended the proposal for consideration of 'in-principle' approval on usual terms and conditions and accordingly file sent to the Ministry on 18.04.2023.
- xiv. After the examination of the above facts of the proposal, the Ministry observed that the CA has been proposed on equivalent non-forest land to the extent forest land proposed for diversion. However, not having any documentary details such as revenue records or other government records of the proposed NFL for CA, the file was returned to RO Shillong by the Ministry on 20.06.2023.
- xv. As per Ministry's observation clarification was sought from the State Govt. by the Regional Office, Shillong on 27.06.2023. Accordingly, The Govt. of Meghalaya vide their letter dated 27.10.2023 submitted the CD containing the proposed CA land. The CD has been examined under DSS software at RO and found that the CA land proposed is 11.09 ha. Out of 11.09 ha proposed, 4.03 ha is falling under MDF, 4.03 ha is Open Forest and 3.03 ha is Scrub land.
- xvi. Since the proposed CA land is falling under Moderately Dense Forest, Regional Office vide letter dated 01.11.2023 requested the State Govt. to submit alternate CA site along with KML/Shape file OR to have the proposed area for CA site to be inspected by an officer not below the rank of Conservator of Forests with specific report on the density of the proposed CA site along GPS Coordinates and photographs.
- xvii. The State Govt. vide letter dated 19.12.2023 has submitted the documentary evidences in support of the non-forest land proposed for compensatory afforestation. The Sale Deed dated 14.11.2019 of the proposed CA land is submitted. The Order for the transfer of the land by Deputy Commissioner, West Khasi Hills District, Nongstoin under the Meghalaya Transfer of Land (Regulation) Act, 1971 has been submitted.
- xviii. On the issue that the area of 4.03 ha is MDF out of 11.09 ha, State Govt. submitted the comments vide letter dated 01.12.2023 as follows:
 - a. The suitability certificate for 11.09 ha has been submitted based on the inspection report submitted by the DFO, West & South-West Khasi Hills (SF & T) Division, Nongstoin.
 - b. The inspection of the proposed CA land was conducted by the DFO, West & South-West Khasi Hills (SF & T) Division, Nongstoin way back in 07.12.2018. It stated that at the time of inspection, the land was covered by weeds, thatch grass, bamboo species and no trees were found. On this, it was recommended fit for compensatory afforestation.
 - c. The State Govt has clarified that the observation of the CA land falling under MDF by Regional office is that there exists a gap between the Inspection period of the DFO, South-West Khasi Hills (SF & T) Division, Nongstoin and the observation of Regional Office on the CD submitted by the State Govt. which is 05 (five) years back, hence stated that the land itself has likely regenerated over the years after the first inspection

- xix. The proposal was considered in Advisory Committee meeting held on 17.01.2024. After detailed discussion, the Committee decided that:
- a. A site inspection keeping all aspects in view including the vulnerability of the area to erosion shall be carried out by the Regional Office, Shillong and detailed report shall be submitted to the Ministry with specific recommendations.
 - b. Since the proposal being near to the Eco-Sensitive Zone of the Narpuh Wildlife Sanctuary and habitat of Hollock gibbon and elephants the State Forest Department and RO will do a stakeholder consultation and submit a report on the cumulative impact of the activity proposed, need of conservation of critically endangered species in the area and proposed mitigation measures for further consideration of the proposal.
- xx. The above decision of the Committee was communicated to the State Government on 06.02.2024.
- xxi. The site inspection report was received from Regional Office, Shillong on 27.03.2024. As per the Site Inspection Report submitted by RO:
- a. It is very important to analyze any project and its impact which would help minimizing the adverse impact on the environmental quality during pre-and post-project execution.
 - b. In order to maintain the ecological balance, the Project Proponent should take up regular afforestation from the time of opening of the mining activity along the safety zone and in the green belt area.
 - c. It has been observed from the field visit that the proposed mining activity is not likely to create serious impacts on the environment with various preventives measures proposed to be undertaken during pre and post operation period.
 - d. In the Environment Management Plan it has been clearly prepared with site-specific plan to ensure that all necessary measures are identified and implemented in order to protect the environment and to ensure sustainable development due to mining.
 - e. With regard to the cumulative impact of the activity proposed, need of conservation of critically endangered species in the area and proposed mitigation measures has been discussed in detailed in the meeting of Stakeholders. The floral and faunal study by the State Forest Department is going to be very important activity for the Department since this type of study has not been done earlier and the biodiversity/richness of the area can be preserves.
- xxii. As per the Stakeholder Consultation Meeting conducted by RO on 06.03.2024, the project was recommended with the following preventive and habitat management measures:
- A. Preventive measure with regard to the impact of limestone quarry as proposed and submitted in the Mining Plan:
 - a. Boulder wall with 2 m base and 1 m top width and length of 687 m shall be erected at the foot of the dump; at a distance of

5 m from the top toe, to prevent any wash-off during the rainy season. Similarly, another boulder walls of 212 m to be erected around the top soil stack.

- b. Garland drains with 1 m depth and 1 m to 4 m width to be dug for about 700m around the dump with some soak pits to arrest any wash off. The garlanddrains will be helping in gravitational settling of the solid waste and clean water to pass downwards. Similarly, another garland drain of 225 m to be dug around the top soil stack.
- c. Since this is a small dump and will remain active even after this plan period, plantation during the plan period over the dump may not required, rather by using dozer the levels will be stabilized.
- d. Retaining wall and garland drain to be created around the Top Soil Stack.
- e. Water quality of water flowing out of settling tank to be monitored regularly.

B. Habitat Management recommendation of Stakeholders meeting with regard to Narpuh Wildlife Sanctuary includes: -

- a. To conduct a proper study on the type of fauna available in the Protected Area including terrestrial, aquatic and avian life so as to relate the type of management required for the area.
- b. To conduct detailed studies for enhancement of the population of endangered species Viz. Hollock gibbon and other wildlife species. After thorough deliberation by all the stakeholders and based on the above points of suggestion, the items for mitigation measures as proposed above were considered and recommended which will be of immense help to the Wildlife Division in conserving the indigenous species, sharing information about biodiversity, culture, etc., of the area giving more importance to the ones in Jaintia Hills for the general public through the creation of an Arboretum and Interpretation Centre and to obtain the actual data on the flora and fauna of the areas under the Eco-Sensitive Zones.

xxiii. The proposal was again considered in Advisory Committee meeting held on 30.04.2024. After detailed discussion, the Committee decided that:

- a. The proposal shall again be placed before AC after obtaining revised site inspection report from the DDGF (Central), RO Shillong clearly recommending the proposal since it has not clearly recommended the proposal in its site inspection report.
- b. The State Government shall submit the details of the overburden dump site along with copy of the plan.

xxiv. The above observations were communicated to the Govt. of Meghalaya and RO, Shillong vide this Ministry's letter dated 17.05.2024.

xxv. Now, the DIGF (C) Regional Office, Shillong vide their letter No. 3-MGC017/2022-SHI/790-91 dated 24.06.2024 forwarding revised Site Inspection Report along with the clear recommendation in respect to point No. (i) of Ministry's letter dated 17.05.2024. Further, the Govt. of

Meghalaya vide their letter No.FOR.64/2021/992 dated 19.06.2024 has also submitted the reply in respect to point no. (ii) of Ministry's letter dated 17.05.2024. The point wise reply is given as under:

S. No.	Observations raised by the AC on 17.05.2024	Reply submitted by the RO, Shillong and State Government
1.	The proposal shall again be placed before AC after obtaining revised site inspection report from the DDGF (Central), RO Shillong clearly recommending the proposal since it has not clearly recommended the proposal in its site inspection report.	
Reply from RO, Shillong	<p>In this regard the Regional Office, Shillong vide letter dated 24.06.2024 has submitted the revised Site Inspection report along with clearly recommendation. The instant proposal was discussed in the Regional Empowered Committee (REC) meeting held on 28.02.2023 wherein, after thorough examination and deliberations, the proposal was recommended subject to the following condition:</p> <ul style="list-style-type: none"> a. Survey of Floral and Faunal of the area under Eco-Sensitive Zone. b. Nature Interpretation Centre including all accessories, interior designing, sitting benches, approach road etc. c. Arboretum. <p>Further, the REC recommended the work on Survey of floral and Faunal for ₹8.00 lakhs and interpretation Centre for ₹40.00 lakhs for which the further costs, if any would be borne by other eight Cement Industries in close of vicinity of this proposed area. Subsequently a stakeholders meeting was held on 06.03.2024 as per the direction of the AC who has forwarded copy of the Minutes of the Advisory Committee and identification of lands for the above activities which are in progress in consultation with the concerned village Chiefs and community members.</p> <p>The proposal is therefore recommended and an early approval is solicited so that the activities can be initiated at the earliest. Copy of the same is available at.</p>	
Reply submitted by State Government	The State Government shall submit the details of the overburden dump site along with copy of the plan.	In this regard it is informed by the State Govt. vide letter dated 19.06.2024 the copy of Overburden Dump Site Plan both in hard and soft copy along with copy of approved Mining Plan as submitted by the user agency, it is mentioned that a total of 7.44 Million tons of Mineral and 2.8 million tons of overburden/waste will be generated during the Mining period of 20 years. During the first five years, 1.35 million tons (678,341.81 cubic

		<p>meters) of waste/overburden will be generated which will be temporally stored in eastern and southern part of mining lease area of 3.32 ha. area (i.e. with in the proposed mining lease area of 10.71 ha. total area) and the same shall be used in the closure/backfilling of the mined area. The remaining and the excess overburden/waste if any the same will be sent to their cement plant for clinker manufacturing, after necessary permission from state Government.</p> <p>After removal of over burden/waste by back filling and shifting to their plant, the 3.32 ha area will be further excavated and mined. Backfilled area will undergo biological reclamation, including soil preparation and planting native species, restoring the land to a stable, self-sustaining ecosystem.</p>
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4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Shillong. After going through the facts of the proposal and submissions made DDGF (Central), Regional Office, Shillong, the Committee recommended the proposal for '**in-principle**' approval for non-forestry use of 11.09 ha of deemed forest land for Opencast Limestone Mining Project (10.71 Ha Mining Area + 0.38 ha approach road to mine) located at Madan Pyrda, Chiehruphi village in East Jaintia Hills District of Meghalaya in favour of Green Valley Industries Ltd. with general, standard and following additional condition:

- i. The non-forest land identified for the CA shall be mutated in the name of forest department and notified as forest before submission of compliance of Stage-II
- ii. The non-forest land for CA should be free from all encumbrances at the time of submission of compliance report and State government will submit a report in this regard after jointly verified by the a team of State Forest Department and Regional Office
- iii. As recommended by the REC following conditions shall also be complied with for which cost would be borne by the User Agency:
 - A. Survey of Floral and Faunal of the area under Eco-Sensitive Zone.
 - B. Nature Interpretation Centre including all accessories, interior designing, sitting benches, approach road etc.
 - C. Creation of an Arboretum.

Agenda No.18

File No. 8-02/2022-FC

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in f/o Department of Higher and Technical Education, Government of Mizoram for non-forestry use of 63.441 ha Reserved forest land for construction of National Institute of Technology in Aizawl District in the State of Mizoram (Online Proposal No FP/MZ/SCH/148602/2021) - regarding

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Shillong and Nodal Officer, State of Mizoram attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Mizoram vide online proposal No. FP/MZ/SCH/148602/2021 dated 03.02.2022 submitted fresh proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in f/o Department of Higher and Technical Education, Government of Mizoram for non-forestry use of 63.441 ha Reserved forest land for construction of National Institute of Technology in Aizawl District in the State of Mizoram.
 - ii. Examination of proposal in the Ministry revealed certain shortcomings and the same was communicated to the State Government on 17.02.2022. Further, it was also observed that there was violation of Adhiniyam since 2 years within 63.441 ha Tlawng Riverine Reserve. The State Government was requested to submit nature of violation, exact area of violation and action taken. Accordingly, State Government informed that 3070 trees inside Gomari plantation of 1999 Kawntengek Ram, Lengpui within Tlawng Riverine Reserve Forest have been felled by the User Agency. Further, it was also informed that even after repeated orders issued by the State Forest Department, the work was stopped, hence, stay order was issued against the User Agency on 31.08.2017. Later on the proposal for diversion of forest land for non-forestry purpose was submitted by the User Agency.
 - iii. The proposal was placed before Advisory Committee in its meeting held on 13.06.2022. The Committee after detailed discussion deferred the proposal for want of additional information. The decision of the Committee was communicated to the State Government vide Ministry letter dated 20.06.2022. Accordingly, reply from State Government was received on 11.08.2022, wherein, it was informed that the earlier User Agency of the project i.e Ircon International Ltd. is no more associated with the project

and the said violation took place during that time and no more fresh violation has taken place. It appears that the initial violation had taken place due to some mis-communication/ mis-understanding regarding status of forest land.

- iv. Further, it was also informed that Joint Meeting of various stake holder Dept. under the Govt. of Mizoram with representative from NIT, Ministry of HRD, GoI was held on 17.01.2020. As per the decision of this meeting and letter dated 17.01.2020 a joint re-survey team represented by EF&CC Dept., NIT Mizoram, Dept. of land revenue & settlement and higher & Technical Education was held on 27.01.2020. A fresh application for forest clearance for diversion of 63.441 ha was applied through online on Parivesh Portal by the Under Secretary to the Govt. of Mizoram, Higher & Technical Education vide letter dated 27.10.2021. After examination of the reply received from the State Government, certain clarification was sought from the Ministry on 23.08.2022. Reply from the State Government was received on 13.02.2023 wherein it was observed that DFO, Mamit has issued show cause notice on 14.10.2022 to the then user agency i.e. Ircon International Ltd. and subsequently file a case in the court under Mizoram Forest Act, 1955, and to the then Range Officer on 06.01.2023. Accordingly, the proposal was placed before Advisory Committee meeting held on 24.03.2023. The Committee after detailed discussion, decided to defer the proposal and sought additional information. The decision of the Committee was communicated to the State Government on 18.04.2023.
- v. Later the above proposal was considered in Advisory Committee (AC) in its meeting held on 18.05.2023. The Committee after going through the facts of the proposal, the Committee recommended the proposal for Stage-I approval for diversion of 63.441 ha Reserved forest land for the construction of National Institute of Technology with general, standard and following specific conditions:
 - a. The Compensatory Afforestation (CA) has been proposed over identified non-forest land(NFL) over an area of 64.25 ha. Since 53 ha. NFL identified for CA is Medium Dense Forest (MDF) and cannot accommodate 1000 plants/ha, therefore balance seedlings shall be planted over degraded forest land (DFL) for which the DFL shall be identified in Mamit Forest Division or elsewhere in other districts/divisions in the State. The details of the DFL along with the site suitability certificate, approved CA scheme and KML files of the said area shall be submitted prior to Stage-II approval.
 - b. The user agency shall deposit penal NPV which will be 5 times of the NPV for the area under violation (63.441 ha) and now proposed to be diverted.
 - c. The penal Compensatory Afforestation over degraded forest land (DFL), five times of the forest area under violation (63.441 ha) and now proposed to be diverted shall be raised at the cost of the user agency.
 - d. The KML file submitted by the State Govt. does not match with the ground situation/broken up area visible in the satellite imagery. The

state Government shall revisit and submit the correct KML file keeping in view the field situation.

- e. The 18 ha area proposed to be developed as Green zone shall not be used for any construction activity in the future.
- f. As far as possible, the construction should be done using eco-friendly materials and the campus be developed as a green campus to the best extent possible in order to maintain the micro-climate of the area.
- vi. Accordingly, Stage- I approval was accorded vide Ministry letter dated 07.06.2023 subject to fulfilment of general, standard and above mentioned specific conditions.
- vii. Under Secretary to Govt. of Mizoram, Environment, Forests and Climate Change Department forwarded a copy of letter submitted by Higher & Technical Education Department, Govt. of Mizoram requesting for reduction in demand for payment of Penal CA, Penal NPV and boundary pillars in respect of the proposal for diversion of 63.441 ha of Reserved Forest Land for construction of National Institute of Technology under Aizawl District of Mizoram State. Further, it is also mentioned in the said letter from the State Government that:
 - a) The application for diversion of 63.441 ha of reserved forest land was submitted in the PARIVESH portal by Higher & Technical Education Department, Govt. of Mizoram on 21.10.2021.
 - b) The land proposed for diversion falls within Tlawng Riverine Reserved Forests.
 - c) The Central Government granted 'In-Principle Approval for the said project vide No.8-02/2022-FC dt.07.06.2023.
 - d) In accordance with the In-Principle Approval, Demand Note for payment of Compensatory Afforestation (CA), Net Present Value (NPV), Penal Compensatory Afforestation (Penal CA), Penal Net Present Value (Penal NPV) and boundary pillars was issued to Higher & Technical Education Department on 11th August, 2023.
 - e) Higher & Technical Education Department sought advice from Finance Department Govt. of Mizoram regarding the Demand Note for payment of CA, NPV, Penal CA, Penal NPV and boundary pillars. However, the Finance Department, Govt. of Mizoram advised the Department to address the matter with NIT or Ministry of Education.
 - f) NITs are pivotal for state development, offering top-tier education, fostering innovation, and driving economic growth. They produce skilled professionals, conduct cutting-edge research, and promote industry collaboration, thereby, contributing to regional prosperity. Given the project's importance, expediting the Forest Clearance application is essential. To alleviate the financial burden posed by the Demand Note and facilitate the timely payment required for expediting the process, Higher & Technical Education Department has requested Environment, Forests & Climate Change Department, Govt. of Mizoram to waive the total imposed amount on account of Penal Net Present Value of ₹7,08,57,253/-, Penal Compensatory Afforestation

₹6,83,21,169/- and Boundary Pillars of ₹7,16,800/- which will reduced the amount charged to a total of ₹8,46,95,739/- (Compensatory Afforestation -₹1,38,38,486/- and Net Present Value - ₹7,08,57,253/-).

- viii. The Committee was informed that Stage- I was accorded in the instant proposal vide Ministry letter dated 07.06.2023 subject to certain conditions prescribed therein.
- ix. As per request of Higher & Technical Education Department, Government of Mizoram, the State Government has requested to waive off following items:

Condition No.	Items	Amount
2(ii) (b)	Boundary Pillars	₹7,16,800.00
(iv)	Penal Net Present Value	₹7,08,87,253.00
(v)	Penal compensatory Afforestation	₹6,83,21,169.00
	TOTAL:	₹13,99,25,222

- x. The Committee was informed regarding conditions imposed in Stage- I approval dt.07.06.2023 for which relaxation is being sought are as under:
 - **Condition No. 2 (ii) (b)-** The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years.
 - **Condition No. (iv)-** The User Agency shall deposit penal NPV which will be 5 times of the NPV for the area under violation (63.441 ha) and now proposed to be diverted.
 - **Condition No. (v)-** The penal Compensatory Afforestation over degraded forest land (DFL), five times of the forest area under violation (63.441 ha) and now proposed to be diverted shall be raised at the cost of the user agency.
- xi. The Committee was further informed that examination of the request of Higher & Technical Education Department, Government of Mizoram, it is observed Higher & Technical Education Department is requesting to waive off cost towards boundary pillar stating that fencing of the boundary of the land allotted for the NIT Campus has been completed from the project itself. Whereas, **condition No. (ii) (b)** of Stage- I approval speaks about fencing of land identified to carry out Compensatory Afforestation. Therefore, the justification submitted by Higher & Technical Education Department is not tenable.
- xii. The Committee was also informed that the said proposal was considered in Advisory Committee (AC) meeting held on 04.07.2024. The Advisory Committee (AC) observed that Nodal Officer, Mizoram is not present in the meeting to apprise the Committee with regards to the relaxation sought by

the State Government and therefore, the matter may not be deliberated further. Accordingly, the Committee deferred the proposal.

- xiii. The Nodal Officer, State of Mizoram presented the case before the Committee and requested to waive off condition No. 2 (ii) (b), (iv) & (v) of Stage- I/ In-principle approval dated 07.06.2023.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Shillong, Nodal Officer, Mizoram and Mizoram State Government officials. After going through the facts of the proposal and submissions made DDGF (Central), Regional Office, Shillong and Nodal Officer, State of Mizoram, the Committee decided that:

- i. A Committee comprising of Shri Manoj Pant, Member Advisory Committee, the Additional Director General Forest (FC) and DDGF (C), Regional Office or her representative, Shillong shall visit the proposed area and submit report along with specific recommendation on the request of the State Government regarding relaxation of Penal CA and Penal NPV provisions levied by the Ministry vide Stage-I approval dated 07.06.2023.
- ii. The Nodal Officer of Mizoram will assist the committee and will be present at the time of visit and provide details related to proposal.

Agenda No. 19

File No. 8-18/2002-FC (Vol)

Sub: Proposal for seeking prior approval of the Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 26.416 ha (originally proposed area is 20.383 ha) of forest land in favour of the Mahanadi Coalfields Ltd. for continuation of mining operation at Bhubaneswari expansion OCP within Mining Lease area over 658.724 ha under Angul Forest Division in Angul District, Odisha - regarding.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for consideration. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Bhubaneswar, Representative of Nodal Officer, Government of Odisha attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Committee noted that the Government of Odisha vide their latter No. FE-DIV-FLD-0020-2022-8408/FE&CC dated 24.04.2023 submitted above

subject proposal to obtain prior approval under section-2 of the Forest (Conservation) Act, 1980.

- ii. The Committee noted that the Bhubaneswari OCP is an operating open cast coal mine and this project lies in the integrated block (Bhubaneswari, Arkhapal-A & Sakhigopal block) which is located in the eastern part of Talcher Coalfield in Odisha State. The total area of the project is 658.724 ha. Out of which the total forest land is only 132.904 ha. An area of 112.521 ha has already been diverted for Bhubaneswari OCP on 06.12.2004 against the proposal of 132.904 ha forest land in 2002. The balance forest land of 20.383 ha is now required to be diverted for mining purpose as already diverted forest land is consumed and the status of 20.383 ha forest land is DLC forest. Hence, the present application is filed for diversion of 20.383 ha of DLC forest land.
- iii. The Bhubaneswari OCP has proposed for a mining plan of 14.55 square kilometer of block area, out of which 6.58 square kilometers was approved and mining plan was also approved on 25.04.2022. The geology of the project is based on integrated Geological report on Coal exploration of Bhubaneswari, Arkhapal-A and Sakhigopal-A blocks prepared by CMPDI RI-VII in December, 2016 by CMPDIL on full payment basis from Mahanadi Coalfields Limited. The net coal reserve in the proposed geological area is 419.15 MT. Mineable coal reserve is 396.52 MT, while the extractable coal reserve is 396.52 MT. Coal reserve that is depleted is 272.06 (as on 01.04.2022) and balance extractable reserve is 124.76 MT which also includes around 21 MT in 20.383 ha. The annual production is around 30 MT.
- iv. The Advisory Committee noted that since, coal is site specific, the proposed expansion of Bhubaneswari OCP in Bhubaneswar block and Arkhapal block with mine lease area of 658.724 ha which also involves 132.904 ha forest land is vital. The total land involved for entire life of the project is 658.724 ha (525.82 ha non-forest land + 132.904 ha forest land). Diversion proposal for 132.904 ha of required forest land was submitted to MoEF in 2002. However, as per the directives of MoEF& CC while granting EC for 20 MTY, forest land involved for 25 years of operation was assessed and accordingly FC was granted for 112.521 ha in 2004 against the proposal of 132.904 ha and it was directed to approach the MoEF&CC for the balance 20.383 ha forest land after consumption or granted /diverted forest land in the mine area.
- v. The Advisory committee observed the justification for given the proposed forest land for diversion and noted that mining of coal is site specific irrespective of the land classification. Bhubaneswari OCP is an operating Open cast coal mine and this project lies in the integrated block (Bhubaneswari, Arkhapal-A & Sakhigopal block) which is located in the eastern part of Talcher coalfield in Odisha State. Owner of the mine is Mahanadi Coalfield Limited, subsidiary of Coal India Limited, a Central Public Sector Company. Bhubaneswari OCP has proposed for a mining plan of 14.55 Sq.km of block area, out of which 6.58 Sq. Km was approved & mining Plan also approved in **April, 2022**. The geology of the project is based on integrated Geological Report on Coal Exploration of Bhubaneswari OCP prepared by CMPDI in December, 2016. Expansion of Bhubaneswari OCP with mining lease area of 658.724

ha which also involves 132.904 ha forest land is vital. The total land involved for entire life of the project is 658.724 ha (525.82 ha non-forest and 132.904 ha forest land). Diversion proposal for 132.904 ha of required forest land was submitted to MoEF&CC in 2002. However, as per directives of MoEF&CC while granting EC for 20 MTY, forest land involved for 25 years of operation was assessed and accordingly FC was granted for 112.521 ha in 2004 against the proposal of 132.904 ha and it was directed that time to approach the MoEF&CC for the balance 20.383 ha forest land after consumption of granted forest land in the mining area. To cope up with the increased demand of the nation, EC of the project was enhanced from 10 MTPA to 30 MTPA within the lease area. Now there is acute shortage of excavation area in Bhubaneswari OCP. Therefore, to continue uninterrupted coal production and supply of coal to the power plants and to meet the energy demand of the nation and to narrow the demand supply gap, it is now urgently required to divert the balance forest land or 20.383 ha for proposed Bhubaneswari OCP of 30 MTY project.

- vi. The Committee noted that the DFO, Angul in his Part-II has mentioned that the proposed area for diversion has not been found in any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, and Elephant Corridor. Area proposed to be diverted has flat topography. Due to presence of good vegetation cover, it is not vulnerable to erosion. No natural streams of any order exist in the area under consideration. However, due to extensive mining in the adjoining area, soil and moisture regime will be adversely affected. Further, it is reported that no protected archaeological / heritage site / defense establishment or any other important monument is located in the area.
- vii. The Committee noted that the Mining plan including mining closer plan has been prepared by the Central Mine Planning & Design Institute Limited (a subsidiary of Coal India Ltd). Coal India Limited in its 409th Board meeting held on 25.08.2020 has authorized CMI, MCI to approve the Mining plan of Bhubaneswari OCP. The MCL in its 225th Board meeting held on 15.06.2020 approved the Project report of Bhubaneswari OCP. The MCL in its 246th Board meeting held on 25.04.2022 approved the Mining Plan of Bhubaneswari OCP.
- viii. The Committee noted that the PCCF & HoFF, Odisha has reported that Bhubaneswari OCP expansion project (25 MTY) obtained the Environment Clearance vide Letter No.J-11015/280/2013-IA.II (M) dt.19.02.2014 and EC for Bhubaneswari OCP expansion project (28 Mty) vide Letter No.J-11015/280/2013-IS-II (M) PT dt.16.02.2018. For the instant expansion proposal of 30MTY in the mine lease area from 638.341 ha to 658.724 ha including 20.383 ha forest land, the user agency has furnished an undertaking to submit the EC and consent from State Pollution Control Board after according the Stage-I approval as required under Environment Protection Act, 1986.
- ix. The Committee noted that in the instant proposal for diversion of 20.383 ha of DLC forest land is part of 658.724 ha mine lease area of Bhubaneswari OCP project and Rehabilitation & Resettlement of these three villages are part of the earlier R&R plan, hence no additional R&R Plan is involved. Total project affected families involved are 1142 nos.

These families have been resettled and rehabilitated socially, culturally and economically as per the latest R&R policy of Govt. of Odisha. May. 2006.

- x. The Committee noted that the report of the RCCF, Angul and DFO, Angul envisages that there is no court matter pending against the User Agency in respect of the forest land proposed for diversion under FC Act, 1980.
- xi. The Committee noted that the DFO, Angul that no violation is noticed during field inspection.
- xii. The Committee further noted that the RO Bhubaneswar has also inspected the area proposed for diversion and also propose for CA. The RO has recommended the proposal subject to the following:
 - a. The Bhubaneswari OCP expansion project is an opencast project and located in Talcher Tahasil of Angul district of Odisha State. The total area of the project is 658.724 ha. Out of which the total forest land is only 132.904 ha. An area of 112.521 ha has already been diverted for Bhubaneswari OCP on 06.12.2004 against the proposal of 132.904 ha of forest land in 2002. The balance forest land of 20.383 ha is now required to be diverted for mining
 - b. Total land involved in instant proposal is 20.383 ha DLC forest land.
 - c. The Mining Plan including Mine Closure Plan has been approved by the MCL in its 246th Board meeting held on 25.04.2022.
 - d. The State Govt. has reported present proposed diversion of 20.383 ha of DLC forest land is part of 658.724 ha mine lease area of Bhubaneswari OCP project and Rehabilitation & Resettlement of these villages are part of the earlier R&R Plan, hence no additional R&R Plan is involved.
 - e. The density of vegetation is reported to be 0.5 and Eco-value Class-I. Total 5800 nos. of trees has been enumerated over the applied area of 20.383 ha of forest land. Out of which 5251 nos. trees are above 30 cm girth and 549 nos. of trees below 30 cm girth. To minimize the adverse ecological impact, efforts should be done to mine this area in the last phase of mining operation.
 - f. The proposed site does not come under any Protected Area or within the Eco-Sensitive Zone of any Protected Area.
 - g. In order to mitigate the adverse impact on wildlife, Site Specific Wildlife Conservation Plan and Regional Wildlife Management Plan for entire mining lease as per approved norm of State Govt. is recommended.
 - h. Soil Conservation Plan in and around 10 Km of the proposed site may be undertaken. This diversion proposal is for mining of coal, which is site specific. The diversion of 20.383 ha of forest land may be considered with standard conditions and observation made during inspection.
- xiii. Further, the Committee noted that the proposal was examined in the Ministry and certain observations were raised for which the State Govt. has replied on 12.07.2024. The details are as below:

S. No.	Observations made by MoEF&CC	Reply from the State Government
i.	<p>The RO Bhubaneswar vide letter dated 17.08.2022 has provided the Status of compliance report of 06.12.2004, an amount of ₹54,24,896.00/- has been deposited by the user agency vide Challan No. 4 dt. 27.09.2004 towards cost of habitat improvement plan for the 112.521 ha of forest land vide Ministry letter dated 06.12.2004. After the examination of the said SIR, the Ministry vide its letter dated 19.09.2022 requested to the State Government to furnish the status of progress made during the intervening period of 12 years along with the detail of year wise financial expenditure. The same is still awaited and required to be submitted for further action in this proposal.</p>	<p>In this regard, the State Government has informed that the user agency i.e. G.M. Jagannath Area has explained that in compliance to the Stage-II forest clearance approval for 112.521 ha of forest land vide Ministry letter dated 06.12.2004, an amount of ₹54,24,896.00/- has been deposited by the user agency vide Challan No. 4 dt. 27.09.2004 towards cost of habitat improvement plan for the surrounding area.</p> <p>Further, till date an amount of ₹25,00,000/- has been spent towards the above purpose. The following activities have been carried out during 2004-05 to 2012-13 under habitat improvement plan of surrounding area.</p> <ol style="list-style-type: none"> Total 2 nos. of water bodies have been constructed in 2005-06 with an expenditure of ₹5,00,000/-. Fodder plantation for elephants over 100.0 Ha was developed in the year 2005-06 to 2007-08 for which ₹4,75,500/- was spent. An amount of ₹1,50,000/- was spent for awareness campaign regarding anti-depredation in 2005-06 and 2006-07. For arranging elephant proof trench/electric fencing, an amount of ₹10,00,000/- was spent in 2005-06. ₹50,000/- was spent for elephant tracker in 2006-07. An amount of ₹1,50,000/- was spent on Wildlife & Forest protection measures in 2006-07 for construction of Camp shed, ₹50,000/- in 2005-06 and for V.H.F Tower & sets, an amount of ₹1,25,000/- was spent in the year 2006-07. <p>The status of progress (financial and physical) made during the intervening period of 12 years along with the detail of year wise financial expenditure is given.</p>
ii.	<p>As the mining lease of the Bhubaneswari OCP is 658.724 ha, out of which 132.904 ha is forest land. The Ministry has already diverted 112.521 ha forest land. Balance 20.383 ha DLC forest land is required to be diverted for expansion of Bhubaneswari OCP. The area for safety</p>	<p>In this regard, the State Government has informed that the User Agency has submitted that original application was submitted in 2002 for diversion of 132.904 ha out of which approval was granted for 112.521 ha only vide F. No. 8-forest land. The 18/2002-FC dated 16.10.2002 and F.No.8-18/2002-FC Ministry has already dated 06.12.2004 for 25 years of mining in existing lease area. In original application of 132.904 ha forest land applied for diversion the safety zone was 6.795 Ha FL. 6.795 Ha SZ in Forest land was kept outside ML boundary as an indicative purpose. However, Ministry has granted Stage-II FC for 112.521 Ha out of proposed 132.904 Ha. The corresponding SZ Forest land for 112.521 Ha was reduced to 6.033 Ha.</p>

zone 6.795 was not included in the earlier approval. Therefore, the state may include in this proposal so that all forest land may be diverted.

Ministry in 2004 has instructed the UA to come up for balance 20.383 Ha Forest land after 25 years. **After reduction of the area of diversion, the SZ in Forest land outside ML Corresponding to left over 20.383 Ha is 0.762 Ha (6.795 Ha – 6.033 = 0.762 Ha) in the year 2004.**

But, after exhaustion of diverted forest land of 112.521 Ha. the UA has now applied for diversion of balance 20.383 Ha. in the year 2022. As per the Ministry's latest guidelines, the 7.5 Mtr SZ shall be inside the ML boundary. So, UA has applied for balance 20.383 Ha including SZ of 0.615 Ha (20.383 = 19.768 for mining + 0.615 for SZ FL) which is inside the ML boundary instead of 0.762 Ha SZ which was kept outside ML boundary as an indicative purpose in 2004.

So, **Safety zone in forest land within mining lease of already diverted forest land over 112.521 Ha during 2004 and now proposed diversion of 20.383 Ha shall be 6.648 Ha (6.033 Ha + 0.615 Ha =6.648 Ha).**

Hence, difference of SZ area on forest land as per Ministry's observation and as per calculation of the user agency comes to 0.147 Ha. (6.795-6.648 = 0.147) or (0.762 Ha – 0.615 =0.147 Ha). In this spell, the total forest land over 26.416 ha (19.768 ha + 6.648ha SZ=26.416 ha) will be diverted.

The UA has clarified that the area of SZ over forest Land of 0.762 Ha which is outside ML area is not required now and this land is proposed for diversion in future expansion. The detailed calculation of the area under safety zone since the original application till the fresh application is made has been furnished in a tabular form below:

Sl No		Forest land for Mining (Ha)	Corresponding SZ Forest land (ha)	Diverted in the year	Remarks
1	Original proposal	132.904	6.795	2002	
2	Stage-II FC granted	112.521	6.033	2004	SZ kept outside ML Boundary
3=(1-2)	Left out forest	20.383	0.762	2004	SZ kept outside ML Boundary
4	New Proposal of 20.383 Ha	19.786	0.615	2022 (Applied)	SZ inside ML Boundary (20.383=19.768+0.615)
5=2+4		132.289	6.648		

Though the area for safety zone 6.033 Ha was not included in the earlier proposal, payments towards NPV and regeneration of 1.5 times safety zone has already been deposited by MCL as mentioned below:-

1. NPV Cost for 112.521 Ha: ₹8,43,90,750.00 DD/Check No.5054-260 dated 07.07.2007.

2. Additional NPV Cost for safety zone of 6.033 Ha: ₹56,64,987.00 vide DD/Check No.868463 dated 26.07.2010.

3. Cost of safety zone scheme for 6.033 Ha

		<p>₹25,88,100.00 vide DD/Check No. 007304 dated 08.09.2008.</p> <p>4. Cost of 1.5 times safety zone CA scheme for 10.00 Ha: ₹2,40,200.00 vide DD/Check No. 007304 dated 08.09.2008.</p> <p>However, the user agency has included 6.648 ha as safety zone in the diversion proposal. As per the extant rule, the user agency has provided twice degraded Revenue forest land for Compensatory afforestation for total applied forest land over 26.416 ha including 6.648 ha as safety zone.</p> <p>Further, diversion of 6.033 Ha of safety zone area along with this proposal, the details of safety zone area (6.033 Ha) including Authenticated Land schedule, DGPS Surveyed plan, Protection and re-generation of safety zone scheme & Afforestation over 1.5 times of safety zone in degraded forest land elsewhere (10 Ha) and details of NPV for safety zone, KML files etc., the details are as follows:</p> <ol style="list-style-type: none"> Letter vide No.430 dated 15.01.2024 of User Agency for Diversion of forest land of 6.033 Ha of safety zone area which was provided against diverted forest land of 112.521 Ha along with this proposal. Authenticated Land schedule of 6.033 ha. SZ as Pg. 723/c. Authenticated DGPS survey plan of SZ. Details of cost deposited towards protection and re-generation of SZ 6.033ha & cost deposited for 1.5 times SZ over 10.0 ha scheme. Details of cost deposited towards NPV payment for SZ. Mine working plan showing SZ area. KML file of SZ 6.033 ha & KML file of 1.5 times SZ 10 ha. Geo-tagged photograph of DGPS pillars of SZ 6.033ha. The status of expenditure towards above mentioned activities The site inspection report and information in Part-II for 6.033 Ha in prescribed format. <p>Safety zone protection and regeneration along the mine lease area shall be maintained in 5.67 Ha (7560 Mtrs. X 7.5 Mtrs.) from west side which includes SZ forest land- 1.738 Ha (0.615 Ha & 1.123 Ha) + Non- Forest SZ area 3.932 Ha. The user agency has submitted an</p>
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		<p>undertaking for protection and regeneration of safety zone (7.5 mtr.) area along the mine lease boundary at the project cost. Further, the User Agency has also submitted an undertaking for payment of additional NPV if so; demand is raised by the Govt. Since, the UA has already made the payment towards NPV for the SZ area of 6.033 Ha. and provided the compensatory afforestation over 10 ha. under 1.5 times safety zone scheme which is also completed in Chhendipada Range of Angul division and the User Agency has also submitted an undertaking for protection and conservation of total safety zone forest area of 6.648 Ha (6.033 ha. against already diverted forest land of 112.521 ha + 0.615 ha. forest land in proposed balance forest land 20.383 Ha), the 6.033 ha of safety zone area may be considered for diversion along with this proposal.</p>
iii.	<p>KML file of the safety zone area 6.795 ha and also the KML file of the 1.5 times CA area for which the UA has deposited the amount in 2008.</p>	<p>In this regard, the State Government has informed that the safety zone area for 132.904 ha was 6.795 ha (original proposal). However, the corresponding safety zone for already diverted forest land (112.521 Ha) is 6.033 ha, the KML file of the corresponding safety zone forest land of 6.033 ha. Against already diverted forest land (112.521 Ha) and KML file of the 1.5 times CA area are provided by User Agency.</p> <p>The corresponding SZ for balance left out forest of 20.383 Ha outside ML boundary is 0.762 Ha. But As per the Ministry's latest guidelines SZ area shall be within ML boundary from 2015 onwards. So, application is submitted for diversion of 20.383 ha including SZ within/inside ML area as per the Ministry's latest guidelines. So, SZ in FL for new diversion proposal is 0.615 Ha instead of 0.762 Ha SZ in FL which used to keep outside ML in the year 2004 as per original application.</p> <p>So, the difference comes to 0.147 Ha (0.762 - 0.615 Ha) UA clarified that the area of SZ in forest land of 0.762 Ha which is outside ML area is not required now and this land is proposed for diversion in future expansion.</p> <p>Further, KML file of the safety zone in forest area of 0.615 ha in proposed balance forest land (20.383 ha including 0.615 Ha SZ) is provided.</p>
iv.	<p>KML file of the safety zone 0.615 may be uploaded on portal.</p>	<p>In this regard, the State Government has informed that the KML file of the safety zone area of 0.615 is uploaded on the portal. However, KML files of the total safety zone forest area of 6.648 Ha (6.033 ha SZ against already diverted forest land of 112.521 ha and 0.615 ha. SZ Forest land in proposed balance forest land of 20.383 Ha) are provided.</p>
v.	<p>The KML file of 112.521 ha forest land which has been diverted earlier is required for detailed</p>	<p>In this regard, the State Government has informed that the User Agency has submitted the KML file of 112.521 ha forest land which was diverted earlier in 2004 and provided. Since, the already diverted forest land of 112.521 Ha is mined out; the KML files are created using geo-referenced</p>

	analysis of the proposal.	cadastral revenue plans, forest plans, working plans & shape file of RFs etc.
vi.	State Government may provide the present status of compensatory afforestation raised and maintained over 225.042 ha of degraded forest land. Shape/KML files of the compensatory afforestation site also be submitted.	<p>In this regard, the State Government has informed that the Compensatory Afforestation (CA) raised and maintained over 225.042 ha of degraded forest land in Durgapur R.F under Chhendipada Range of Angul Division.</p> <p>The details of fund deposited are as follows:</p> <ol style="list-style-type: none"> Cost of Compensatory Afforestation Scheme: ₹32,53,159.00 vide DD/Check No. 17707 dated 09.05.2003. The C.A has been taken up over 225.042 ha. during the year 2004-05 to 2008-09 and an amount of ₹21,98,656/- has been spent for this purpose and mostly Teak plantation was done. The survival percentage of plantation is approximately 50%. The detail of expenditure is enclosed as Pg. 715/c and the KML file of 225.042 ha of CA land is provided.
vii.	In this proposal 20.383 ha land is required to be diverted including 0.615 ha safety zone. Area for CA has provided 47.385 ha @ 500 plants per hectare. As per the provisions minimum 1000 plant per hectare have to be planted. The state may provide the details that how to accommodate the balance seedlings.	<p>In this regard, the State Government has informed that as per the notified guidelines issued by the Ministry, provision has been made to plant @1000 plants per Ha of diverted land i.e. 26.416 ha (balance forest land 20.383 including SZ of 0.615 ha and 6.033 ha SZ against already diverted forest land over 112.521 ha.) However, Para 2.8 of Chapter-2 of Handbook of FC Act guidelines issued by the Ministry has been deleted and further; it has been clarified by the Regional Empowered Committee in its 77th REC meeting of IRO Bhubaneswar dated 19.10.2022 that it is decided to consider the cutoff date of deletion of provision under Para 2.8(ii) of hand book of FC Act, 1980 as 16.10.2019 for all the proposals. Copy of clarification on applicability of Para 2.8(ii) of hand book of FC Act, 1980 guidelines by REC Bhubaneswar is enclosed as Pg. 745/c.</p> <p>In view of the above clarification, as per the consolidated guidelines and clarification on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Van (Sarankshan Evam Samvardhan) , Rules, 2023 in Chapter 7.9 (vi) issued by the Govt. of India, MoEF & CC vide letter dated 29th December,2023, the CA on degraded revenue forest land has been identified in more than double to the extent of proposed forest land to be diverted i.e. 62.725 ha. So, instead of 26416 plants (@1000* 26.416 ha) that are supposed to be planted; now 31363 plants (@500*62.725 ha.) will be planted over 62.725 ha. of degraded revenue forest land as per the CA scheme. Accordingly, area for CA has been provided in 62.725 ha @ 500 plants per hectare for total 31363 plants. The details of the newly approved CA scheme are provided.</p> <p>Remarks: Though the instant proposal for diversion does not involve non-forest land, but, in the entirety of the project, forest as well as non-forest land is involved. So, the</p>

		user agency should give equivalent land i.e. 20.383 ha of non-forest land for CA as per the provisions of the Rules 13 of the Van (Sanrakshan Evam Samvardhan) Rule, 2023.																	
viii.	Whether any family is residing on the proposed forest land i.e. on 20.383 ha of forest land. If yes, then new R&R plan as per the RFCTLARR Act, 2013 is required.	In this regard, the State Government has informed that the User Agency has intimated that no families are residing on the proposed forest land to be diverted and hence, new R&R plan as per the RFCTLARR Act, 2013 is not required.																	
ix.	Cost-Benefit ratio has been estimated to be 1:381.836 which seems to be on higher side. It seems estimation of cost and benefit components has not been done properly. The analysis needs to be re-estimated by accounting CB parameters appropriately.	In this regard, the State Government has informed that the User Agency has submitted that Cost benefit Analysis (CBA) has been reviewed and revised accordingly considering the CB parameters. DFO, Angul has calculated the cost of the forest proposed for diversion is Rs.5621.85327 lakh. Similarly, the user agency has estimated the benefit of the forest diversion to the tune of Rs.415469.01868 lakh. The Cost-Benefit ration comes to 1:73.902.																	
x.	There is a discrepancy in the land use pattern given by the State and given in approved mining plan. As per the revised mining plan (revision 2 column) the forest land is 126.191 ha and as per the State Gov. forwarding letter it is 125.576. Similarly, Safety zone total area is 6.163 and as per the forwarding letter it is 6.778. Their needs clarification.	<div>In this regard, the State Government has informed that the User Agency i.e. G.M. Jagannath Area has intimated that as per the revised Mining Plan Revision- 2, the land required in Chapter 6, forest land required under quarry excavation is 125.576 Ha and the area for 7.5 m safety zone is 0.615 Ha. i.e. (125.576 Ha+0.615 Ha- 126.191 ha). The component wise break-up of Form-A Part-I submitted by User Agency, it has been mentioned that out of 20.383 ha, 19.768 Ha is for quarry excavation and 0.615 Ha has been earmarked for safety zone.</div> <table><tr><th colspan="3">Component wise breakup</th></tr><tr><th>Sl. No.</th><th>Component</th><th>Forest land (ha)</th></tr><tr><td>1</td><td>Quarry Excavation Area</td><td>19.786</td></tr><tr><td>2</td><td>Safety Zone Area</td><td>0.615</td></tr><tr><td></td><td>Total</td><td>20.383 Ha</td></tr></table> <div>Further, State Govt. in its forwarding letter has reproduced the same, i.e. as per details mentioned in Form-A Part -I. Similarly, Safety zone total area is 6.778 that includes 0.615 Ha (i.e. safety zone in non-forest 6.163 + forest 0.615 Ha = 6.778 Ha) and same has been recommended in forwarding letter. Hence, it is submitted that there is no discrepancy in the land use pattern.</div> <div>The details of breakup of land use pattern are mentioned below:</div> <table><tr><th>Items</th><th>Proposed MP&MCP of</th></tr></table>	Component wise breakup			Sl. No.	Component	Forest land (ha)	1	Quarry Excavation Area	19.786	2	Safety Zone Area	0.615		Total	20.383 Ha	Items	Proposed MP&MCP of
Component wise breakup																			
Sl. No.	Component	Forest land (ha)																	
1	Quarry Excavation Area	19.786																	
2	Safety Zone Area	0.615																	
	Total	20.383 Ha																	
Items	Proposed MP&MCP of																		

			Bhubaneswari OCP (30 MV),			
		SI No	Particulars (ML-mining lease)	Total Area in ha		
				Forest	Non forest	Total
		1	Quarry Excavation	125.576	488.531	614.107
		2	Safety zone	0.615	6.163	6.778
		3	Infrastructure (CI IP, Washery, Silo point. Project office, laying of railway lines for dispatch point) & Future working expansion Area+ +	6.713	18.606	25.319
		4	Embankment	Nil	12.52	12.52
		A.	Total ML area	132.904	525.820	658.724
		Accordingly, the User Agency has submitted corrigendum to mining plan Revision-2 approved by the MCL Board dated 23.09.23.				
xi.	In this proposal, the UA has deposited the amount of CA levied after the S-II approval. All details of the funds deposited in the erstwhile Ad-hoc CAMPA may provide in the prescribed format for conformation.	In this regard, the State Government has informed that the user agency has intimated that an amount of ₹32,53,159.00 has been deposited vide DD/Check No. 17707 dated 09.05.2003 towards Cost of Compensatory Afforestation. The details of fund deposited in the erstwhile Ad-hoc CAMPA is provided in the prescribed format countersigned by the DFO, Angul Division.				
xii.	This is the second revision of the Mining Plan; therefore, the State Government is requested to provide the copy of the earlier approved mining plans and details of the changes made in the mining plans.	In this regard, the State Government has informed that the user agency has submitted that the Mining Plan (Revision-1) was prepared for 28 MTPA capacity in the ML area of 638.341 Ha (including 112.521 Ha Forest land which is already diverted). The Mining Plan (Revision -2) was prepared for 30 MTPA capacity in an ML area of 658.724 Ha (including 112.521 Ha Forest land which is already diverted and 20.383 Ha for which proposal for diversion has been submitted). Out of 20.383 Ha of Forest land, 19.768 ha is taken under Quarry Excavation area and 0.615 Ha is kept as safety zone area. Accordingly, the User Agency has submitted corrigendum to mining plan Revision-2 approved by the MCL Board dated 23.09.23 enclosed as Pg. 755/c . The details of the changes made in the mining plans are as mentioned below:				
Items		MP&MCP of Bhubaneswari (28 Mty), Revision-I			Proposed MP&MCP of Bhubaneswari (30 Mty), Revision-2	
Sl. No.	Particulars	Total Area in ha				Total Area in ha
	(ML-mining lease)	Forest	Non-forest	Total	Forest	Non-Forest Total
1	Quarry Excavation	105.808	477.944	583.752	125.576*	488.531**614.107
2	Safety zone	-	5.747	5.747	0.615	6.163**6.778
3	Infrastructure (CI IP, Washery, Silo point.	6.713	29.609	36.322	6.713	18.60625.319

	Project office, laying of railway lines for						
4	Embankment	NIL	12.52	12.52	NIL	12.52	12.52
A.	Total ML area	112.521	525.820	638.341	132.904	525.820	658.724

The Mining Plan approved for 28 Mty (Revision-1) on 243rd Board meeting of MCL held on 20.1.2022 and the Mining Plan for 30Mty(Revision-2) approved on 246th Board meeting of MCL held on 25.04.2022 are given.

xiv. The Committee further noted that as the proposed forest land has been revised from 20.383 ha to 26.416 ha and accordingly the State Government has provided the revised CA areas with revised CA scheme as per the detailed given below:

- a. The MoEF &CC, GoI in its observation No. (ii) dt. 04.07.2023 has opined to include the safety zone area of the already Stage-II approved area of 2004 in the present proposed safety zone area of 20.383 ha for diversion. **The total Forest area of diversion will be 26.416 ha including 6.648 ha as safety zone. It was required to revise the CA scheme.**
- b. The compensatory afforestation land has been identified over degraded revenue forest land in Karnapur village of Gobara R.I circle under Talcher Tahasil of Talcher Range in Angul Forest Division of Angul District. Area identified for compensatory afforestation is more than twice the forest land proposed for diversion as per the prevailing guidelines of the Ministry, GoI. Collector, Angul vide L. No 600 dt. 09.05.2024 addressed to the Divisional forest officer, Angul has allotted Revenue Forest land over **62.725 ha** for the purpose of CA plantation in favour of Bhubaneswar OCP in village Karnapur under Talcher Tahasil of Angul District. Joint verification to the identified degraded revenue forest land in village Karnapur has been done by R.I, Gobara and Forester, Dera section. The joint verification has duly signed by the Tahsildar, Talcher and Range Officer. All statutory certificates required in respect of identified CA land have been furnished in the joint verification report. Tahasildar, Talcher vide his office L. No. 2384 dt. 08.06.2022 has provided the land schedule and encroachment free certificate in respect of the identified degraded revenue forest land. Land suitability certificate has been provided by the DFO, Angul. The details of the revenue forest land identified are furnished below:

S. No.	Tahasi	R.I Circle	Village	Khata No.	Plot No.	Kissam	Total Area in Ac.	Area available (in ha)	Remarks	
1	Talcher	Gobara	Karnapur	500	8	Jungle	83.68	14.973	Suitable	
2					498	1	Jungle-II	70.00	28.328	Suitable
3					498	2	Jungle-II	48.00	19.424	Suitable
Total							201.68	62.725		

- c. The CA scheme has been prepared by DFO, Angul as per the site requirement following the guidelines issued on 08.11.2021 from office of the PCCF & HoFF, Odisha on one time Cost-norm matrix 2024-

2025. The identified area has been surveyed by DGPS and the area was demarcated with RCC pillars of size 1.75 m \times 30cm \times 30cm size. This work has been done by the project proponent at the project cost. Identified CA land on Survey of India Topo Sheet No.451 has been shown and enclosed to the CA scheme. DGPS map of CA land prepared by ORSAC on village Karnapur sheet No.-1 and Sheet No.-2 are enclosed to the CA scheme. A calendar of operations of different planting activities has been prepared by the DFO, Angul. It is proposed to plant 500 plants per ha in ANR mode over the entire identified revenue forest land over 62.725 ha with 10 years maintenance. Chain link fencing has been suggested as per the actual requirement. Total 3300 Rmt of chain link fencing is proposed in the prepared CA scheme. Watering provision aided by solar system fitted with bore well fitted with drip system has been provided. Besides this, Soil and moisture conservation activities have been provided separately as per approved cost norm.

- d. The KML file of newly identified CA land has been provided. DSS analysis to the identified CA land has been done in this office. It was revealed that the identified 63.0 ha lands in sheet No.-1 and in sheet No.-2 over 03 patches of Village Karnapur is Non-forest land. The copy of the DSS analysis is enclosed in the CA scheme. The CA scheme has been approved by the PCCF (Nodal) for ₹2,75,34,400/-. The copy of the approval of CA scheme is also enclosed to the CA scheme. The new approved CA scheme may be replaced in place of earlier submitted one.
- xv. The Committee State Government has informed that as per the consolidated guidelines and clarification on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Van (Sarankshan Evam Samvardhan) Rules, 2023 in Chapter 7.9 (vi) issued by the Govt. of India, MoEF & CC vide letter dated 29th December, 2023, the CA on degraded revenue forest land has been identified in more than double to the extent of proposed forest land to be diverted i.e. 62.725 ha. So, instead of 26416 plants (@1000* 26.416 ha) that are supposed to be planted; now 31363 plants (@500*62.725 ha.) will be planted over 62.725 ha. of degraded revenue forest land as per the CA scheme. Accordingly, area for CA has been provided in 62.725 ha @ 500 plants per hectare for total 31363 plants. **However, though the instant proposal for diversion does not involve non-forest land, but, in the entirety of the project, forest as well as non-forest land is involved. So, the user agency should give equivalent land i.e. 20.383 ha of non-forest land for CA as per the provisions of the Rules 13 of the Van (Sanrakshan Evam Samvardhan) Rule, 2023.**
- xvi. The Committee further noted that the KML file of the area of the earlier diverted (112.521 ha) and CA area has been analysed on the DSS. No violation has been observed in the already diverted area. However, the area proposed for diversion falling in safety zone i.e. 6.033 ha, some non-forestry activity is visible.
- xvii. The Committee further noted that in the original proposal of 132.904 ha forest land applied for diversion, the safety zone was 6.795 Ha FL. However, Ministry has granted Stage-II FC for 112.521 Ha out of proposed

- 132.904 Ha. The corresponding SZ Forest land for 112.521 Ha was reduced to 6.033 Ha and not included in the earlier diversion proposal.
- xviii. The Committee further noted that the Ministry has asked the State Govt. to include the area of safety zone in the diversion proposal and accordingly the State Govt. has submitted the revised proposal from 20.383 to 26.416 ha. However, as per the monitoring report of the RO Bhubaneswar dated 03.08.2022 the area marked for safety zone i.e. 6.795 ha which was proposed against the original proposal (132.904) and was kept outside ML boundary has been diverted in Ananta Extension OCP proposal (8-37/2015-FC) dated 18.05.2018. The latest site inspection report of the DFO Angul dated 07.02.2024 shows that the area 6.033 ha out of 6.795 ha is required to be diverted. Further, at column no. 13 of the SIR of DFO it has also been mentioned that some portion of the proposed Safety Zone area is covered in forest land diversion of Ananta OCP (Ph-II) mine for mining purpose vide ministry's Stage-II approval letter No. 8-43/2004-FC, dated 19.11.2004. The area around 0.85 ha along ML area has already been technically reclaimed. So the information provided by the RO in his monitoring report that the area 6.795 ha has already been diverted in Ananta Extension OCP is contradictory with the DFO's SIR.
- xix. The Committee further noted that the State Govt. has informed that the User Agency has submitted an undertaking for payment of additional NPV if so; demand is raised by the Govt. Since, the UA has already made the payment towards NPV for the SZ area of 6.033 Ha. and provided the compensatory afforestation over 10 ha. under 1.5 times safety zone scheme which is also completed in Chhendipada Range of Angul division and the User Agency has also submitted an undertaking for protection and conservation of total safety zone forest area of 6.648 Ha (6.033 ha. against already diverted forest land of 112.521 ha + 0.615 ha. forest land in proposed balance forest land 20.383 Ha), the 6.033 ha of safety zone area may be considered for diversion along with this proposal.
- xx. The Committee further noted that since the revised proposal is being considered therefore it is a requirement to modify the area in the mining plan if the area falling in the safety zone is considered for diversion. The forest area in the lease will be 138.937 ha.
- xxi. The Committee further noted that the State Government has informed that the Safety zone in forest land within mining lease of already diverted forest land over 112.521 Ha during 2004 and now proposed diversion of 20.383 Ha shall be 6.648 Ha (6.033 Ha + 0.615 Ha = 6.648 Ha) and clarified that the area of SZ over forest Land of 0.762 Ha which is outside ML area is not required now and this land is proposed for diversion in future expansion.
- 4. Decision of Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central) RO Bhubaneswar and representative of the Nodal officer, Govt. of Odisha. After going through the facts of the proposal and submissions made, the committee recommended the proposal for grant of '**in-principle**' approval, subject to the general, standard, and following specific conditions:
- The exact area involved in the proposal shall be verified after taking into account the already diverted area for Ananta OCP and the Stage-2 approval shall be accordingly issued. The state shall ensure that the

safety zone is maintained within the diverted area only and keeping in view the revised area the modifications in the mining plan as appropriate shall be made by the state/UA

- b. The suitable non-forest land equivalent to the area proposed for diversion shall be identified and provided for raising compensatory afforestation. The area identified shall be transferred and mutated in favour of the State Forest Department and shall also be notified as RF/PF under IFA, 1927 or any state /local act before granting the Stage-II approval;
- c. All details (i.e. KML file, SOI topo sheet, DGPS map, approved CA Scheme, site suitability certificate etc.) of non-forest land equal in extent to the forest land being proposed for diversion shall be submitted by the State Government along with the compliance report of the Stage-I approval.

Agenda No. 20

File No. 8-87/1996-FC

Sub: Change of Compensatory Afforestation site in respect of the proposal for diversion of 465.62 ha forest land for Boloni Iron Mines of M/s SAIL - Diversion of 465.62 ha of forest land (160.73 ha already broken up area+ 37.25 ha area to be worked during present renewal period + balance 267.64 ha to be maintained as forest) in favour of M/s Steel Authority of India Ltd (SAIL) for first renewal of their Bolani Ores Mines, Keonjhar District, Odisha - regarding..

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for consideration. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Bhubaneswar, Representative of Nodal Officer, Government of Odisha attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Committee noted that the Ministry vide letter dated 24.02.1999 has accorded Stage-I approval subject to fulfilment of certain conditions prescribed therein.
 - ii. Further, the Government of Odisha vide letter dated 18.04.2009 requested to change the condition no. (i) & (ii) with regard to compensatory afforestation from NFL to Double Degraded forest land. As per the recommendation of FAC held on 16.05.2017 and after the approval of the competent authority, the Ministry vide letter dated 24.07.2017 has modified the condition of CA from NFL to DFL.
 - i. Further, the proposal was placed before AC meeting held on 25.04.2023, with a view that when the condition for CA change from NFL to DFL accepted by the FAC in its meeting held on 16.05.2017 that time the CA

area was not seen by the AC. Further, Government of Odisha vide their letter No. 11651/9F (MG)-78/2001 dated 02.07.2019 submitted compliance report of conditions stipulated in Stage-I approval dated 24.02.1999 and modified condition letter dated 24.07.2017. the Advisory Committee decided to accept the areas proposed for Compensatory afforestation over Degraded Forest Land (DFL) in case of the instant proposal.

- ii. Ministry vide letter dated 26.05.2023 granted final approval of the proposal for diversion of 465.62 ha forest land in Bolani Iron Mines of M/s SAIL.
 - iii. Now, the Government of Odisha vide their letter No. 13309/9F (MG)-78/2001 dated 05.07.2024 submitted a proposal for change in Compensatory Afforestation site in respect of the proposal for diversion of 465.62 ha forest land for Bolani Iron Mines of M/s SAIL.
 - iv. It is stipulated in the final approval order that, CA over 931.24 ha (609.78 ha + 321.46 ha) degraded forest land shall be raised by the forest department at the project cost. These CA area spreads over 3 forest divisions i.e. Keonjhar (WL) Division (69.00 ha), Rourkela Division (494.78 ha) and Kalahandi (South) Division (46 ha).
 - v. State Government has informed that the CA target of 69.00 ha in Keonjhar (WL) Division has been included in APO 2024-25 for taking up plantation during 2024-25. As reported, only 20.00 ha could be taken up in the identified CA area. The DFO, Keonjhar WL division has identified rest 49 ha (69 ha - 20 ha) of CA in the same RF i.e. Revena RF in other compartments.
 - vi. As there is change in sites due to non-availability of the area in the earlier identified CA site the revised Compensatory Afforestation Scheme over 69 ha. forest land has been prepared amounting to ₹1,18,50,159.00. The total cost of the previous approved scheme amounting to ₹93,03,400.00 has been deposited by the User Agency i.e. Bolani Ore Mines of M/s SAIL in the CAMPA Account.
 - vii. State Government submitted a copy of the revised CA Scheme along with its financial outlay and Site Suitability Certificate.
4. **Decision of Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central) RO Bhubaneswar, and representative of the Nodal officer, Govt. of Odisha. After going through the facts of the proposal and submissions made, the committee recommended the proposal for grant of '*in-principle*' approval, subject to the following conditions:
- i. Compensatory Afforestation is crucial for maintaining ecological stability. Therefore, the balance CA must be carried out within stipulated time frame positively. This is required for maintaining a green and healthy environment.
 - ii. No further change in the CA areas shall be allowed.

Agenda No. 21

File No. 8-45/2007-FC (Pt.)

Sub: Amendment in the ML Area from 188.523 ha to 188.268 ha accorded in favour of Sri Prabodh Mohanty, Legal heir of Late S.N. Mohanty - diversion of 188.523 (177.517 ha + 11.006 ha) of forest land for KJST, Iron, Manganese &

Bauxite Mines of Late S.N. Mohanty by his Legal heir Sri Prabodh Mohanty in Sundargarh District, Odisha -reg.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for consideration. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Bhubaneswar, Representative of Nodal Officer, Government of Odisha attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Committee noted that the instant proposal relates to the amendment in the approval granted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Sri Prabodh Mohanty, Legal heir of Late S.N. Mohanty for Kalmang, Jaldihi, Sidinba and Tantigram (KJST) Iron, Manganese & Bauxite Mines over 188.523 ha in Sundargarh District, Odisha.
 - ii. The Committee noted that the proposal was submitted on 9.12.2022 for the amendment in the approval granted under the Van (Sanrakshan Evam Savardhan) Adhiniyam, 1980.
 - iii. The Committee noted that the Ministry vide its letter dated 31.07.2009 accorded final approval for diversion of 177.5 17 ha (101.658 ha + 75.859 ha) of forest land for KJST, Iron, Manganese & Bauxite Mines of Late S.N. Mohanty by his Legal heir Sri Prabodh Mohanty in Sundargarh District, Odisha.
 - iv. The Committee noted that the proposal involves correction in the area of forest land involved in the lease from 188.523 ha to 188.268 ha i.e. there is reduction in the forest area by 0.255 ha. Approval for diversion of 188.523 ha has already been granted by the MoEF&CC on 31.07.2009 for 177.517 ha and on 28.06.2019 for 11.006 ha.
 - v. The Committee noted that the lease was granted on 20.01.1987 for a period of 20 years over an area of 333.063 ha. During the renewal of the lease an area of 144.54 ha was surrendered by the user agency. Currently, the entire area of the lease is forest land. Further, as per the provisions of the MMDR Act, 1957, the Government of Odisha extended the period of mining lease over 188.523 ha for a period ending on 19.01.2037.
 - vi. The Committee noted that the as evident from the facts reported by the State, it is observed that the Mining Department, Government of Odisha at the time of execution of supplementary lease in 2016 observed that total lease area is 188.268 instead of 188.523 and similarly, DGPS area of the land surrendered by the user agency is 144.54 ha instead of 144.788 ha. Accordingly, the State Government has submitted the request of the user agency to modify the area of forest land in the approvals granted by the Ministry on 31.07.2009 and 28.06.2019.

- vii. Further, the committee noted that the Ministry vide letter dated 17.03.2023 has requested the State Govt. for submitted certain information and accordingly the State Government has provide the details vide letter dated 01.02.2024.
- viii. The Committee noted that the Old and new schedule of the forest land as per the DGPS survey has been provided by the State Govt. After the examination of the both land schedule it has been observed that only change in the Village Tantlgram in the Plot No. 1 and 2. The details of the area where area has been change are as below:

Plot No.	Khata No.	Name of the Tenants	Kisaam of land	Area in Acres as per old schedule	Area in Acres as per New schedule	Difference
1	15	Abada Ajogya Anabadi	Pahad	20.567	20.877	0.310
2	15	Abada Ajogya Anabadi	Pahad	28.959	29.269	0.310
			Total	49.526	50.146	0.620 acre or ≈ 0.255 ha

- ix. The Committee noted that the, the area is very small an falling in two plots and no KML files are available as per the land schedule given above. Therefore to mark the area on Map or in land use of approved is very difficult. The same may be considered for change in the area of already approved proposal.
 - x. The Committee noted that the compliance of the approvals dated 31.07.2009 and 28.06.2019 has also been submitted by the State Government. The State Government has reported that the user agency is complying all the conditions stipulated in the approvals and has submitted the necessary undertakings to comply with the conditions stipulated in the approval. CA has been raised as per stipulations made in the approvals and the non-forest lands identified for raising CA have been notified as PF under the Local Forest Act. No non-compliance or violation of any conditions of approval has been reported by the State Government.
 - xi. The Committee noted that the non-forest land identified for CA u/s 33 of the Odisha Forest Act, Forest Act, 1972 has been declared as PF vide notification dated 31.07.2009.
 - xii. The Committee noted that the Ministry has accorded approval for 177.517 ha on 31.07.2009 and 11.006 ha on 26.08.2009 in two parts. The proposal has been submitted for the reduction in the combined area of both the above mentioned proposals.
4. **Decision of Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central) RO Bhubaneswar, and representative of the Nodal officer, Govt. of Odisha. After going through the facts of the proposal and submissions made, the committee recommended to change/amend the total forest area diverted under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 from 188.523 ha to 188.268 ha in respect of the approvals accorded on 31.07.2019 (177.517 ha) and 28.06.2019 (11.006 ha) subject to the following condition:
- i. No change /relaxation shall be allowed in the CA area and payment of NPV.

File No. 5-ORB510/2022-BHU

Sub:- Proposal for seeking ex-post facto approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for regularization of encroachment over an area of 0.248 ha of Revenue Forest Land in favour of M/s Mayfair Hotels & Resorts Ltd., under Bhubaneswar Tahsil of Khordha District under Chandaka Wildlife Division, Odisha Diversion of 0.248 ha of Revenue Forest Land in favour of M/s Mayfair Hotels & Resorts Ltd., under Bhubaneswar Tahasil of Khordha District under Chandaka Wildlife Division, Odisha.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for consideration. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Bhubaneswar, Representative of Nodal Officer, Government of Odisha attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Committee noted that the State Govt. informed that General Administration, Govt. of Odisha allotted land for a Hotel in the name of BMP Resorts Private Limited measuring 0.612 Acre (0.248 ha) for establishment of a Hotel on leasehold basis vide Allotment Order No. 3521 dated 01.03.2000 corresponding to Revenue Plot No.282 (Part) under Khata No.1427 of G.A. Department, Govt. Govt. of Odisha for land measuring Ac. 0.612 (89'9" x 297'0") bearing Drawing No. B/906, Mouza Jaydev Vihar, Unit-16 corresponding to 1991-92 settlement. Meanwhile, before Registration of the land took place the name was changed from BMP Resorts Private Limited to Jagannath Projects Private Ltd. in pursuance to a merger honoured by Hon'ble High Court of Orissa, Cuttack vide COPET-39 of 2005. Again Jagannath Project Private Limited got merged with MAYFAIR Hotels & Resort Limited under a Scheme of Amalgamation along with three Private Limited Companies on 03.03.2006 by the Hon'ble High Court of Orissa, Cuttack vide COPET No.43 of 2005. The user agency has paid the land premium of ₹30,60,000/- as per the allotment order condition. The user agency has started the hotel operation from 2009 onwards in the name of MAYFAIR Convention. However, the user agency has been intimated by the GA Department vide letter No.2061 dated 20.01.2021 that **the land allotted to them way back in the year 2000 is classified as Jungle-II Kisam** with a direction to file diversion proposal for the forest land allotted to them for non-forestry (**already built up hotel**) use before the appropriate authority of Forest Department based on direction from Hon'ble NGT, Principal Bench,

New Delhi vide OA No. 29/2019/EZ Subash Ch. Mohapatra Vrs. State of Odisha & Others.

- ii. The Committee noted that the State Govt. informed that for locating the hotel in the identified forest area is on account of the fact that hotel is a service specific activity which involve human movements and can be only located where the movement of the corporate and tourists are more. The existing hotel is located at the heart of Bhubaneswar – Jaydev Vihar, which is surrounded by the number of big corporate offices/Hubs, Private Institutions, Govt. Offices etc. and also in a preferably distance from the airport as well as railway station. The State Govt. wanted to promote the Star Category hotels to come up in this area since there were hardly 2-3 good hotels in the City. The hotel has commenced its operations in the year 2009, even though the land was allotted in the year 2000. 21 years after allotment, now GA Department has communicated them that the allotted land is Forest Kismat land. MAYFAIR Group has taken all the steps to ensure full compliance of the provision of the FC Act, 1980 for diverting this identified forest land for non-forest use. This includes application to the Govt. for providing compensatory forest land for the purpose of afforestation and management. The integrated approach for development of hotel in this area is focused on bringing about Regional growth by the State Tourism with international service standards, employment generation for the locals, supports corporate for having Meetings/Conference with ease of movement and also by providing an iconic hotel which attracts international tourists. Hence, the requirement and use of minimum forest land is unavoidable & justified.
- iii. The Committee noted that the detailed forest land schedule of the proposed for diversion for this project duly authenticated by DFO, Chandaka (WL) Division and Tahasildar, Bhubaneswar has been provided by the Tahasildar, Bhubaneswar. The details of forest land proposed for diversion is furnished below:

Division	District	Range/Block/ village limit	Survy/Compartment No./Km Stone			Forest area (in ha)	Legal Status	Remarks
			Khata No.	Plot No.	Area in Ac.			
Chandaka WL	Khordha	Jaydev Vihar Unit- XVI	1427 (GA Depтт)	282 (Pt)	0.492	0.199	Gharabari-II	Sabik Status: Chota Jungle
				284 (Pt)	0.120	0.049	Jungle-II	
Total					0.612	0.248		

- iv. The Committee noted that the legal status of forest land involved in this project is Revenue Forest Land under GA & PG Management Department, Govt. of Odisha, Kismat- Jungle-II.
- v. The Committee noted that the density of vegetation is 0.1 (Eco Value Class-III). A total no. of 41 trees have been enumeration for this project, but no trees are required to be removed. Hence, there is no adverse impact on the Eco-system. Abstract of girth class wise tree enumeration of 41 nos. of trees have been furnished. The area is a plain land and already built-up area not vulnerable to soil erosion.

- vi. The Committee noted that it was informed by the State Govt. proposed forest land for diversion is about 1 km away from Chandaka Reserved Forest in Chandaka-Dampara Wildlife Sanctuary. It is outside Eco-Sensitive Zone of the sanctuary.
- vii. The Committee noted that the proposed site does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, and Wildlife Migration Corridor. The land is outside Chandaka-Dampara Wildlife Sanctuary. It is located within thickly populated human settlement in the heart of Capital City of Odisha. Presence of wild animals is not seen except residential birds. No rare/ endangered/unique species of flora and fauna have got recorded from the applied area. No protected archaeological heritage site/defense establishment or any other important monument is located in area.
- viii. The Committee noted that the forest area required is barest minimum. This is an allotted plot. No alternatives examined by the user agency.
- ix. The Committee noted that the DFO has reported that the user agency has constructed building for hotel over revenue forest kissam of land without prior approval from Government of India, Ministry of Environment, Forest & Climate Change in contravention of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- x. State Govt. has recommended the proposal with a condition that action as deemed proper may be taken for violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- xi. The Committee noted that the State Govt. reported that since the proposal involves diversion of less than 1.00 ha i.e. 0.248 ha and no tree likely to be felled in the project, no C.A. is insisted upon as per Para 2.6 (i) (b) of Handbook of Adhiniyam guidelines. The user agency is required to plant 10 times the numbers of trees likely to be felled by way of C.A. or the number of trees to be specified in the order of diversion of proposed forest land (subject to a minimum 100 nos. of plants) shall be levied from the user agency towards C.A. It is reported that land has been identified for raising plantation in front of Bharatpur Nature Awareness Centre inside Bharatpur RF of Chandaka-Dampara Wildlife Sanctuary by the DFO, Chandaka (WL) Division.
- xii. The Committee noted that the DFO, Chandaka (WL) Division has prepared a scheme for compensatory plantation for raising 100 plants over 0.0625 ha in Block Model (AR). The Plantation Scheme has furnished. The RCCF, Bhubaneswar has technical approved the plantation scheme for a financial outlay of ₹1,65,480/-.
- xiii. The Committee noted that No FRA certificate has been furnished with the proposal. However, the user Agency has furnished undertaking to provide the certificate to be issued by the Collector, Khordha in support of settlement of Rights under "Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right Act, 2006). As per the new Adhiniyam Rules, 2023, FRA certificate is not required for grant of prior approval of the Central Government under the Adhiniyam.
- xiv. The Committee noted that Environment Clearance Resettlement & Rehabilitation plan is not required for this project.

- xv. The Committee noted that on scrutiny of the proposal, RO, Bhubaneswar vide letter dated 28.04.2022 requested the State Govt. to clarify that whether this violation is attributable to the user agency or not? In compliance, the CCF (Nodal), Odisha vide letter dated 10.06.2022 has reported that the that Revenue Forest land over an area of 0.247 ha has been allotted in favour of M/s Mayfair Hotels & Resorts Pvt. Ltd. by the GA&PG Department, Govt. of Odisha during the year 2000. M/s Mayfair Hotels & Resorts Ltd. has commenced its work in the year 2009. The user agency has constructed the building & hotel without prior approval from Govt. of India, MoEF&CC in contravention of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The DFO, Chandaka (WL) and RCCF, Bhubaneswar have reported that violation is attributable to the User Agency.
- xvi. The Committee noted that proposal involve violation of the Adhiniyam and as per the direction given by the Ministry's letter no. FC-7/43/2020-FC dated 22.03.2022, the RO has submitted the proposal to the Ministry.
- xvii. Further, the proposal was examined in the Ministry and observed that *"as per the provision of Forest (Conservation) Rules, 2003, all proposals pertaining to the violations of Forest (Conservation) Act, 1980 shall be referred by the RO to the REC and REC after examination of the same forward the same to the Ministry along with its recommendation. Extant case has been not been examine by the REC.*
- xviii. Further, the committee noted that the Hon'ble NGT in its order dated 26.04.2022 has also directed that no further activity shall be taken up without first complying with the requirements of law. From the perusal of order, it may be ascertained that apparently there are approximately 42 institutions which have been allotted land by the State for development activities and the said allotted land was subsequently discovered as recorded forest land. NGT in its latest order dated 15.04.2022 disposed off the matter directing the State Government to expedite the process of obtaining approval under the Forest (Conservation) Act, 1980 and an action taken report to be submitted in the NGT on or before 30.09.2022.
- xix. Further, the committee noted that as per the direction of the Ministry, the proposal was discussed in the REC meeting held on 19.08.2022. The Committee deliberated upon the proposal and recommends the proposal to Ministry for regularization as per direction of Hon'ble NGT subject to the following conditions:
 - a. Action against the erring officials responsible for allotting/assigning forest land in violation of provision of under Forest (Conservation) Act, 1980 to M/s Mayfair Hotels & Resorts Ltd.
 - b. The Committee also recommended that the user agency shall pay Penal NPV of forest land per hectare for each year for use of forest land from the date of actual allotment by the GA Department as reported by the inspecting officers with maximum upto five (5) times the NPV plus 12 percent simple interest till the deposit is made.

- xx. RO, Bhubaneswar has requested the State Govt. vide letter dated 02.09.2022 to furnish the name & designation of officials responsible for violation of FC Act, 1980 with complete details of action taken by the State Govt. against the erring officials.
- xxi. The Hon'ble NGT, Eastern Zone in its order dated 26.04.2022 in OA No.29/2019/EZ has ordered that the State Govt. or the Ministry of Environment, Forest & Climate Change, as the case may be, may take the Net Present Value (NPV) of Penal NPV while granting clearance under Forest (Conservation) Act, 1980 in accordance with law. Further, the Hon'ble NGT has directed that an Action Taken Report in this shall be submitted before the Tribunal on or before 30.09.2022 by the State Govt.
- xxii. Further, the committee noted that the matter was further examined in the Ministry and it was observed that the observations of the Ministry have not been addressed completely by the RO i.e. information furnished by the RO is silent on the following:
 - a. Issue related to violation needs to be examined holistically in context of 42 cases mentioned by the NGT in its order dated 26.04.2022.
 - b. Complete detail of action taken by the authorities in the State and by the IRO after taking cognizance of the reported violation of the Forest (Conservation) Act, 1980 also needs to be informed to the Ministry.
- xxiii. Further, the committee noted that from the examination of the above, it may be mentioned that since there are 42 cases, which is a substantial number, involving violation of the Forest (Conservation) Act, 1980 wherein NGT has directed the authorities to obtain approval within a period of 4 months. Gravity of severity of violation should be perceived by the authorities in a manner to stop continuation of such violations and to initiate the remedial actions by following the directions of contained in the Hon'ble NGT order dated 26.04.2022. Despite standing directions of Hon'ble NGT, Ministry and cognizance of the same by the processing authorities, incredible or non-holistic examination of the matter by the processing authorities, including IRO, is not desirable.
- xxiv. As per the above direction of the Ministry, the RO vide letter dated 03.03.2023 has requested the State Government to provide the information on the following points:
 - a. Issue related to violation needs to be examined holistically in context of 42 cases mentioned by the NGT in its order dated 26.04.2022 in OA No.29/2019/EZ.
 - b. Complete detail of action taken by the authorities in the State and by the after IRO after cognizance of the reported violation of the Forest (Conservation) Act, 1980.
 - c. Further, this office vide letter dated 02.09.2022 has requested the State Govt. to furnish the name & designation of officials responsible for violation of FC Act, 1980 along with complete details of action taken by the State Govt. against the erring officials, which is still awaited.

- xxv. Further, the committee noted that in the reply of the RO letter dated 03.03.2023, the PCCF (Nodal), Odisha has informed that the Govt. of Odisha, GA & PG Department vide letter No.37218/CA dated 15.12.2023 addressed to the DFO, Chandaka (WL) Division has informed that Govt. of Odisha has constituted Site Selection Committee/Land Allotment Committee to assess the requirement and recommend the Govt. for land. As per the recommendation of the Committee, Govt. land are allotted. GA & PG Deptt. was following the provisions of the Government Grant Act, 1895 and after repeal of Govt. Grants Act, GA Department is now following the provisions of the Odisha Government Land Settlement (Second Amendment) Rules, 2020. It is pertinent to mention here that, allotment procedure since the inception of Committee has been changing from time to time. Any individual may not be held responsible for the allotments.
- xxvi. Further, the committee noted that the "issues related to violation needs to be examined holistically in context of 42 cases mentioned by the NGT in its order dated 26.04.2022", this office vide letter dated 28.06.2023 has clarified the State Govt. that during a meeting held under the Chairmanship of DGF&SS, MoEF&CC at New Delhi, the DGF&SS has advised that if difficulties are being faced by the user agencies for submission of the composite forest diversion proposals, the individual proposal may be submitted by the State Govt./user agency.
- xxvii. Further, the committee noted that after the examination of the above reply of the State Govt., the RO again has sought information from the State Govt. vide letter dated 28.02.2024. The State Government vide letter dated 03.06.2024 has submitted the point wise reply. The same are as follows:

S. No.	Observations of RO	Reply from the State
1.	<i>Furnish the complete detail of action taken by the authorities in the State Govt. along with name and designation of officials responsible for violation of FC Act, 1980.</i>	The RCCF, Bhubaneswar has reported that the Govt. of Odisha, GA&PG Department vide letter No.13754/CA dated 06.05.2024 addressed to the DFO, Chandaka (WL) Division has informed that Govt. of Odisha has constituted a Site Selection Committee/Land Allotment Committee to access the requirement and recommend the Govt. for land. GA&PG Department was following the provisions of the Government Grant Act, 1985 and after repeal of Government Grants Act, GA Department is now following the provisions of the Odisha Government Land Settlement (Second Amendment) Rules, 2020.

- xxviii. Further, the committee noted that in response to the letter of Regional Office, Bhubaneswar with regard to submission of the names of the erring officials responsible for violation of FC Act, 1980, the GA&PG Department has informed that despite repeated search, the relevant Site Selection Proceedings has not been traced out by them. Hence, any individual member may not be named from the Site Selection

- Committee/Land Allotment Committee who took decision as per the then revenue records where the status of the land was non-forest land.
- xxix. Further, the committee noted that later after the Land Settlement process, it was known that status of the land was "Buda Jungle". Accordingly, the User Agency has been intimated to apply for diversion of the forest land for non-forest use and not take any further construction without the forest diversion to non-forestry purpose. Hence, it can neither be attributed to the User Agency nor the Committee Members who have taken the decision based on available revenue records.
 - xxx. Further, the committee noted that the National Green Tribunal, Eastern Zone Bench, Kolkata in OA Case No.29/2019/EZ and MA No.29/2022/EZ have directed to regularize the matter on realization of Net Present Value/Penal Net Present Value from the User Agency while granting clearance under FC Act, 1980. Hence, the GA&PG Department has requested to condone the action against the erring officials responsible for violation of Adhinyam, 1980.
 - xxxi. The Committee further noted that the State govt. has not provided the proposed land use and present land use.
 - xxxii. Further, the committee noted that the Regional Office has not carried out site inspection report in the instant proposal.
 - xxxiii. Further, the committee noted that the State Government has also not provide the list of the proposals and name of the User Agency whose details are mentioned in the Hon'ble NGT order dated 26.04.2022.
 - xxxiv. The committee noted further noted that the State Govt. has not taken any action against the violation and it is not known that the UAs is doing further construction / expansion of their projects.

4. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with DDGF (Central) RO Bhubaneswar, and representative of the Nodal officer, Govt. of Odisha. After going through the facts of the proposal and submissions made, the committee deferred the proposal for seeking following information from the State Government:

- i. The State Govt. shall provide the detailed land use plan for the proposed forest land along with the details of its present land use.
- ii. The justification given by the State Govt. that land was allotted by the site selection committee and no individual is responsible is not tenable. The decision for allotment would have been taken with the approval of the competent authority on the recommendations of the site selection committee. Therefore, the State Govt. shall examine its records in detail and provide the details of the persons responsible for violation.
- iii. The Regional Office shall carry out site inspection in the instant proposal and shall also provide the detail of ongoing activities/violation, if any.
- iv. The State Government shall provide the list of the proposals and name of the User Agency whose details are mentioned in the Hon'ble NGT order dated 26.04.2022.
- v. The State Govt. has not taken any action against the erring officials responsible for violation and it is not known whether the UA has stopped doing the further construction / expansion of their projects in

violation. In this regard a detailed report shall be submitted by the State Govt.

Agenda No. 23

File No. 5-ORB509/2022-BHU

Sub:- Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for ex-post facto approval of encroachment over an area of 0.094 ha of Revenue Forest Land in favour of M/s Mayfair Hotels & Resorts Ltd., under Bhubaneswar Tahasil of Khordha District under Chandaka Wildlife Division, Odisha – reg.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for consideration. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Bhubaneswar, Representative of Nodal Officer, Government of Odisha attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed that the proposal is similar to the proposal mentioned at Agenda No. 22 and has been submitted by the same user agency. Accordingly, it was observed that the decision taken in case of said proposal can also be considered for the instant proposal.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central) RO Bhubaneswar, and representative of the Nodal officer, Govt. of Odisha. After going through the facts of the proposal and submissions made, the Advisory Committee decided that recommendation made in the proposal mentioned at agenda item no. 22 placed before the Advisory Committee meeting held on 27.08.2024 will apply *mutatis mutandis* to the extant proposal.

Agenda No. 24

File No. 8-05/2021-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) of the Van Sanrakshana Evam Samvardhan) Adhiniyam, 1980 in favor of M/s. SCCL for non-forestry use of 649.3014 ha forest land in Ramavaram RF of Ramavaram Range of Kothagudem forest division for grant of mining lease for proposed Venkateshkhani OCP from underground rights to surface rights in Kothagudem area in Bhadradi Kothagudem District (Online proposal No. FP/TG/MIN/44798/2020).

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chennai, IGF (Central), sub-office Hyderabad and Nodal Officer, Government of Telangana attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The instant proposal is for diversion of 649.3014 Ha. is part of 1174.18 Ha diverted with UG rights granted by MoEF&CC, GoI, vide Letter No.8- 277/85-FC, dtd.17.02.2009 (under F.C. Act, 1980) valid upto 26.04.2029.
 - ii. The total number of trees to be felled is 349423 out of which 87682 are of below 30 cm diameter.
 - iii. The user agency has provided the equivalent Non-forest land (reclaimed dump area) for compensatory afforestation (CA) against the proposed diversion of 649.301 ha forest land for Venkatesh Khani Coal Mine as per the decision taken in FAC held on **17.02.2021** and on DSS analysis it was observed that the proposed reclaimed OB Dump (CA-NFL) is already having plantation.
 - iv. The identified Non-forest land (reclaimed dump area) is as per the guideline issued by this Ministry vide its letter dt 17.10.2019 wherein it was decided that non-forest mined out land which have been reclaimed technically and restored biologically shall be accepted for raising CA.
 - v. The Sub Office Hyderabad has inspected the rehabilitated OB dump and provided the information that an extent of about 155 Ha is having less than 1000 plants per hectare and 10cm girth in size at DBH. The remaining area of 495.51 Ha is having more than 1000 plants of more than 10 cm girth at DBH.
 - vi. To compensate this area of 155 Ha, State Govt. has proposed CA of 200 Ha in Degraded Forest Land at Mahboobabad in 13 patches.
 - vii. The proposal was considered before the Advisory Committee in its meeting held on **21.09.2022**. The Committee after having detailed discussion and deliberation with the Nodal Officer, Telangana and Regional Officer, IRO, Hyderabad deferred the proposal in want of:
 - a. A study to be carried out by IIFM Bhopal on the Cost-Benefit analysis on conversion of underground Mines to open cast mines and the cost of the study will be borne by User Agency. The Cost-Benefit Analysis shall account for the ecological/ecosystem services provisions from the proposed mining area/landscape.
 - b. The details/KML files of the DFL identified for carrying out one half times CA w.r.t the safety zone may be provided.
 - c. The State govt. may comment on the dumping of the material in Goutham Khani Open Cast Mining and its impact

on the approved Mining closure plan/R&R plan-based activities.

- d. Considering the area to be diverted is very large a biodiversity impact assessment study may also be carried out by reputed institution. The cost for the study will be borne by the User Agency and the study report shall be submitted to this Ministry as early as possible.
- viii. With respect to the observations of AC the State Government submitted the following:
- a. IIFM Bhopal has carried out a study w.r.t. Cost-Benefit analysis on conversion of underground Mines to open cast mines. The revised C: B Ratio is 1:12.53 against the previous of 1:20.10. The UA is willing to work with this cost benefit ratio and it is favourable to them.
 - b. The details/KML files of the DFL identified for carrying out one half times CA w.r.t the safety zone was submitted by the State Govt. The same were analysed by DSS team and as per the DSS report CA land in lieu of 1.5 times of safety zone has been identified in Penagadapa RF and its software calculated area is found to be 12.26 ha.
 - c. Venkatesh Khani Coal Mine is amalgamation of Venkatesh Khani No.7 (VK-7) Incline, Padmavathi Khani No. 5 (PVK-5) Incline & Goutham Khani (GK) OC Mine. The Mining lease area of Venkatesh Khani Coal Mine is 2403.17 ha (1568.22 ha is Forest Land and 834.95 ha is Non-Forest Land). The area of GK OC mine is 902.00 ha which includes 540.27ha forest land. The VK-7 Incline (UG) mine is spread over an extent of 580.20 ha which involves total forest land of 346.66 ha. The PVK-5 Incline (UG) mine area is 916.48 ha, out of which 768.99 ha is forest land and remaining 147.49 ha is non-forest land. Forest land of 768.99 ha is part of 1174.18 ha forest land for which Forest Clearance was obtained in 2009. At the time of submission of Mining Plan of GK OC Mine, there was no proposal of conversion of VK-7 and PVK-5 Incline UG coal mines into Open Cast. Subsequently, as the coal was exhausted in GK OC, without further scope of extraction of coal by UG method in VK No.7 Incline, these 2 mines were closed in 2022 and 2021 respectively. SCCL further obtained approval of Mining Plan (Including Mine Closure Plan) from MoC, Gol, vide 38011/12/2017-PCA, Dt.27.01.2020 for VK Coal Mine which involves 787.14 Ha of GK OC area. Therefore, in this regard sequential mining is selected for optimization of land by converting: VK No.7 Incline to OC initially & dumping OB in GK OC void (area 221.64 ha). PVK No. 5 Incline to OC after 11 years (from 2019-20) of UG mining and dumping OB in VK No.7 area voids. Utilizing voids of GK OC & VK-7 area for OB dumping from 2021-22 & 2030-31 respectively & Utilizing infrastructure (Office buildings, Workshop, CHP & Railway Siding) of GK OC Mine up to 2021-

22 & establishing new infrastructure at VK Coal Mine area from 2022-23.

Out of 503.60 ha OB dump of GK OC Mine, 100 ha rehabilitated area was surrendered to Forest department. Therefore, for Venkatesh Khani OC Mine, it is proposed to utilize remaining 403.60 Ha of dumping area, 221.64 Ha void area, 75.98 Ha of safety zone all along the boundary & 56.28 Ha of infrastructure area of GK OC in the instant proposal as part of sequential mining.

As per the mining plan of Venkatesh Khani OC Mine, rehabilitation of OB dump area will be in 1307.356 Ha (403.60 Ha of GK OC dumping area + 903.756 Ha of new OB dumping area). The void area will be in 386.334Ha with standing water upto 300 meters' depth as against 221.64 Ha area of GKOC mine upto 240 meters.

Further, the existing safety zone all along GKOC in 75.98 Ha will be maintained and increased up to 160.80 Ha area in VKOC, thus reducing the impact, if any on the nearby wildlife.

- d. The State Govt. has submitted the biodiversity report carried out by the EPTRI (Environment Protection Research & Training Institute, Hyderabad). As per the recommendation of the study:
 - a) Restoration and reclamation process during and after mining in the proposed study area and compensatory measures of SCCL with the forest department in the adjoining forests will provide alternate habitats for these species without much competition in resource partition with other existing species around the study area.
 - b) These processes should be monitored by a wildlife expert from the beginning of the mining Operations, in a long-term period continuously without fail. The long-term monitoring will provide inputs and advisories to maintain and sustain the ecological balance of the study area. One wildlife expert at least for 10 years to monitor the impact of mining in adjoining forest area in the buffer may be engaged.
 - c) The monitoring will help in creating a database by conducting the research throughout the mining project covering all seasons as these may also lead to the management of the proposed study area and the adjoining forest areas. Such studies may also raise questions on urban wildlife conservation and its importance in and around the mine operational areas.
 - d) A Wildlife Conservation/Mitigation plan was prepared was approved by the Chief Wildlife Warden, TS, vide reference 5694/2021/WL-I Dt. 12.10.2021 for ₹4.78 Crores. This plan shall be implemented within 3 years from the start of mining.

- ix. The AC also noted that a meeting with Nodal Officer, Telangana, IRO Hyderabad and representative from UA was held on 02.05.2023 at 03:30 PM and in the meeting the following were decided:
 - a. The State Nodal Officer and the User Agency shall submit the compliance w.r.t. conditions imposed in all the cases wherein Forest Clearance has been sought by the UA.
 - b. The State Nodal Officer and the User Agency shall submit the KML files and maps of the safety zone.
 - c. The State Nodal Officer may forward the compliance report w.r.t. the approvals (GK OCP and VK OCP) involved to the IRO, Hyderabad. IRO may analyse the compliance report and submit a report to this Ministry.
 - d. The State Nodal Officer may offer its comments w.r.t. plantation visible in many parts of the proposed forest area for Venkatesh Khani OC Mine. Whether this plantation has been carried out under any CA scheme. If yes, details thereof
- x. AC observed that Venkatesh Khani Coal Mine is amalgamation of Venkatesh Khani No.7 (VK-7) Incline, Padmavathi Khani No. 5 (PVK-5) Incline & Goutham Khani (GK) OC Mine. The Mining lease area of Venkatesh Khani Coal Mine is 2403.17 ha (1568.22 ha is Forest Land and 834.95 ha is Non-Forest Land).
- xi. AC also noted that respect to the instant proposal there is a revised Mining plan for conversion of underground mine to open cast Mine to and the same has been submitted by the UA to this Ministry.
- xii. AC observed that in another proposal of the same user agency i.e. 1st Renewal for diversion of 124 ha. of forest land for coal mining in GKOC Phase-II, Kothagudem, the identified CA land was encroached and an area of out of 124 ha identified for CA only 42.96 ha is available and rest CA area i.e., 81.04 ha is under encroachment by the local tribes.
- xiii. Further, AC also noted that user agency i.e. SCCL has handed over the Non- forest land to an extent of 233.77 Ha in Sy.No.116 of Rasannagudem (V), Mulkalapally (M) of Bhadradi Kothagudem district and Mutated in favour of the forest department, vide Mandal Revenue Officer Lr.No (M) Rc. No B/912/98 DT.07.07.1991 in lieu of forest area diverted for various projects of M/s Singareni Collieries Company Limited. Later after DGPS Survey the area reduced to 210 Ha and there was also an over lapping of is overlap in the non-forest CA lands handed over by M/s SCCL and that handed over by I&CADD officials for SRLIP project, for which the I&CADD officials have been requested to provide the alternate non-forest CA land.
- xiv. The above facts were again considered again in the Advisory Committee meeting held on **18.05.2023** and the committed deferred the proposal, seeking the following information:
 - a. The State Govt. and IRO may reanalysis the C:B ratio study report and the biodiversity report submitted and offer its comments.
 - b. The State Government and IRO and may analyze and verify why the instant proposal was applied for Under Ground Mining earlier and what are the reasons why the instant proposal is proposed for Open cast mining.

- c. The User Agency may handover the land identified CA purpose to the State Government wrt the proposal for 1st Renewal for diversion of 124 ha. (Surveyed 124.065 ha.) of forest land for coal mining in favour of M/s SCCL for GKOC Phase-II, Kothagudem in Ramavaram RF of Kothagudem Division, Bhadradri, Kothagudem District, Telangana.
- xv. The Committee noted that the State Govt. vide letter dt 31.07.2023 forwarded the additional information which was asked by the AC in its meeting held on 18.05.2023.
- xvi. The IGF (C) sub-office, Hyderabad vide letter dated 20.09.2023 forwarded the analyses report on Cost benefit ratio and Biodiversity report with comments. The following were informed in the report:
- a. **C:B ratio:** Old rate of NPV is taken into consideration in calculating the CB ratio. Revised NPV as per Ministry's guidelines F.No. 5-3/2011- FC (Vol-1), dated 06.01.2022 and the clarification dated 19.01.2022 and 22.03.2022 is to be considered in the calculation.
 - b. **Biodiversity Report:**
 - a) There is certain ambiguity as regards to the area of study whether it carried out in core zone or buffer zone.
 - b) The study has failed to include impact of mining on all the existing flora and fauna instead of selected species as proposed in the objective.
 - c) The report concluded that there is no impact on "migration of Wildlife" but not commented on the impact of mining on the wildlife present over the area.
 - d) No mitigation plan for species and habitat is furnished.
 - c. **Wildlife conservation / Mitigation plan:**
 - a) The plan is prepared for conservation of Indian Monitor Lizard and Indian Peafowl only. Other measures such as soil moisture conservation-works, fire control etc. are provided in the plan.
 - b) The plan has not taken into consideration other important wildlife such as Leopard, Wild Dogs, Bison, Tiger, Sloth Bear, lesser fauna etc. which are reported to be prevalent in the adjoining forest area of the Venkatesh Khani coal mine.
- xvii. Further, the Committee noted that non-compliance of the conditions of three linked proposals. The details are as below:

<p>Diversion of 124.00 ha of Forest land for GKOC Phase-II, Kothagudem in Ramavaram RF, Kothagudem Division of Bhadradri Kothagudem District.</p> <p>Stage-II clearance letter & date: No. 8-17/1998-FC, dated 08.02.99.</p>	<ul style="list-style-type: none"> The User agency had handed over 124.00 ha of non-forest land in Sy No. 116 of Rasannagudem village, Paloncha Forest Division during 1990 and also paid ₹49, 60,000/- lakhs towards Compensatory Afforestation charges. The State Forest Department informed that an area of 61.66 ha out of this NFL is overlapping with the CA land given for diversion of forest land for SRLIP (Irrigation project). Further,
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<p>Proposal No.: FP/TG/MIN/393/1998</p>	<p>81.04 ha of this NFL land is under encroachment DIGF (Central) during inspection of this area noticed that the encroachments are mainly by way of cultivation of Eucalyptus by the locals. The area is also not demarcated and there are no display boards indicating that this is a CA-NFL Land. It appears that the State Forest Department had not raised any CA plantation in this area. The State Forest Department could not furnish any details on the action taken on the encroachments. It appears that the already encroached forest land has been accepted while considering SRLIP project by the State Forest Department. NFL land handed over to the Forest department is not notified as RF/PF by the State Government. The boundary demarcation pillars in the mine area are not intact and contiguous. 14 nos. of pillars are found to be constructed freshly by the User agency on the OB Dump area.</p> <ul style="list-style-type: none"> • The User agency had transferred Rs 3.66 Lakhs towards plantation in the safety zone area and afforestation on one and half times of safety zone area. During monitoring, it was noticed that there is no safety zone maintained and the DFO could not show the one and half times of DFL on which Safety Zone Afforestation was carried out. • Reclamation of mined out area is not done and informed that the reclamation will be done as per the revised plan of the VKOC project. However, OB dump and mined out area of Phase-1 is reclaimed partially and plantation raised.
<p>Diversion of 154.96 ha of Forest land in Kothagudem Forest Division (Ramavaram RF Compt.11,12&13) for Gauthami Khani OCP, Phase-III in Kothagudem District in favour of M/s Singareni Collieries Company Limited. Stage-II clearance letter & date: No.8-62/2005-FC, dated 15.07.2008.</p>	<ul style="list-style-type: none"> • CA land is reported to be given in Mulapet village, Ranasthalam Mandal, Srikakulam district, Andhra Pradesh. The status of CA plantation is not available. The User agency had transferred Rs. 2.89 Lakhs towards one and half time safety zone area afforestation in DFL Rs. 7.690 Lakhs towards fencing of safety zone and 0.220 Lakhs towards regeneration of safety zone area. However, there is no safety zone of 7.5m

<p>Proposal No.: FP/TG/MIN/970/2005</p>	<p>width noticed in the field during monitoring. The details of one and half times safety zone area afforestation carried out on DFL was not shown during monitoring.</p> <ul style="list-style-type: none"> • Information regarding notification of NFL as RF/PF is not available as the NFL land falls in Andhra Pradesh. • Out of 42 boundary pillars reported to be fixed, only 26 pillars are existing in the field. • Detailed reclamation plan and annual report about the progress of reclamation is not furnished to the R.O by the User agency, as per the Stage-II conditions.
<p>Diversion of 261.31 ha of forest land for renewal of Gauthami Khani Opencast Mining Project (Phase-I) for surface use in Bhadradi Kothagudem District-Kothagudem Division in favour of M/s Singareni Collieries Company Limited. Stage-II clearance letter & date: No.8-117/2002-FC, 01.02.2010 Proposal No. FP/TG/MIN/492/2002</p>	<ul style="list-style-type: none"> • Only 14 demarcation pillars are available in the field, out of the 35 pillars reported to be fixed. • CA land is given in two patches at Rasannagudem (V). Paloncha Forest Division, Kothagudem District: Part of the CA-NFL land is under encroachment (exact extent can be known after detailed survey only) by way of cultivation of agricultural crops Eucalyptus, Cashew nuts etc. The hilly portion of the CA-NFL is devoid of encroachment and is having natural forestry vegetation. It appears that the State Forest Department had not raised any plantation in this area except some plantations on the bund of the trenches dug. • Reclamation of the mined-out area will be carried out as per the revised Mine Closure Plan/EMP for the VKOC project as per the information given by the User agency during the monitoring.

- xviii. The above facts were again considered in the AC meeting held on **20.10.2023** and the committee decided that there are many shortcomings/lacking information in the present proposal and the same cannot be acceded to in present proposition. Accordingly, after obtaining the approval of the Hon'ble Minister the decision of the AC was communicated to the State Govt. vide this Ministry's letter dated 21.11.2023.

Further, on being informed that different User Agencies whose proposals are processed under FCA, 1980, are depositing amounts related wildlife conservation plan w.r.t. their respective proposals in the Biodiversity Conservation Society of Telangana (BIOSOT) account of Chief Wildlife Warden, Telangana. AC decided that State Govt. shall deposit such entire amount in CAMPA immediately as the process

adopted by State Government is not as per rules. AC also decided that the State Govt. shall comply with all the condition and submit the report to this Ministry w.r.t. the four proposals (linked with the instant proposal) as per observations noted in the report submitted by the IGF (C) Sub-office Hyderabad within a period of two months".

- xix. Further, the Committee noted that the Government of Telangana vide their letter dated 23.04.2024 has submitted the additional information with a request for re-consideration of the proposal.
- xx. The Committee noted that the funds deposited in the account of BIOSOT Telangana has been transferred into the National Authority CAMPA account and the same has been National Authority (CAMPA) vide their letter dated 22.07.2024 had confirmed the credit of ₹4,78,60,000/-
- xxi. The Committee noted that a meeting was held on 21.04.2024 in the Ministry under the Chairmanship of the IGF (FC), MoEF&CC, New Delhi in his chamber. During the discussion certain issues were observed and the State Govt. has replied as per follows:

S. No.	Observations raised by the MoEFCC on 05.04.2024	Reply submitted by the PCCF (HoFF) on 21.04.2024
(i)	During the discussion it has been noticed that the instant proposal is for converting the underground mining to open cast mining. The underground mining was approved earlier for 1174.18 ha. of forest land and now out of 1174.18 the UA is seeking 649.3014 ha for OC mining. As informed by the UA that at present there is a good forest on surface which is now required to be diverted and 3,49,423 trees (as per part II of the form A) have to be felled. The SCCL has informed that they have only extracted about 30% of coal available so far from underground mining and ~70% of coal is still remaining. In this regard, the SCCL shall provide relevant documents and justification.	<p>In this regard it has been informed that the present proposal is for converting two underground mines falling in 1174.18 ha of forest land into opencast mine. The two underground mines are namely Venkatesh Khani No. 7 incline which was started in the year 1954 and closed down in the year 2021 and Padmavathi Khani No.5 Incline was opened in the year 1952, presently in operation. The underground operations of Padmavathi Khani No.5 Incline will continue till 2029-30 and later will be converted into opencast.</p> <p>The total geological reserve available in both mines is about 330.009 MT. The geological report prepared by Chief of Exploration department (approved by) of SCCL is enclosed for your perusal. The reserves extracted in Venkatesh Khani No. 7 incline till its closure i.e. up to 2020-21 are 26.34 MT and reserves extracted till 2023-24 in Padmavathi Khani No.5 Incline are 41.11 MT and another 1.5 MT will be extracted till 2029-30. Thus, the total reserves extracted by underground from these two mines would be 68.95 MT and thus the percentage of extraction with respect to geological reserves is 20.89%. The letter given by the Area General Manager with respect to the reserves extracted in both the underground mines is given.</p>

	<p>Both these underground mines are operated up to a depth of 400 mts. The present proposal is to convert these underground mines into opencast for optimizing the mineral extraction from conservation point of view. The opencast mining is planned to the extent of 649.3014 ha out of 1174.18 ha where the reserves are planned to be extracted as permitted by economics up to depth of 300 mts of bottom seam (lower most seam) Surface rights are being sought only to the extent of 649.3014 ha leaving the remaining area of 524.8786 ha intact. About 170 Mt of reserves are planned to be extracted up to 300 mts depth. The summary of extractable reserves is tabulated below:</p> <table><tr><th>S. No.</th><th colspan="2">Description</th></tr><tr><td>1</td><td>Geological Reserves in MT</td><td>330.009</td></tr><tr><td>2</td><td>Reserves extracted by underground method</td><td>68.95</td></tr><tr><td>3</td><td>Percentage of reserves extracted ((2/1)*100)</td><td>20.89</td></tr><tr><td>4</td><td>Balance Geological reserves available (1-2)</td><td>261.059</td></tr><tr><td>5</td><td>Reserves proposed to be extracted by opencast method MT</td><td>170.058</td></tr><tr><td>6</td><td>Percentage of reserves extracted by opencast method (5/4) 100</td><td>65.33</td></tr><tr><td>7</td><td>Reserves extracted by both underground and opencast (2+5)</td><td>239.03</td></tr><tr><td>8</td><td>Percentage of Reserves extracted by both underground and opencast (7/1)*100</td><td>72.43</td></tr></table> <p>In addition to the above, in the instant proposal about 10.00 MT of coal will be extracted from the batters and barriers of GK OC Mine (left over coal in benches) Thus, the total extractable reserves from the instant proposal through OC are about 180.00 MT.</p>	S. No.	Description		1	Geological Reserves in MT	330.009	2	Reserves extracted by underground method	68.95	3	Percentage of reserves extracted ((2/1)*100)	20.89	4	Balance Geological reserves available (1-2)	261.059	5	Reserves proposed to be extracted by opencast method MT	170.058	6	Percentage of reserves extracted by opencast method (5/4) 100	65.33	7	Reserves extracted by both underground and opencast (2+5)	239.03	8	Percentage of Reserves extracted by both underground and opencast (7/1)*100	72.43
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7	Reserves extracted by both underground and opencast (2+5)	239.03																										
8	Percentage of Reserves extracted by both underground and opencast (7/1)*100	72.43																										
(ii)	<p>As per the present proposal of VK OC, OB is required to be dumped in the adjoining void area of the GKOC Phase-II (Area 124.0 ha) and GK OCP, Phase-III (area 154.96 ha). During the discussion it been observed the proposal of 649.3014 ha of proposed VK OC is as per amalgamation of Kothagudem, mining lease for which revised mining plan has been approved. Accordingly, it is noted that following three proposals are required to be dealt simultaneously:</p> <p>(a) Venkateshkhani Mine from underground rights to surface rights (649.3014 ha). Which is under consideration in the Ministry [File No.8-05/2021-FC]</p>																											

Reply: In this regard it is informed that the present proposal is under consideration by the ministry.

(b) Renewal and land use change of GKOC Phase-II (Area 124.0 ha). Which is under consideration in the Ministry [File No.8-17-1998-FC (Part)].

Reply In this regard it is informed that an application for renewal of 124.00 ha has been submitted by the SCCL to the forest department on 05.04.2017. The earlier and proposed land use sought for renewal is as follows:

Proposal for renewal of 124.00 ha					Total area (ha)	Remarks
	Query	Dump	Void	Others		
Present Land use	124	0	0	0	124.00	
Proposed Land use	0	124	0	0	124.00	Out of the 124 ha an extent of 60.43 ha which is already technically & biologically reclaimed is proposed to be surrounded to Forest dept. Balance land of 63.57 ha is void and it will be filled with OB of VKOCP for reclamation.

(c) Proposal for land use change of GK OCP, Phase-III (area 154.96 ha) for which FC validity is valid up to 2034 is required to be submitted by the State Govt. Further, the Nodal Officer (VSESA), 1980, Govt. of Telangana and SCCL has agreed to submit the proposal for change in land use along with the compliance report for the same.

Reply In this regard it is informed that an extent of 154.96 Ha of forest land is diverted in favour of SCCL for a period of 20 Years by the Ministry vide F. No 8-62/2005 FC. dtd 09.07.2008 which is valid upto the year **2028**. Due to dumping of OB from the VK Coal Mine in the 154.96 ha the approved land use will undergo the changes as given below:

S. No.	Extent ha	Present land use	Proposed land use	Surrender Schedule
1	75.53	Quarry (Present void)	Proposed for dumping of OB from VKOCP	Proposed to be surrendered
2	60.54	External dump	An extent of 32.18 ha which is technically and biologically reclaimed is proposed to Surrender after grant of Stage-I. Balance extent of 28.36 ha is for dumping of OB and reclamation.	after 15 years from grant Stage-II.
3	18.89	Others (safety zone transmission lines, road, bund etc.)	6.47 ha - proposed for dumping 2.82 ha proposed to surrender 1.85 ha retaining with plantation 7.75 ha retained as same for Safety zone, transmission lines & Road.	
	154.96			

	Further the user agency has addressed this office for Change of land use along with Plans and requested to recommend and forward the proposal of Change of Land use of 154.96 Ha to the MoEF&CC, GoI through State Government. The proposal is being placed before the AC at separate agenda.	
(iii)	The SCCL has also stated that after filling of OB dump in void area of GKOC Phase-II (Area 124.0 ha) they will be surrender the said area after technical and biological reclamation to the SFD which is ecological beneficial.	<p>In this regard it is informed that the user agency has reported that out of 124.00 ha of forest land an extent of 60.43 ha was already technically and biologically reclaimed with plantation and the balance 63.57 ha. is remaining as void at present. As per the discussion held in the meeting and as advised by the Ministry, SCCL restricted the dumping in the biologically reclaimed area of 60.43 ha which was proposed for dumping in the approved mining plan is now proposed to be surrendered with plantation to the State Forest department, after grant of Stage-I and the balance 63.57 ha will be utilised for dumping of OB of VK Coal Mine.</p> <p>Dumping in 63.57 ha area will be completed in a span of 7-8 years and reclamation activities will take about another 3 years. Hence the area of 63.57 ha will be surrendered to Forest department after 10 years from the grant of Stage-II. An undertaking to surrender the area of 63.57 ha after 10 years from the grant of Stage-II is submitted by the SCCL.</p>
(iv)	The SCCL has also stated that they will not use the already technically and biologically reclaimed area of GKOC Phase-II (Area 124.0 ha) and GK OCP Phase-III (area 154.96 ha) for OB dump of 649.3014 ha VK OC mines and same shall be surrendered to the SFD. The details of the same shall be provided by the SCCL & SFD to the Ministry.	In this regard it is informed that the user agency has reported that, as per the discussion held in the meeting and as advised by the Ministry an extent of 95.43 ha (60.43 ha in 124.00 ha and 35 ha in 154.96 ha) which is technically and biologically reclaimed area of GKOC Phase-II & II will not be used for the dumping of OB pertaining to 649.3014 ha of proposed VEOCP and the same will be surrendered to the State Forest department after grant of Stage-1. SCCL has submitted an undertaking for this.
(v)	The SCCL has informed that GK OC Phase-I (area 261.31 ha) out of 261.31 ha of forest land an extent of 140.0 ha has been back filled with over burden and plantation was taken up. The balance area of 121.0 ha is having infrastructure (4 ha) and void and over burden (65.13 ha). Out of reclaimed area of 140.0 ha an extent of 100 ha was handed over back to the SFD in 2010. Therefore, it has been agreed in the meeting that the SCCL shall hand over the balance area (leaving the infrastructure and access roads) to the SFD. Accordingly, SCCL shall submit a reclamation plan and surrender schedule.	
Reply	In this regard it is informed that the user agency has reported that out of 261.31 ha of diverted forest land an extent of 100 ha was biologically reclaimed and	

<p>handed over to the State forest department. However, the surrendered land of 100 ha is being maintained by the SCCL for better administration.</p> <p>From the balance area of 161.31 ha, the present land use, proposed land use due to VKOCP and the surrender schedules is as follows:</p>					
S. No.	Description	Extent ha	Present land use	Proposed land use	Surrender Schedule
1	Biologically reclaimed dump	31.24	Dump with plantation	Retained as same	Proposed to be surrendered Immediately after grant of Stage-I
2	Infrastructure and Roads	45.27	Buildings. Crushers. Belt conveyors, Roads etc	Proposed for dumping and later reclaiming it biologically.	Proposed Surrendered after for 10 years from grant of Stage-II
3	Void	48.80	Void	Proposed for dumping up to 90 Mtrs height & reclaiming it biologically.	
Total		161.31			
An undertaking has been submitted by the SCCL.					
(vi)	The SCCL shall also provide the latest approved amalgamated mining plan.		In this regard it is informed that the user agency has submitted the Mining Plan and Mine Closure Plan of Venkatesh Khani coal Mine (Amalgamation of Venkatesh Khani No.7 Incline. Padmavathi Khani No.5 Incline and Goutham Khani OC Mine) was approved by the Ministry of Coal, Gol vide F.No PCA-38011/12/2017-PCA, dt 27/01/2020 is given.		
(vii)	Further, regarding the issues wrt to CA land of GKOC Phase-II (Area 124.0 ha), the Nodal Officer has agreed to notify the 42.96 ha non-forest land in Sy No. 116 of Rasannagudem village, Paloncha Forest Division. The same shall be expedited and documents in this regard shall be provided to the Ministry.		In this regard it is informed that the DFO, Bhadradi Kothagudem in the letter dated 30.03.2024 has reported that, the DGPS survey for notification of remaining 42.96 ha of NFL in Sy No. 116 of Rasannagudem village as RF/PF was started and it will be completed within (2) or (3) days and notification process will be taken up and completed by 25.04.2024 and SCCL will coordinate/ provide necessary assistance if any, to the forest department for processing of notification as RF.		
(viii)	Further, at the time of the submission of the land use proposal of GK OCP, Phase-III (area 154.96 ha), the State and SCCL authorities shall ensure that proposed NFL falling in the		In this regard the it is informed that the user agency has handed over 154.96 Ha of NFL land at Mulapeta (V) Ranasthalam (M) of Srikakulam District of Andhra Pradesh State for CA purpose and deposited an amount of ₹82,08,000 vid DD.No.49419 to 49426 dated		

	State of Andhra Pradesh notified as RF/PF under IFA, 1927 or local act of the State. The State Nodal officer, Govt. of Telangana and SCCL shall co-ordinate with the Andhra Pradesh SFD. In addition, the IGF (Central) of sub-Office Hyderabad shall inspect the NFL land proposed in Andhra Pradesh and submit his report to the Ministry.	18.04.2008 towards CA charges. Further the user agency is requested the Prl. Chief Conservator of Forests & Nodal Officer, Andhra Pradesh, vide letter dated 13.11.2023 regarding the status of notification and plantation. The District Forest Officer, Srikakulam informed vide Lr.Rc. No.1822/2018/ A4 dtd. 17.11.2023 that initially notification proposals under Section 24 were submitted to Prl. CCF and due to some short comings the notification is pending at present. PCCF (HoFF), Telangana has addressed the PCCF (HoFF), Andhra Pradesh state to submit the notification of CA land to this office on 12.09.2023 and 26.03.2024. The Information will be submitted as and when received from the PCCF (HoFF), AP State.
(ix)	Further, the reply to EDS raised by the Ministry vide letter dated 19.03.2024 shall be examined separately.	In this regard it is informed that the EDS reply furnished to govt. which is enclosed.

- xxii. The Committee further noted that w.r.t. the issues of the linked proposals for which the informations were asked in this proposal. Now the State Government has submitted the desired informations and the linked proposals is being considered in this meeting. Therefore, the issues related to the linked proposals will be flagged in the respective minutes of the meeting.
- xxiii. The Committee noted that amalgamated Mining Plan and Mine Closure Plan of Venkatesh Khani coal Mine has been provided. The Energy (Power-II) Department, Govt. of Telangana vide letter dated 15.03.2024 has issue orders for amalgamation of (2) Mining Leases i.e., 2nd Renewal Mining Lease (Kothagudem ML) and 1st Renewal ML (Goutham Khani ML) totalling to an extent of 5319.31 Ha (comprising 1627.31 Ha of Forest Land and 3692.00 Ha of Non-Forest Land) held by M/s Singareni Collieries Company Limited under Rule 38 of Mineral Concession Rules 1960 and Period of Amalgamated Mining Lease for Coal over total extent of 5319.31 Ha for the period **upto 31st March 2030** as per Rule 24C(2) of Mineral Concession (Amendment) Rules, 2021 subject to satisfaction of Mineral Concession Rules, 1960 and latest amendments from time to time.
- xxiv. The committee also noted that as per the new proposal of Venkateshkhani OCP from underground rights to surface, the User Agency is seeking diversion of 649.3014 ha of forest land for which CA has been proposed on equivalent non-forest reclaimed land and degraded forest land to compensate the planting of balance saplings. In addition, the user agency is also proposing to surrender the earlier technically and biologically reclaimed land. The details are as below:

CA details of VKOC	Surrender area	Remarks
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(649.3014) in ha	(in ha)	
NFL -650.59	60.43 ha out of 124.00 ha (GKOC-II)	Will be handed over to the SFD after Stage-I
DFL- 200	63.57 ha (balance area of GKOC-III)	Proposed to be surrendered after for 10 years from grant of Stage-II
	35.0 ha out of 154.96 ha (GKOC-II)	Will be handed over to the SFD after Stage-I
	119.96 ha (balance area of GKOC-III)	Proposed to be surrendered after for 15 years from grant of Stage-II
	Out of 261.31 ha 100 ha	Already handed over to the SFD.
	Out of 261.31 161.31 ha	Proposed Surrendered after for 10 years from grant of Stage-II
	540.29	Total area for surrender

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central) RO Chennai, IGF (C), Sub-office, Hyderabad and Nodal officer, Govt. of Telangana. After going through the facts of the proposal and submissions made, the committee recommended the proposal for grant of '*in-principle*' approval, subject to the general, standard, and following specific conditions:

- i. The area technically and biologically reclaimed shall be surrendered as per the details given below:

Surrender area (in ha)	Remarks
60.43 ha out of 124.00 ha (GKOC-II)	Will be handed over to the SFD after Stage-I
63.57 ha (balance area of GKOC-III)	Proposed to be surrendered after for 10 years from grant of Stage-II
35.0 ha out of 154.96 ha (GKOC-III)	Will be handed over to the SFD after Stage-I
119.96 ha (balance area of GKOC-III)	Proposed to be surrendered after for 15 years from grant of Stage-II
Out of 261.31 ha 100 ha (GKOC Ph-I)	Already handed over to the SFD.
Out of 261.31, 161.31 ha (GKOC Ph-I)	Proposed Surrendered after for 10 years from grant of Stage-II
540.29	Total area for surrender

- ii. The State Government shall ensure that the already technically and biologically reclaimed areas of the GKOC-PH-II mine and GKOC Phase-III mine shall not be used for OB dump or any other purpose.
- iii. The surrender schedule given for GKOC Ph-I shall be complied with.
- iv. The biodiversity conservation plan and Wildlife conservation / Mitigation plan shall be implemented at the cost of the User Agency

and all funds shall be deposited in the National Authority (CAMPAA) account at New Delhi.

- v. Since the instant proposal is linked with the proposal for land use change and change in CA sites for diversion of 154.96 ha of forest land for Gouthami Khani OCP phase-III in Ramavaram RF & Range of Kothagudem Division of Bhadradri Kothagudem District, Telangana State (Online proposal No.FP/TG/MIN/970/2005). The conditions imposed by the Advisory Committee in the instant proposal shall be complied by the user agency at the time of submission of compliance of conditions stipulated in the Stage-I approval for the instant proposal and assured by the Ministry while considering the instant proposal for final approval.
- vi. In addition, the instant proposal is also linked with the proposal for 01st Renewal of diversion of 124 ha. (Surveyed 124.065 ha.) of forest land of GKOC Phase-II, Kothagudem for use of this de-coaled area for dumping of OB to be generated from adjoining mines in Ramavaram RF of Kothagudem Division, Bhadradri Kothagudem District, Telangana (Online Proposal No. FP/TG/MIN/32497/2018). The conditions imposed by the Advisory Committee in this proposal shall be complied by the user agency at the time submission of compliance of conditions stipulated in the Stage-I approval for the instant proposal and be assured by the Ministry while considering the instant proposal for final approval.

Agenda No. 25

File No. 8-62/2005-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. Singareni Collieries Company Limited for change in land use of already approved proposal for diversion of 154.96 ha of forest land for Gouthami Khani OCP phase-III in Ramavaram RF & Range of Kothagudem Division of Bhadradri Kothagudem District, Telangana State (Online Proposal No.FP/TG/MIN/970/2005)–regarding

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chennai, IGF (Central), sub-office Hyderabad and Nodal Officer, Government of Telangana attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The then Government of Andhra Pradesh (Now Telangana State) vide their letter No.1640/For.1(1)/2005-I dated 10.05.2005 submitted the

above mentioned proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- ii. The above proposal was considered in the AC meeting in its meeting on 27.03.2006. The AC considered the compliance furnished by the User Agency on the points raised by the AC in its meeting held on 25.05.2005. The representatives of the User Agency also explained the requirement of forest land for over-head dump, options for underground mining and disturbance likely to be caused to Erra Cheruva Reservoir. The AC recommended the proposal subject to following conditions:
 - a. The recommendations made in the Impact Assessment Study carried out by Indian Council of Forest Research and Education (ICFRE) shall be implemented at the project cost.
 - b. The Scheme for soil and moisture conservation for the entire watershed area shall be implemented at the project cost.
- iii. The Ministry accorded Stage-I approval on 13.04.2006 for the above mentioned area.
- iv. The AC noted that on the basis of the satisfactory of compliance report of the Stage-I approval submitted by the State Govt. on 08.05.2008, Ministry accorded Stage-II approval on 15.07.2008 for a period of 20 years i.e. up to 14.07.2028
- v. The AC noted that the details indicated in the old proposal for which Stage-II has already been granted by the Ministry are as follows:
 - a. The total requirement of the forest land for Gouthami Khani OCP phase-III project was 154.96 ha and the legal status of the land is Reserve Forest.
 - b. That time the class of the vegetation was 3 and density was 0.1 to 0.6. Accordingly, a total no. of 97210 trees were proposed to be felled.
 - c. The CA land was proposed over equivalent non-forest land and the cost of the CA scheme was ₹82,08,000/-.
 - d. The land was not part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
 - e. Movement of tiger is reported now and then. In this area, regular movement of panther, spotted deer, jackal, wild boar, python, snakes and number of Avian Fauna is reported frequently.
 - f. The forest land proposed for diversion was not located within eco-sensitive zone(ESZ) of the Protected Area notified under Wildlife(Protection) Act,1972.
 - g. No national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., was located within 1 Km. from boundary of the forest land proposed for diversion.
 - h. No any rare / endangered unique species of flora and fauna was found and no any protected archaeological / heritage site /

Defence establishment or any other important monument was located in the area in the land proposed for diversion.

- i. The requirement of forest land as proposed by the User Agency in col. 2 of Part-I was unavoidable and barest minimum for the project.
 - j. Environment Clearance was also granted to the User Agency for this project by the Ministry on 13.01.1993.
 - k. No violation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was carried out by the User Agency.
 - l. The authorities in the State Government were recommended the project.
- vi. The Committee noted that now, the Government of Telangana vide their letter dated 05.07.2024 forwarding the proposal for change in land use in respect of the already approved proposal.
- vii. The Committee noted that the MoEF&CC, GoI, had granted stage-II approval, for and extant of 154.96 Ha (vide proposal No. FP/TG/Min/970/2005) for GKOC (Phase-III) for a period of 20 years and while submitting the proposal the land use of 154.96 Ha is proposed as below:

S. No.	Purpose	Area in Ha
1	Quarry/Void	75.53
2	External OB Dump	60.54
3	Others	
3A	Part-I For transmission line, Road, Drainage, Protective Bund etc.	11.14
3B	Part-II Transmission Line & Drainage, Bund	4.37
	Shifting of part Coal transport Road	3.38
	Total	154.96

- viii. Further, the Committee noted that the State Govt. has informed that the MoEF&CC, GoI has conducted a meeting on 02.04.2024 for the proposal of 649.3014 Ha of forest land for Venkatesh Khani Coal Mine. During the discussion, it is observed that the approved land use of 154.96 ha is changing due to dumping of OB from VK Coal mine (649.3014 ha), hence, the Ministry has advised M/s. SCCL to submit application for change of land use and further, the Ministry advised to surrender the area which is already technically and biologically reclaimed with plantation to the State forest department to avoid further dumping of OB in 154.96 Ha. Accordingly, the CCF, Bhadradi Circle, Warangal has submitted the processed proposal for change in land use with the recommendation of the DFO, Bhadradi for the proposed land use of 154.96 Ha. the M/s. Singareni Colliers Company Limited has assessed the impact of VKOCP and arrived as follows:

S. No.	Area in Ha	Present Land Use	Proposed land use	
			Extent (ha)	Purpose

1	75.53	Quarry	75.53	Dumping of OB from VKOCP
2	60.54	External OB Dump	32.18	Proposed to surrender as the area is biologically reclaimed
			28.36	Dumping of OB from VKOCP
3	Others			
3A	11.14	Part-I For transmission line, Road, Drainage, Protective Bund etc.	6.47	Dumping of OB from VKOCP
			2.82	Proposed to surrender as the area is biologically reclaimed
			1.85	For transmission line, Road, Drainage, Protective Bund etc.
3B	4.37	Part-II Transmission Line & Drainage, Bund	4.37	Transmission Line & Drainage, Bund
	3.38	Shifting of Part Coal transport	3.38	Coal Transport Road
Total	154.96		154.96	

- ix. Further, the committee noted that the State Govt. has informed that the plans showing the present land use and proposed land use of 154.96 ha. as informed by the SCCL, the dumping activities in this area will be continued for a period of about 10 years after grant of Stage-II approval and reclamation works and maintenance will be taken for another 5 years. After 15 years, M/s. SCCL will surrender the entire 154.96 Ha of land to State Forest Department.
- x. Further, the committee noted that the CCF, Bhadradri Circle, Warangal has further stated that the District Forest Officer, Bhadradri-Kothagudem has conducted site inspection for the above said area on 02.05.2024 with the Forest Divisional Officer, Kothagudem and concerned staff along with the M/s. Singareni Colliers Company Limited authorities and the proposals of the Singareni Colliers Company Limited., is genuine and it is recommended for Change of land use of 154.96 ha and requested to forward to the MoEF&CC, Gol through State Government for consideration of the proposal.
- xi. Further, the committee noted that the State Government has recommended the proposal for change in land use and requested the Gol, MoEF&CC, New Delhi for approval, as it is very much essential for grounding the proposed VK OCP project of 649.3014 Ha.
- xii. Further, the committee noted that, the IGF (C) Regional Office, Chennai (Sub-office, Hyderabad) of MoEFCC vide letter dated 20.09.2023 forwarding the monitoring report of this proposal. During the monitoring of the above diverted area, it was observed the following conditions are not complied by the user agency:
 - a. CA land is reported to be given in Mulapet village, Ranasthalam Mandal, Srikakulam district, Andhra Pradesh. The status of CA plantation is not available. The User agency had transferred ₹2.89 Lakhs towards one and half time safety zone area afforestation in DFL, ₹7.690 Lakhs towards fencing of safety zone and 0.220 Lakhs towards regeneration of safety zone area. However, there is no safety zone of 7.5m width noticed in the field during monitoring. The details of one and

- half times safety zone area afforestation carried out on DFL was not shown during monitoring.
- b. Information regarding notification of NFL as RF/PF is not available as the NFL land falls in Andhra Pradesh.
 - c. Out of 42 boundary pillars reported to be fixed, only 26 pillars are existing in the field.
 - d. Detailed reclamation plan and annual report about the progress of reclamation is not furnished to the R.O. by the User agency, as per the Stage-II conditions.
- xiii. Further, the committee noted that these observations were examined when the link proposal was considered in the Ministry. The UA has addressed some issues and also provided an undertaking to comply all observations raised in the Monitoring report.
 - xiv. Further, the committee noted that during the discussion of the meeting held on 02.04.2024 in the Ministry certain observation were also observed for which the State Government has replied.
 - xv. Further, the committee noted that as per the present proposal of VK OC (649.3014 ha), OB is required to be dumped in the adjoining void area of the GKOC Phase-II (Area 124.0 ha) and GK OCP, Phase-III (area 154.96 ha). During the discussion it been observed the proposal of 649.3014 ha of proposed VK OC is as per amalgamation of Kothagudem, mining lease for which revised mining plan has been approved. Accordingly, it is noted that following three proposals are required to be dealt simultaneously:
 - a. Venkateshkhani Mine from underground rights to surface rights (649.3014 ha). Which is under consideration in the Ministry [File No.8-05/2021-FC]
 - b. Renewal and land use change of GKOC Phase-II (Area 124.0 ha). Which is under consideration in the Ministry [File No.8-17-1998-FC (Part)].
 - c. Proposal for land use change of GK OCP, Phase-III (area 154.96 ha) for which FC validity is valid up to 2034 is required to be submitted by the State Govt. Further, the Nodal Officer (VSESA), 1980, Govt. of Telangana and SCCL has agreed to submit the proposal for change in land use along with the compliance report for the same.
 - xvi. Further, the committee noted that the State Govt. has submitted the all three proposals which are being considered together for comprehensive decision.
 - xvii. Further, the committee noted that the user agency was handed over 154.96 Ha of NFL land at Mulapeta (V) Ranasthalam (M) of Srikakulam District of Andhra Pradesh State for CA purpose and deposited an amount of ₹82,08,000 vid DD.No.49419 to 49426 dated 18.04.2008 towards CA charges. However, the notification of the said land was not done till date.
 - xviii. The State Govt. now informed that the Principal Chief Conservator of Forests, Andhra Pradesh vide letter dated 11.06.2024 informed to the Principal Chief Conservator of Forests, Telangana stating that the

DFO, Srikakulam has also inspected the said land parcel and observed that the area proposed of CA is not suitable for Compensatory Afforestation for notification to maintain it as forest as there are many cashew orchards with encroachments, religious structures and number of bore wells dug by the villagers scattered all through 168 ha and the CCF. Visakhapatnam has also concluded that unless the Revenue Department/ User Agency handover encumbrance free land, it will not be possible to notify the same as Forest under A.P. Forest Act, 1967.

- xix. The PCCF(HoFF), AP has further informed that the said land is not suitable for taking up CA and notification under the State Forest Act and the PCCF & HOFF, AP has requested to advise the user agency to hand over 168.0 ha of encumbrance / encroachment free land in Telangana State as the diversion took place in Telangana in order to comply with the conditions imposed by the Government of India under Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980 and Rules 2023 and implementation of CA scheme in the NFL/CA area.
 - xx. Due to urgency in grounding of VKOC project, M/s.SCCL has agreed to hand over the alternate CA land of 154.96 Ha NFL land at rehabilitated dumps of Koyagudem OCP-I for an extent of 140 Ha and 14.96 Ha at GKOCP dumps. Further, an undertaking to handover the alternate NFL CA land of 154.96 Ha is along with the KML file and Map.
 - xxi. Further, the notification of alternate CA land identified by the UA as RF/PF may take certain time, the State Govt. has requested to impose the condition in Stage-I approval of 649.3014 ha. of forest land for VKOCP (Online proposal No.FP/TG/MIN/44798/2020) for Notification of 154.96 Ha, and the State Govt. will submit the Notification of 154.96 Ha as RF along with compliance of other conditions stipulated in the Stage-I approval for diversion of 649.3014 ha. of forest land in Ramavaram RF of Ramavaram Range of Kothagudem Forest division for grant of mining lease for proposed VKOCP from underground rights to surface rights (Online proposal No.FP/TG/MIN/44798/2020).
 - xxii. In view of the above the committee noted that the proposal involved not only land use change it is also related to the change in the CA land.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central) RO Chennai, IGF (C), Sub-office, Hyderabad and Nodal officer, Govt. of Telangana. After going through the facts of the proposal and submissions made, the committee recommended the proposal for change in land use & CA sites, subject to the general, standard, and following specific conditions:
- i. All details of the proposed NFL at rehabilitated dumps of Koyagudem OCP-I for an extent of 140 Ha and 14.96 Ha at GKOCP dumps along with CA scheme, KML file, Maps, Site suitability certificate etc. shall be provided along with the compliance report of the conditions of the 'in-principle' approval for diversion of 649.3014 ha. of forest land in Ramavaram RF of Ramavaram Range of Kothagudem Forest division for grant of mining lease for proposed VKOCP from underground rights to surface rights (Online proposal No.FP/TG/MIN/44798/2020).
 - ii. The proposed NFL shall be notified as RF/PF under IFA, 1927 or other state local acts before grant of the final approval for diversion of 649.3014 ha. of forest land in Ramavaram RF of Ramavaram Range of

Kothagudem Forest division for grant of mining lease for proposed VKOCP from underground rights to surface rights (Online proposal No.FP/TG/MIN/44798/2020).

- iii. The State Government shall ensure that the already technically and biologically reclaimed areas of the GKOC-PH-III mine shall not be used for OB dump.
- iv. The State Government shall ensure that the already technically and biologically reclaimed areas of the GKOC Phase-III mine shall be surrender to the SFD as per details given below:

35.0 ha out of 154.96 ha (GKOC-III)	Will be handed over to the SFD after Stage-I
119.96 ha (balance area of GKOC-III)	Proposed to be surrendered after for 15 years from grant of Stage-II

Agenda No. 26

File No. 8-17/1998-FC (Vol)

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 Singareni Collieries Company Limited for 1st Renewal of diversion of 124 ha. (Surveyed 124.065 ha.) of forest land of GKOC Phase-II, Kothagudem for use of this de-coaled area for dumping of OB to be generated from adjoining mines in Ramavaram RF of Kothagudem Division, Bhadradri Kothagudem District, Telangana (Online Proposal No. FP/TG/MIN/32497/2018). -regarding

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chennai, IGF (Central), sub-office Hyderabad and Nodal Officer, Government of Telangana attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Telangana, vide their letter dated 18.04.2019 submitted the above subject mentioned proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Details of proposal may be accessed on PARIVESH portal, and the online no. of the proposal is FP/TG/MIN/32497/2018.
 - ii. The AC noted that the details indicated in the renewal proposal for submitted by the State Govt. are as follows:

- a. The total requirement of the forest land for renewal of Gouthami Khani OCP phase-II project is 124.056 ha and the legal status of the land is Reserve Forest.
 - b. The Eco class of the vegetation is 3 and density 0. Accordingly, no tree felling is involved because the proposal is for renewal.
 - c. The CA land was proposed over equivalent non-forest land and the cost of the CA scheme was ₹82,08,000/-.
 - d. The land was not part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
 - e. The forest land proposed for diversion was not located within eco-sensitive zone(ESZ) of the Protected Area notified under Wildlife(Protection) Act,1972.
 - f. No national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., was located within 1 Km. from boundary of the forest land proposed for diversion.
 - g. No any rare / endangered unique species of flora and fauna was found and no any protected archaeological / heritage site / Defence establishment or any other important monument was located in the area in the land proposed for diversion.
 - h. The requirement of forest land as proposed by the User Agency in col. 2 of Part-I was unavoidable and barest minimum for the project.
 - i. Environment Clearance was also granted to the User Agency for this project by the Ministry on 13.01.1993.
 - j. No violation of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was carried out by the User Agency.
 - k. The authorities in the State Government were recommended the project.
- iii. The Committee noted that the Regional Office Chennai has inspected the area and observed that the entire area of 124 ha (now found out to be 124.065 ha by DGPS survey) has been de-coaled. It may be seen that OB is dumped upto a height of +30m in the diverted FL. Progressively the area is now being filled up and OB is now coming from GKOC Phase I area. The project authorities inform that 50% to 60% of the area will be filled up leaving a void for the remaining area, when all the material from GKOC Phase-I reach the 124 ha area in the next three years. It was enquired as to why the area needs to be renewed for the next twenty years, the SCCL officials were hopeful of getting more OB from the new VK 07 OC mine which is an UG mine at present, going to be made into OC shortly. Procedures for obtaining clearances for the same are going on as mentioned by the User Agency. It was mentioned by the project authorities that this area of

124 ha if allowed to be used for OB dumping will reduce the area of OB dump in the future project. since normally upto 90-120m height of OB dumping is allowed. It was mentioned that OB dumping is planned for next 10 years and reclamation works are planned for the remaining ten years and that is the reason for requesting renewal for 20 years.

- iv. The Committee further noted that, the RO has reported that as regards to compliance of conditions in the area CA land has been handed over in the form of non-forest land. The area is yet to be notified as RF and PCCF has taken up the matter with Government of Telangana for the notifying the area. Since the non forest land was supporting good vegetation, CA was raised in 2001-02 and 2002-03 DFL land for 105 ha at an expenditure of ₹39.392 lakhs. The total CA money received from the UA was ₹49.6 lakhs. It was stated by IGF (FC) that since no NPV was charged at that point of time and if the renewal is considered, NPV for 124.065 ha. need to be realized.
- v. The Committee further noted that, the RO has reported that the demarcation of the area of 124 ha though was claimed to be done, except on one side, since the OB dumping is going on, the pillars are not on ground. Safety zone maintenance also is not seen on ground due to the fact that all the three phases are contiguous to each other. It was reported by the officials of the forest department that One and half times the safety zone afforestation was done in an area of 9. 311 ha and out of the amount of ₹3.66 lakhs given for that purpose, 2.845 lakhs was spent in the year 2001-02. The Plantation mainly comprising of Eucalyptus, Bamboo and Misc. species was also seen by the undersigned. Survival is upto 55%.
- vi. The Committee further noted that, the RO has reported that the reclamation is yet to start. Possibly after refilling the quarry it may start. SMC works in the form of garland drain, toe walls etc. are there on field. SCCL is reportedly providing LPG cylinders to its employees 12 nos/year free of cost. Few of the areas where reclamation is done in OB were inspected. The performance of the species with as Ficus is very good.
- vii. The Committee further noted that, the RO has reported that though, the compliance towards conditions imposed in forestry diversion is more or less satisfactory but off late it is seen that the company is violating the provisions of environment clearances. The violation pertains to increase in production more than the stipulated in environment clearance granted to various projects. The matter was brought to their notice and as well as Ministry from time to time. In fact, during the appraisal of one project of diversion of 285.44 ha of forest land in Lankapalli RF of Khamman Division the Ministry has sought for overall compliance of the SCCL and nominated a committee comprising of ADGF(C), RO (SEZ), Chennai and Shri. Sandeep Sharma, AIG of the Ministry and the report was also submitted to the Ministry at that time.
- viii. The Committee further noted that, the RO has reported that As the Honourable Supreme Court has viewed the violations very seriously in WP (Civil) No. 114/2014 in the matter of Common Cause Versus Union of India and others, it is seen that the project authorities in its 4 existing
- ix.

projects appears to have submitted undertakings saying that they will not repeat any such violations in future.

- x. The Committee further noted that, the RO has reported that viii. But nevertheless, Regional Office, Chennai in its earlier two recommendations in the month of July 2019, opined that, it is advisable to obtain the views of the State Government of Telangana in the matter along with the commitment from their management for not repeating such violations in future before processing this proposal. The same is reiterated once again SCCL authorities submitted that the matter of violations on the EC side was taken up in EAC meeting on 28/03/2019 and produced a copy of the minutes of the meeting mentioning that the decisions of the same are binding on them.
- xi. The Committee further noted that, the RO has reported that the issues raised by the RO has replied by the State Govt. vide letter dated 07.01.2022 and following has noted by the AC:
 - a. The Non-Forest land to an extent of 233.77 Ha in Sy. No.116 of Rasanngudem Village of Mulakalapally Mandal was mutated as Forest (CA land) vide Tahsildar, Mulakalapally RC.No.B/912/98, dt:07.07.1991 in lieu of forest area diverted for various projects of M/s Singareni Collieries Company Ltd., and further, as per the instructions, a joint survey has been conducted on 21.01.2021 in the presence of Forest Range Officer, Mulakalapally, Surveyors of SCCL, Revenue Surveyor of Mulakalapally Mandai and Forest Officials for preparation the shape file and KML file of CA area to an extent of 233.77 Ha in Sy.No.116 of Rasanngudem Village and the DGPS survey has conducted in the field from 08.02.2021 to 10.02.2021.
 - b. The area mutated to an extent of 233.77 ha in Sy No. 116 of Rasanngudem village of Mulakalapally Mandal was overlapped in the CA area mutated to an extent of 61.66 ha in Sy. No. 116 (Gut number) of Rasanngudem Village of Mulakalapally Mandal of Bhadadri Kothagudem District in lieu of forest land diverted under Seetha Rama Lift Irrigation Project (SRLIP) vide Tahasildar, Mulkalapally Rc. No. B/1082/2017 dated 09.02.2018.
 - c. Previously, this area has been mutated to an extent of 233.77 ha in Sy. No.116 of Rasanngudem Village of Mulakalapally Mandal in lieu of forest areas diverted for various projects of M/s. SCCL, Kothagudem. An area to an extent of nearly 155.00 ha was encroached by the tribals of Motugudem and Rasanngudem villages of Mulakalapally Mandal long back.
 - d. Further, after conducting the DGPS Survey, the actual area in field was arrived to an extent of 210.00 ha than the actual area mutated to an extent of 233.77 ha. Therefore, an area to an extent of 23.77 ha was deficit for the actual mutated area of 233.77 ha and the shortfall in the area may be due to the change of method of survey from Chain link survey to DGPS survey.

- e. The notification proposals for reservation U/s. 24 of AP Forest Act, 1967 for Rasannagudem Extn-III Forest Block to an extent of 233.77 ha was submitted to the Special Chief Secretary, EFS&T, Hyderabad by the PCCF, T.S. Hyderabad vide Rc.No.4750/2005/TG/WLR-I dated 30.07.2018 and the same is pending.
- f. The shortfall in the area arrived to an extent of 23.77 ha may be compensated by treating alternate degraded forest area to an extent of 23.77 ha and an amount of ₹1,41,41,808/- (CA scheme abstract enclosed) was required for treatment of degraded forest area and which may collected from user agency, to take up plantation in proposed compt. No.328-329 of Seetharamanagar RF of Mangaligutta Beat of Mulakalapally Section of Mulakalpally Range.
- g. Further CF reported that, the CA has been raised in degraded forest to an extent of 124.00 Ha, as the CA land is consisting of vegetation growth. The details are as follows:
 - a) During 2001-02, the plantation was raised for 60.00 Ha in Compt.No.7, Kondapur RF, Ashwapuram Range of Manuguru Division.
 - b) During 2002-03, the plantation was for 22.5 Ha in Compt.No.7, Nellipaka RF of Ashwapuram Range of Manuguru Division.
 - c) During 2002-03 the plantation was raised for 22.50 Ha and 19.00 Ha (2 Bits) in Compt.No.4 of Nellipaka RF of Ashwapuram Range of Manuguru Division.
 - d) Expenditure incurred is 39.392 Lakhs.
 - e) Species planted are NTS species.
- h. In view of the above, instructions were issued to the field officers for submitting the information on the following points:
 - a) To conduct the DGPS survey of entire non-forest land identified in the same survey number of said Village for various SCCL projects to an extent of 495.08 ha, indicating the area in question and extent of areas for various SCCL projects, the encroachments, overlapping areas etc. and furnish the DGPS data and maps to ascertain whether there is any shortfall in the total extent of CA land.
 - b) After the finalization of DGPS survey and the extent of area, the revised notification proposals shall be prepared and submitted for onward submission State Government for notifying the CA land under TSFA,1967.
 - c) They shall address the SRLIP Irrigation officials and the District Collector, Bhadradi Kothagudem for identifying the CA land to an extent of 61.66 Ha as there is overlapping and to comply with the conditions in forest clearance issued.
 - d) Once the shortfall in the Non-Forest CA land is assessed, it is proposed to raise the plantation over

degraded forest land to the double the extent of shortfall of Non-forest CA land at the cost of UA.

- i. Further, it is submitted that the Non- Forest CA land KML file will be submitted, once the extent of area is finalized after detailed DGPS Survey.
- j. In view of the above, it is requested to withhold the notification orders of the CA land as submitted in PCCF's Rc.No,4750/2005/TG/WLR-I, dt 30.07.2018 and revised proposals will be submitted once the DGPS survey is completed.
- xii. The Committee noted that the above information has been examined by the Ministry and requested the State Government to submit the certain information vide letter dated 11.02.2022. The State Government has replied on 03.08.2022.
- xiii. The Committee further noted that, after analysis of the additional information submitted by the State Govt. on 0308.2022 the Ministry has sought more additional information again on 29.09.2022 and the reply from the State Government was received on 14.03.2022. Again the information was found incomplete and the State Government has requested to submit the complete information vide letter dated 01.05.2023.
- xiv. The Committee further noted that, to resolve the this issue a meeting under the chairmanship of DGF&SS was held on 17.04.2023. The decision of the meeting is as below:
 - a. The State Government and the User Agency shall re-look into the conditions imposed in all the cases wherein Forest Clearance has been sought by the UA and submit a report to this Ministry.
 - b. The UA and State Govt. will identify the new CA land with respect to the instant proposal and submit the same to the Ministry within 15 days.
 - c. The UA and State Govt. will re-look into the safety zone issues and submit the proposal for maintain the safety zone as per this Ministry's guidelines
- xv. The Govt. of Telangana vide their letter dated 03.08.2023 forwarding the additional in response to this Ministry's letter dated 01.05.2023. The point wise reply is given as under:

S. No.	Observations raised by the MoEF&CC on 01.05.2023	Reply submitted by the State Govt. on 03.08.2023
1.	It is observed in DSS analysis that the State Govt. has provided the map showing location of 124 ha CA land for the instant proposal. Further, they have mentioned that out of 124 ha allotted CA only 42.96 ha is available for instant proposal; rest CA area i.e. 81.04 ha is under encroachment by the local tribes. Therefore, in this regard the KML file of 42.96 ha and status of 81.04 ha is	In this regard the State Govt. informed that the KML file of land free from encroachment of 42.96 Ha and KML file of encroached land of 81.04 Ha is enclosed. The Maps and KML file of 124.00 Ha area w.r.t. CA land and area proposed for renewal diversion (FL) is given.

	encroached area is required. Moreover, the KML file of 124 ha area demarcated in the map wrt to CA and area for diversion (124 Ha) is not available. In this regard the State Government may be requested to submit the revised KML file along with the map.	The above KML files has been analysis by the DSS cell of this Ministry.
2.	Approval was accorded for the instant proposal on dt 08.02.1999 with a condition that the NFL transferred to SFD for CA shall be declared as PF/RF under IFA 1927. More than 23 years has been passed since approval but the identified CA land has not been declared as RF/PF. In this regard the State Govt. may be requested to speedup the process of declaring the NFL identified for CA land and submit the copy of the notification declaring the non-forest land under section 4 or section 29 of the Indian Forest Act, 1927, or under the relevant section of the state Forest to this Ministry.	In this regard the State Govt. informed that the Principal Chief Conservator of Forests & HoFF, Telangana, submitted the notification proposals to the Special Chief Secretary, EFS&T, Hyderabad, vide reference No. 4750/2005/TG/WLR- Dt.30.07.2018 to an extent of 233.77 Ha and were returned by the govt. with instructions to the submit revised proposals. Meanwhile, DGPS survey was conducted for total area of CA land handed over and it e was found there is shortfall of 23.27 Ha. In the available actual land of 210.00 Ha, there is an encroachment with the land allocation to the & CADD department to an extent of 61.66 Ha. The notification process could not be completed because of encroachment under influence of Naxal's problems in the area and it may not be possible to retrieve the encroached land, Hence, the proposal are being prepared for notification for the land which is free from encroachment to the state govt.
3.	It has been informed that out of 124 ha earlier identified for CA only 42.96 ha is available for plantation and rest are encroached. It is pertinent to mention that the approval was accorded in 1999 and since then the CA plantation has not been carried out. In this regard the State Govt. may be requested to offer its comments on the future plan for plantation in identified CA land that, whether the State	In this regard the State Govt. informed that: (a) It is submitted that the CA land of 124.00 Ha (part of 233.77 Ha.) was handed over to Forest Department in Sy.No.116 of Rasannagudem village of Mulakalapally Mandal of erstwhile Khammam district on 06.03.1990 and the same was

<p>is planning to remove the encroachment from the CA land or the State is identifying the fresh NFL for the purpose of CA land. In case of identification of the new NFL area by the State, the State Govt. may be further requested to provide details, viz. KML file, Site Suitability Certificate, Revised CA Schemes, DGPS and Topo Sheet Map along with the progress wrt notification of the said land as RF/PF.</p>	<p>mutated in favour of Forest Department vide Mandal Revenue Officer, Mulakalapally Rc.No.B/912/97, dt.07.07.1997. The CA area was free from encroachment at the time of handing over and encroachments happened in subsequent years.</p> <p>(b) CA scheme was prepared for taking up CA in 124.00 Ha for an amount of ₹49,60,000/- the SCCL has deposited the amount on 23.11.1998. Due to high density of tree growth existing in the said area, CA Plantation was carried out in alternate degraded Forest land identified in Compt.No.7 of Kondapur Block, Aswapuram Range, Paloncha Division in 7 (4) bits.</p> <p>(c) Out of CA land handed over, only area of 42.96 Ha is available (free from encroachment) and having good forest growth 1 with more than 0.6 density a as such no use of any further planting. The remaining area of 81.04 Ha is under encroachment and it may not be possible to evict the encroachment. Moreover, Compensatory afforestation has already been raised at alternate place at Aswapuram with the money deposited by SCCL.</p> <p>(d) However, in view of urgency in grounding of the proposed project of VKOCP by SCCL, the SCCL has reported that the area found to be under encroachment and area allocated to the &CADD department (81.04 + 61.66 =142.70 Ha), land may be apportioned from the Non Forest land of 212. 04 Ha handed over as land bank in Chunchupally, Wadaguda and Ramachandrunipeta villages (i.e. Rajupeta CA Block) of Mangapet Mandal. This land was handed over</p>
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		<p>vide charge certificate dt.07.09.2007 and mutated vide Lr No. B/1452/2007 dt.07.09.2007 by Tahsildar. This land was initially intended to be given towards other projects of the SCCL, but it was not allocated to any project.</p> <p>(e) This area (212. 04 Ha) was initially meant to be used for CA plantation for the project JVR OC -II for 776.20 ha of SCCL duly submitting the proposal to Moef for stage I approval. Meantime the SCCL was accorded CPSU status during 2013 by MOEF and accordingly while granting Stage I approval Vide File No 8 -56/2014-FC dated 10-12-2014, MOEF stipulated condition no 2 (II) stating that the Forest department shall raise CA plantation over the degraded forest Land (twice in extent) to the area of proposed forest for diversion at the cost of UA. This CA DFL was later on raised by the Forest department. The above mentioned area (212.04 ha) was however remained as land bank with Forest department. At present this area is having good tree growth and well protected.</p> <p>(f) Out of this 212.04 ha. area of NFL, KML files of 81.04 Ha and 61.66 Ha are enclosed. It is requested to allocate 142.70 Ha. from this land bank towards compensating the land for 124.00 Ha proposal. The above KML files has been analysis by the DSS cell of this Ministry.</p>
4.	The State Govt. may also to offer its comments whether the plantation will be possible wrt the earlier approved CA scheme since there is lapse of 23 years.	In this regard the State Govt. informed that the Earlier, the CA scheme was prepared for taking up CA in 124.00 Ha for an amount of ₹49,60,000/and the SCCL has deposited the amount on 23.11.1998 Due to high density of

		tree growth existing in the said area, CA Plantation was carried out in alternate degraded Forest land identified in Compt.No.7 of Kondapur Block Aswapuram Range, Paloncha Divisionin (4) bits. Hence, the CA has been raised already in DFL, the forest department cannot insist UA again for raising CA in the newly allotted CA NFL identified in Mulugu division and further, the area is having good growth.
5.	With regard to overlap in the non-forest CA lands handed over by M/s SCCL and that handed over by I&CADD officials for SRLIP project it has been informed that District collector has been requested for allotment of alternate NFL area to an extent of 61.66 Ha in other location and the response in the matter is awaited. In this regard the State Govt. may be again requested to identify the said land and forward the KML files, site suitability certificate, CA scheme details and relevant maps.	<p>In this regard the State Govt. informed that:</p> <p>(a) In view of urgency in grounding of the proposed project of VKOCP, the SCCL has submitted the area found to be under encroachment and area allocated to the I & CADD department (81.04 + 61.66 =142.70 Ha) may be apportioned from the Non-Forest land of 212.04 Ha already handed over to Forest department as land bank in Chunchupally, Wadaguda and Ramachandrunipeta villages of Mengapet Mandal and the land was handed over vide charge certificate dt..07.09.2007 and mutated vide Lr. No. B/1452/2007 dt.07.09.2007 by Tahsildar.</p> <p>(b) At present this area is having good tree growth and well protected.</p> <p>(c) Proposals are submitted to the PCCF for notification by the District Forest Officer, Mulugu, vide his-reference-N 6. 800/20227TS Dt. 10.01.2023 for the alternate land handed over as land bank.</p>
6.	The State Govt. may also clarify the validity of the mining lease with regard to instant proposal.	In this regard the State Govt. informed that the user agency has stated that the proposal of 124.065 ha proposed for renewal diversion is falling in Kothagudem Mining Lease (2 nd renewal), which was granted by the State Government

		for an extent of 5158 Ha, (involving 1466 Ha of Forest land) vide Go. Ms No 324 dt.12.12.2008. This lease is valid upto 26.04.2029.
7.	Further, provisions as per para 1.21 (iii) of the Comprehensive guidelines issued by this Ministry 2019, Violation/Non-Compliance of any conditions imposed while granting approval under FC Act 1980 are applicable in the instant case as there is non-compliance of the conditions stipulated in the approval granted. State Govt. may offer its comments in this regard.	In this regard the State Govt. informed that the user agency has complied with all the stipulations in the earlier. Stage-II accorded for this project and submitted the compliance report to the District Forest Officer, Kothagudem and Conservator of Forests, Bhadradri Circle. The Conservator of Forests, Bhadradri Circle has also submitted the compliance report to the Principal Chief Conservator of Forests & Nodal Officer, TS. Further, SCCL has not carried out any violation under the F C) Act.

xvi. The Committee further noted that the Govt. of Telangana vide their letter dated 01.03.2024 forwarding additional information in response to this Ministry's letter dated 01.09.2023. The point wise reply is given as under:

S. No.	Observations raised by the MoEF&CC on 01.09.2023	Reply submitted by the Govt. of Telangana on 01.03.2024
1	The State Government and the User Agency shall re-look into the conditions imposed in all the cases wherein Forest Clearance has been sought by the UA and submit in a report to this Ministry as per the decision in the meeting held on 17.04.2023.	In this regard the State Govt. informed that there are total of (63) proposals for which M/s. SCCL has obtained permission for diversion and the SCCL has submitted the annual compliance to the conditions imposed in the approvals of above (63) proposal for the year 2023-24 to the Prl. Chief Conservator of Forests & Nodal Officer, Telangana, with a copy to the Regional Officer, Integrated Regional Office, MoEF&CC, Hyderabad. These proposals are being inspected by the IRO, Hyderabad Office for monitoring of Compliance.
2	The UA and State Govt. will re-look into the safety zone issue and submit the proposal for maintaining the safety zone as per this Ministry's guidelines. The State Govt. shall submit proposal and obtain approval under the Forest (Conservation) Act, 1980 for diversion of forest area located in the safety zone as	In this regard the State Govt. informed that out of these (63) proposals, for 21 proposals 7.5m safety zone area is required to be maintained outside the diverted forest land to an extent of 45.86 Ha and NPV is to be paid for 45.86 ha. the Prl. Chief Conservator Forests, Telangana, has requested the concerned Field Officers to examine and to issue demand for depositing of NPV with simple interest of 12% for the 45.86 ha pertaining to above 21 proposals towards the maintenance of safety zone area outside the diverted forest lands prior to the 27.07.2015 and

	<p>per this Ministry guideline dt.10.11.2020 as per the decision in the meeting held on 17.04.2023.</p>	<p>SCCL has been requested to submit the proposals for taking necessary approval as per the guidelines.</p> <p>For the present proposal of 124 Ha is concerned, initially boundary pillars etc. were constructed and maintained. However, as this area was surrounded by other diverted forest lands, this area was mined out completely and now in the process of back filling of the void created and after filling of the voids again boundary pillars were constructed and both side of which plantations were also raised with local species. Now safety zone is maintained out of the void area. The Dy. Inspector General of Forests O/o the IRO, Sub-office, MoEF&CC, GOI, Hyderabad, has taken up inspection & monitoring of this area and safety zone on 12.09.2023.</p> <p>Remarks: As the proposal was granted in 08.02.1999 and that time the provision of the NPV was not introduced. Now the UA has submitted an undertaking to pay the NPV for entire forest area proposed for renewal. The same may be considered.</p>
3	<p>The DFL area i.e. 9.31 ha. in which plantation was done wrt the one and half times for safety zone area pertaining to this proposal is falling inside 649.3014 ha forest area proposed for Venkateshkhan OCP (from underground rights to surface rights). This Proposal 649.3014 ha is under consideration in the Ministry of conversion of UG rights to Surface rights. In this regard the State Govt. is requested to clarify the same.</p>	<p>In this regard the State Govt. informed that the initially, SCCL deposited an amount of 3.66 Lakhs towards plantation in degraded forest land for 1 ^{1/2} times of safety zone area on 2.11.1988. The plantation was taken up by the Forest Department in this area of 9.31 Ha. Due to the proposed diversion area, the plantation is lost and SCCL shall pay the amount for raising plantation in alternate DFL site of 9.31 ha as proposed by the Forest department and the same has been agreed by SCCL.</p>
4	<p>The State Govt. Shall forward the compliance with regard to CA land and status of CA plantation wrt. an area of 61.66 ha identified against non-forest CA lands handed over by M/s. SCCL and later on it was handed over by the I&CADD officials for SRILP</p>	<p>In this regard the State Govt. informed that the CA land of 124.00 Ha is part of 233.77 Ha was handed over to Forest Department in Sy.No.116 of Rasannagudem village of Mulakalapally Mandal of erstwhile Khammam district on 06.03.1990 and the same was mutated in favour of Forest Department vide Mandal Revenue Officer, Mulakalapally Rc.No.B/912/97, dt. 07.07.1997. The CA area was free from</p>

	project. The State Govt. shall also submit the copy of notification as per RF/PF wrt the CA land.	encroachment at the time of handing over. The Revenue department has given the CA land of 61.66 ha for SRLIP in the year 2018 in the same survey no and the area is overlapped and it was mistake of facts by the Revenue department. At present no notification was done for this area and the area was inspected by the Dy. Inspector General of Forests O/o the IRO, Sub-Office, MoEF &CC, GOI, Hyderabad, on 12.09.2023. In view of urgency in grounding of the proposed project of VKOCP which is linked to the present proposal, the SCCL has proposed alternate Non RF land against this land of 61.66 Ha at Mangapet in Mulugu district.																																							
5	The State Govt. informed that the Plantation wrt the instant proposal was done in the DFL since the NFL identified was having high density. Therefore, the details of DFL along with the KML file requires Submission.	<div>In this regard the State Govt. informed that the details of CA Plantation carried out in alternate degraded Forest land to an extent of 124.00 is as follows:</div> <table><tr><th>S. N.</th><th>Range</th><th>Year</th><th>RF</th><th>Comp. No.</th><th>Area Ha.</th><th>Amount Spent (₹ In Lakhs)</th></tr><tr><td>1</td><td>Aswapuram</td><td>2001-02</td><td>Kondapur</td><td>7</td><td>60.00</td><td rowspan="4">39.392</td></tr><tr><td>2</td><td>Aswapuram</td><td>2002-03</td><td>Kondapur(Bit-A)</td><td>7</td><td>22.50</td></tr><tr><td>3</td><td>Aswapuram</td><td>2002-03</td><td>Kondapur (Bit-B)</td><td>7</td><td>22.50</td></tr><tr><td>4</td><td>Aswapuram</td><td>2002-03</td><td>Nellipaka</td><td>4</td><td>19.00</td></tr><tr><td colspan="5">Total</td><td>124.00</td><td></td></tr></table> <div>These CA plantation areas were inspected by the Dy. Inspector General of Forests O/o the IRO, Sub-office, MOEF &CC, GOI, Hyderabad, on 11.09.2023 and the map and Kml file of DFL areas are enclosed.</div> <div>Remarks: The KML file of the 124.0 DFL land has been examined on DSS and following has been observed:</div> <div>(a) Out of 125 ha degraded forest land wherein the plantations have been raised by the State Govt. during the year 2001-2003, 35 ha of land is having Open forest, 5 ha of land is falling in Water body and 85 ha is Non-forest/ Non-wooded in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019.</div> <div>(b) Interpretation through Google imagery revealed the presence of encroachment in form of Agriculture land and settlements within part of CA patch namely Range: Nellipaka (19 ha).</div> <div>(c) As per the Google imagery dated</div>	S. N.	Range	Year	RF	Comp. No.	Area Ha.	Amount Spent (₹ In Lakhs)	1	Aswapuram	2001-02	Kondapur	7	60.00	39.392	2	Aswapuram	2002-03	Kondapur(Bit-A)	7	22.50	3	Aswapuram	2002-03	Kondapur (Bit-B)	7	22.50	4	Aswapuram	2002-03	Nellipaka	4	19.00	Total					124.00	
S. N.	Range	Year	RF	Comp. No.	Area Ha.	Amount Spent (₹ In Lakhs)																																			
1	Aswapuram	2001-02	Kondapur	7	60.00	39.392																																			
2	Aswapuram	2002-03	Kondapur(Bit-A)	7	22.50																																				
3	Aswapuram	2002-03	Kondapur (Bit-B)	7	22.50																																				
4	Aswapuram	2002-03	Nellipaka	4	19.00																																				
Total					124.00																																				

		<p>08.05.2022, construction work is going on in some parts of the CA patches namely Range Kondapur, Kondapur (Bit-A) and Kondapur (Bit-B).</p> <p>(d) Google imagery showing the plantations raised by the State Govt. in the degraded forest land.</p> <p>Further, the RO has submitted its monitoring report dated 11.09.2023 and submitted the following remarks:</p> <p>Degraded Forest Land of 124.00 Ha (105 Ha and 19 Ha) suitable for raising plantation has been identified in Compt. No.7 of Kondapur Block, Aswapuram Range, Paloncha Division. Details are as follows:</p> <ol style="list-style-type: none"> 1. During monitoring on 11.09.2023, it is observed that 105 ha of plantation on DFL is in three Bits during 2001-02: <p>Bit 1: 60 ha Bit 2: 22.50 ha Bit 3: 22.50</p> <p>The overall survival percentage as on date is approximately 60%. There is no plantation board put up indicating the plantation raised in lieu of diversion of forest land.</p>
6	<p>The State Govt. shall demarcate and fence the identified new CA land. Further, the same land shall be mutated in favour of Forest Department and declared as RF/PF as per the condition no 4 imposed by this Ministry vide its approval letter dt. 08.02.1999 which states that; - (4) The non-forest land Transferred to Forest dept. For CA shall be declared protected forest/reserved forest under Indian Forest Act 1927.</p>	<p>In this regard the State Govt. informed that the M/s. SCCL has handed over the Non-forest CA land to an extent of 212.04 Ha of forest department as land bank in Chunchupally, Wadaguda and Ramachandrunipeta villages of Mangapet Mandal vide charge certificate dt. 07.09.2007 and mutated vide Lr No. B/1452/2007 dt. 07.09.2007 by Tahsildar. (Copies of Mutation and Charge Certificate are enclosed as annexure-iii). M/s. SCCL shall pay amount for demarcation and fencing of alternate CA land as per scheme prepared by the State Forest department after grant of Stage-I for the renewal of 124.00 Ha of GKOCF and the same has been agreed by them. The said land will be notified after Getting the Stage-I approval.</p>
7	<p>Accordingly, to the reply submitted by the State Govt. the CA area identified initially was free from the encroachment at the time of</p>	<p>In this regard the State Govt. informed that the CA land was handed over to forest department on 06.03.1990 and the encroachment was happened in the subsequent years under influence of Naxals. During the period from 1988</p>

<p>handing over and to 2005, Naxal activities were on peak and encroachments happened in moreover most of the employees retired back subsequent years. Further, it who were responsible for encroachment and was stated that out of CA action could not been taken against them.</p> <p>land handed over, only area of 42.96 Ha. is available (free from encroachment) and having good forest growth 1 with more than 0.6 density as such no use of any further planting. The remaining area of 81.04 Ha. is under encroachment and it may not be possible to evict the encroachment. In this regard State Govt. Should clarify that who is responsible for these encroachment and why no action by the responsible officers was taken against the encroachers as the land was already mutated in favour of the Forest Dept. Further the details of the officials responsible for not taking action against the said encroachment along with action taken may be forwarded to the Ministry.</p>	
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xvii. Further, the Committee noted that the Sub-Office Hyderabad vide his letter No.FC/IRO-HYD/SIR-01/2022-55 dated 08.02.2024 has submitted the copy of the SIR and informed that the Site Inspection was carried out by the IGF (Central) Sub-Office Hyderabad on 12.01.2024 and following has been submitted:

- a. It has been mentioned that a Site Inspection Report of the same area was submitted to the Ministry by Shri L. Chandrasekhar, IFS, the then DIGF (Central), RO, Chennai, on 30.07.2019.
- b. The forest area proposed for 1st Renewal ad-measuring 124 ha falls within the Godavari Khani Open Cast Project (GKOC) of M/s SCCL. During the inspection, it was noticed that part of the forest area was back-filled and planted with mixed forestry species, Bamboo and Eucalyptus plantations. The back-filled and planted area is approximately about 50% of the total area proposed for renewal. The remaining area is found to be a void, formed after removal of coal. The entire area of 124 ha is reported to be demarcated with pillars. However, only a few RCC pillars are found to be existing on the date of inspection, There, is no mining activity or dumping activity noticed within

the 124 ha of forest land during the site inspection. Based on the discussions held with the DFO and the officials of User Agency, it was given to understand that dumping and planting activities were carried out till the year 2021-22. The proposal for renewal was submitted mainly to use this de-coaled area for dumping of OB expected to be generated from the adjoining mines of the present User Agency. The plantations already taken up on the back-filled area (about 50% of the proposed area) will get buried as the OB is proposed to be dumped both on the already filled area as well as the void existing within 124 ha forest area.

- c. There is no Safety Zone of 7.5m maintained, demarcated along the boundary of this area as per the condition imposed in the initial diversion accorded vide MoEF letter dated 08.02.1999. The State Forest Department officials informed that 1.5 times the Safety Zone Afforestation (SZA) was done in an area of 9.311 ha during 2001-02. This Safety Zone Afforestation was raised on the surface of an underground mine which is now proposed to be converted to Open Cast mining in the name of Venkatesh Khani Open Cast Project (VKOC). The said proposal is under submission. When the VKOC project is considered, the Safety Zone afforestation carried out over 9.311 ha will disappear.
- d. The initial forest land diversion of 124 ha accorded by the Ministry vide letter No. F. No. 8-17/1998-FC, dated 08.02.99 (Stage-11 approval) was monitored by Dr. D. Manjunatha, IFS, the then DIGF (Central), Sub Office, Hyderabad on 22.06.23 and submitted monitoring report. A copy of the monitoring report is given. As per the monitoring report, it is noticed that the Non-Forest Land ad-measuring 124 ha handed over to Forest Department for Compensatory Afforestation purpose in Sy.No. 116 of Rasannagudem (V) Mulkalapalli(M), Paloncha Forest Division is not yet notified as RF/PF by the State Government. The Non-Forest Land at Rasannagudem was also inspected by Dr. D. Manjunatha, IFS on 12.09.2023. There is no CA plantation raised by the State Forest Department in this Non-Forest Land taken over from the User Agency. About 81 ha, out of 124 ha Non-Forest Land taken over by the State Forest Department was found to be under encroachment. Further, it was informed that 61.66 ha out of this 124 ha land was given as Non-Forest Land for Compensatory Afforestation purpose against one Irrigation project (SRLIP), thus there is an overlap in the Non-Forest Land taken over in Rasannagudem.
- e. The Forest Department officials informed that the User Agency had agreed to assign 142.70 ha (81.04 ha against encroached Non-Forest Land at Rasannagudem + 61.66 ha of overlapped Non-Forest Land of SRLIP project of Irrigation Department) of Non-Forest Land out of 212.04 ha already handed over to the Forest Department as land bank in Chunchupally, Wadaguda

and Ramachandrunipeta villages of Mangapet Mandal vide charge certificate dated 07.09.07. This Non-Forest Land was also inspected and noticed that the area is slightly hilly and having natural forest cover with about 0.4 canopy density. The fencing of the outer boundary towards private lands is partially done and it was informed that the fencing will be completed soon. A list of flora noticed in this Non- Forest Land is given. The land is adjacent and contiguous to the Reserved Forest area.

- f. As this Non-Forest Land is already having very good tree cover, it is not feasible to raise any C.A. plantation in this area barring a small portion near the outer boundary at one or two places. To prevent any encroachments, the outer boundary of this Non-Forest Land shall be suitably fenced or boundary wall constructed.
- g. To avoid any confusion in the future regarding Non-Forest Land for the current project of diversion/1st Renewal of 124.0 ha Forest Land in GKOC, Non- Forest Land ad-measuring 124.065 ha at Chunchupally, Wadaguda and Ramachandrunipeta villages of Mangapet Mandal may be considered and the Non- Forest land handed over in Rasannagudem during initial diversion in 1999, may be returned to the User Agency as the said land got encroachments. As regards to overlapping in respect of Non-Forest Land ad-measuring 61.66 ha pertaining to the SRLIP project of the Irrigation Department is concerned, the matter may be delinked from this project and separately processed from the relevant project file.
- h. A certificate from the State Government / State Forest Department may be obtained stating that the 212.04 ha of Non-Forest Land taken over by the State Forest Department located in Chunchupally. Wadaguda and Ramachandrunipeta villages of Mangapet Mandal, Mulugu Forest Division was not assigned against any of the diversion proposals in the past and the said land is free from all encumbrances.
- i. It is noticed that NPV was not charged in the instant proposal during initial forest diversion accorded in the year 1999. Therefore, if the renewal is considered, NPV for 124.06 ha may be realised.
- j. As the renewal is proposed to use the forest land for dumping of Over Burden, proper care shall be taken to maintain requisite angle of repose at each deck level instead of overall dump to have stable dumps. After dumping of OB, the area may be planted with native forestry species including Bamboos and fruit bearing trees and monoculture of any species may not be raised. Usually M/s SCCL is maintaining deck height of 30m which in some places is found to be not very stable. Hence, the deck height may be reduced to form stable dumps.
- k. One or two water bodies of 1-2 Ha size duly lined with impervious layer at the bottom and sides may be developed on

the top deck of the dump for storage of water by the User agency which can be used for irrigating the plantations and for drinking water requirement of wild animals in the future

- xviii. In view of the above the committee noted that this proposal is linked with the another SCCL proposal which is under consideration in the Ministry and is being placed before the AC for approval of Venkateshkhani for conversion of underground rights to surface rights over of 649.3014 ha of forest land (Online proposal No.FP/TG/MIN/44798/2020). The void of the GKOC Phase-II (instant proposal) will be filled by OB of VKOC mine. **Therefore, the proposal may be considered for change in land use.**
- xix. The committee noted the present proposal is also for renewal of FL diverted vide. Ministry's letter No. 8-17/98-FC datd. 08.02.1999 for an area of 124 ha in GowthamKhani OC-II (GKOC II).
- xx. The committee noted that normally, the renewal proposals are not charged CA and NPV. However, this proposal was granted in 08.02.1999 and that time the provision of the NPV was not introduced. Now the UA has submitted an undertaking to pay the NPV for entire forest area proposed for renewal. So, the NPV need to be charged.
- xxi. The committee noted that the validity of the FC approval expired on 07.02.2019. However, the State Govt. informed that the user agency has stated that the proposal of 124.065 ha proposed for renewal diversion is falling in Kothagudem Mining Lease (2nd renewal), which was granted by the State Government for an extent of 5158 Ha, (involving 1466 Ha of Forest land) vide Go. Ms No 324 dt.12.12.2008. This lease is valid upto 26.04.2029. Now the State Govt. has requested the renewal for FC approval for 20 years. In this regard the validity of the FC approval may be considered co-terminus with the validity of the mining lease.
- xxii. The committee noted that the CA approved earlier in Sy. No.116 of Rasannagudem village of Mulakalapally Mandai of erstwhile khammam district over 124.00 Ha. Out of 124.0 ha CA land, only area of 42.96 Ha is available (free from encroachment) and having good forest growth 1 with more than 0.6 density a as such no use of any further planting. The remaining area of 81.04 Ha is under encroachment, and it may not be possible to evict the encroachment and overlapped with the CA provided in other proposal of SRLIP.
- xxiii. The committee noted that due to urgency in grounding of the proposed project of VKOCP, the SCCL has submitted the area found to be under encroachment and area allocated to the I & CADD department with SRLIP proposal (81.04 + 61.66 =142.70 Ha) may be apportioned from the Non-Forest land of 212.04 Ha already handed over to Forest department as land bank in Chunchupally, Wadaguda and Ramachandrunipeta villages of Mengapet Mandal and the land was handed over vide charge certificate dt..07.09.2007 and mutated vide Lr. No. B/1452/2007 dt.07.09.2007 by Tahsildar for CA shortfall in the instant proposal and also for SRLIP project.
- xxiv. The committee noted that the State Government has informed that the proposal for notification of remaining 42.96 ha of NFL in Sy. No. 116 of Rasannagudem village as RF/PF is under process. The KML file of the

42.96 ha of NFL has been checked on DSS and it has been observed that land measuring 42.96 is free from encumbrances.

- xxv. The committee noted that the area of the proposed CA was inspected by the IGF (Central), sub office Hyderabad and request that as this Non-Forest Land is already having very good tree cover, it is not feasible to raise any C.A. plantation in this area barring a small portion near the outer boundary at one or two places. To prevent any encroachments, the outer boundary of this Non-Forest Land shall be suitably fenced or boundary wall constructed.
- xxvi. The committee noted that in respect of the 124.0 ha GKOC Phase-II proposal the land reclaimed technically and biologically shall be surrendered and will not use for OB dump.
- xxvii. The committee noted that out of 124.0 ha an area of 63.57 has been proposed for OB dump for the instant proposal, shall be surrender after 10 years from the grant of Stage-II approval. An undertaking to surrender the area of 63.57 ha is submitted by the SCCL.
- xxviii. In view of the above the committee noted that the instant proposal is for renewal, land use change and change in CA sites.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central) RO Chennai, IGF (C), Sub-office, Hyderabad and Nodal officer, Govt. of Telangana. After going through the facts of the proposal and submissions made, the committee recommended the proposal for grant of 'in-principle' approval, for renewal land use change and change in CA sites, subject to the general, standard, and following specific conditions:

- i. The proposal for notification of remaining 42.96 ha of NFL in Sy. No. 116 of Rasannagudem village as RF/PF is under process. The State Government shall ensure that said NFL shall be notified as RF/PF under IFA, 1927 or other state local acts before grant of the final approval. To prevent any encroachments, the outer boundary of the proposed all Non-Forest Land shall be suitably fenced or boundary wall constructed at the cost by the User Agency before grant of final approval.
- ii. The area found to be under encroachment and area allocated to the I & CADD department with SRILP proposal (81.04 + 61.66 =142.70 Ha) which has been apportioned from the Non-Forest land of 212.04 Ha already handed over to Forest department as land bank in Chunchupally, Wadaguda and Ramachandrunipeta villages of Mengapet Mandal. The State Govt. shall ensure that this land shall also be notified as RF/PF under IFA, 1927 or other state local acts before grant of the final approval
- iii. The State Government shall ensure that the already technically and biologically reclaimed areas of the GKOC-PH-II mine shall not be used for OB dump.
- iv. The State Government shall ensure that the already technically and biologically reclaimed areas of the GKOC Phase-III mine shall be surrender to the SFD as per details given below:

60.43 ha out of 124.00 ha (GKOC-II)	Will be handed over to the SFD after Stage-I
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63.57 ha (balance area of GKOC-III)	Proposed to be surrendered after for 10 years from grant of Stage-II
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- v. The State Govt. shall ensure that the UA shall pay the NPV of the entire forest land proposed for renewal.
- vi. The validity of the FC approval may be considered co-terminus with the validity of the mining lease.

Agenda No. 27

File No. 8-260/1985-FC (Vol. I)

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. Singareni Collieries Company Limited (SCCL) Telangana, for non-forestry use of 151.8519 ha of forest land falling in Yellandu division for proposed JK OC project (UG rights to Surface rights) at Yellandu division Telangana State. –regarding (Online proposal No. FP/TG/MIN/49581/2020).

1. The above stated agenda was considered by Advisory Committee (AC) in its meeting on 27.08.2028. The corresponding details of the agenda may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with the examination of the proposal in the DSS were presented and explained by Member Secretary before the Advisory Committee (AC). Committee was also apprised of the relevant provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam (VSESA), 1980 Rules and Guidelines relevant to the proposal and their significance.
3. The Nodal Officer (VSESA) Government of Telangana was not present before the Ac however, CCF was present in the meeting on behalf of the Nodal Officer, Govt. of Telangana. DDGF (Central) Regional Office Chennai and IGF (Central), Sub-Office Hyderabad was present in the meeting during the discussion of the above proposal.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Committee noted that the proposal was accepted by the Nodal Officer after 28.06.2022 when new FC Rules, 2022 came into force. Therefore, the State govt. vide letter No. FC4/FC29/1/2022 dated 04.12.2022 has resubmitted the instant proposal along through Project Screening Committee along-with the recommendation of PSC.
 - i. The Committee noted that the proposal is for converting underground mining to open cast and the proposed area is falling in two mining lease namely Yellandu Mining Lease and Yellandu Additional Mining lease. The area of 106.304 ha is the part of 124.96 ha which was already approved for diversion for underground mining in the year 2018. The remaining area i.e. 18.656 of 124.96 ha is been kept for underground mining as per PCCF letter dt 26.04.2022. Further, a new area 45.5477 ha is added to 106.304 ha which accounts to 151.8517 ha. (106.304 +45.5477) in total.
 - ii. The Committee noted that the Ministry vide F. No. 8-260/85-FRY vide letter dated 07.10.1986 has granted renewal for 963.63 ha of forest land for underground mining for 30 years from 01.01.1985 in favour of M/s SCCL. However, the State Government has renewed the mining

lease vide order dated 16.05.1989 for 10 years and subsequently vide corrigendum dated 17.08.1989 has stated that the period of the lease may be read as 20 years.

- iii. The Committee noted that the Govt. of Telangana approved 2nd Renewal of Mining Lease for Coal mining over an extent of 1363.00 Hectares (963.00 Ha. Forest land and 400.00 Ha. Non-forest land) of Yellandu village (V) & (M), Khammam District, for a period of 10 years from 01.01.2005 in favour of M/s. Singareni Collieries Company Limited.
- iv. The Committee noted that further, in 2014 the State Govt. applied for 2nd renewal of the 124.96 ha. out of the original handed over area i.e. 963.63 ha. This proposal was dealt in 8-260/85-Fc (pt.) file and the Stage-I was granted on 13.07.2015 and final approval was granted on 20.07.2018.
- v. The Committee noted that the Govt. of Telangana on 06.01.2015 approved the 3rd Renewal of Yellandu Mining Lease for extraction of Coal over a reduced extent of 524.96 Hectares involving 124.96 Hectares of Forest Land at Yellandu Area of Khammam District, for a further period of 20 years (i.e. from 01.01.2015 to 31.12.2034) in favour of Company Limited subject to furnishing clearance under F(C) Act for the forest land of 124.96 Ha. involved in the Lease and also subject to satisfaction of terms and conditions laid down in MM(D&R) Act. 1957 and M.C.Rules, 1960 and satisfying conditions in Form-K prescribed under the M.C.Rules, 1960.
- vi. The Committee noted that the user agency has proposed to convert the 03rd renewal of Yellandu Mining Lease which is already underground mine for an area of 106.34 ha out of 124.96 ha, which is approved diversion area from underground to open cast mine. In addition to this GTD depot area of 45.5477 ha is fresh diversion. The details are as follows:

S. no.	Name of the diversion	(UG/Surface)	MoEF Ref. No. dt. & period of Diversion	Total Forest land diverted (in ha)	FL proposed for diversion with surface rights (in ha)	Balance FL continued with UG rights (ha)
1.	03 rd Renewal of Yellandu Mining Lease.	UG	8-260/1985-FC dated 20.07.2018 & 20 years from 01.01.2015	124.96	106.304	18.656
2.	01 st Renewal of Yallandu Mining Lease	UG	8-54/1991-FC dated 25.07.2008 & 20 years from 15.04.2004	42.50	42.50
3.	FL required other than already				45.5477	0

	diverted					
Total				167.46	151.8519	61.156

- vii. The Committee noted that the State Govt. informed that the user agency has submitted the KML files of Yellandu mining lease (524.96 ha), Yellandu additional mining lease (1741 ha), JK OC mine (1114.507 ha) and earlier diverted 167. 46 ha (124.96 ha. + 42.50 ha.) as per the details given below:
 - a. Yellandu mining lease (524.96 ha) (FL-124.96 Ha + NFL-400 Ha)
 - b. Yellandu Additional mining lease (1741 Ha) (FL- 71.5 Ha+ NFL- 1669.5Ha)
 - c. JK OC mine (1114.507 ha) includes 167.46 Ha (124.96 Ha + 42.50 Ha) diverted for UG rites are enclosed.
- viii. The Committee noted that the Mining Plan (Including Mine Closure plan) of Jawaharkhani Opencast was approved by the Ministry of Coal, GOI, vide Lr.No.34011/1/2020-CPAM, dated 29.10.2020.
- ix. The Committee noted that the area of the proposed diversion is falling in Yellandu ML which is valid till 31.12.2034.
- x. The Committee noted that the proposal is falling in Bhadradi Kothagudem district of Telangana.
- xi. The Committee noted that the area of 151.8519 ha. proposed for diversion of forest land is falling in Compartment No. 49 and 51 of Ramavaram RF of Yellandu Forest Block notified Under Section 18 vide Gazette No.834, dated 18.09.1354 F and State Gazette No.39, date 10-10.1354 Fasli,
- xii. The Committee noted that the legal status of the User Agency is State PSU.
- xiii. The Committee noted that the density of the vegetation of the proposed forest land for diversion is 0.6 of Eco Class-III. The total number of trees in proposed diverted area are 87451, out of these 17701 is the Number of Teak trees. Hence, the exact number of total trees to be felled are 87451.
- xiv. The Committee noted that the forest area proposed for diversion does not fall under Sanctuary / National Park, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. and the DFO has also reported that no rare/ endangered / unique species of flora and no protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area.
- xv. The Committee noted that the requirement of forest land for diversion as proposed by the UA is unavoidable and the barest minimum for the project.
- xvi. The Committee noted that in the no work in violation has been carried out by the UA.
- xvii. The Committee noted that the Compensatory Afforestation (CA) has been proposed over both degraded forest land and reclaimed OB Dump (NFL).Total seven CA sites has been proposed for afforestation which falls under Warangal and Bhadradi Kothagudem districts of Telangana State. State govt. has identified an area of 151 ha of NFL

and an area of 156.51 ha of DFL. Patch wise CA details is given below:

S. No.	Compt. no.	Legal Status of land	Area (ha)
1	CA OB Dump	NFL	151
2	925	DFL	18.8
3	925 & 912	DFL	10.3
4	911	DFL	36.8
5	928	DFL	25.22
6	913	DFL	53.9
7	898	DFL	11.49
Sub total (DFL)			156.51
Grand total (NFL + DFL)			307.51

xviii. The Committee noted that the Divisional Forest Officer, Mahabubabad has prepared the CA scheme which is enclosed along with this proposal. The total cost of the scheme works out to ₹1031.5025 lakhs, for Ten Years.

xix. The Committee noted that the UA has yet to application submitted the EC application. However, EC was granted for JK 5 by the MOEF & CC vide reference No. J-11015/31/2013-A-II (M) Dt. 03.3.2016, it was revised by MoEF vide F. No. 23-257/2018-1A(III) dtd: 10.06.2022.

xx. The Committee noted that the as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 the compliance of the FRA is to be ensured by the State Govt.

xxi. The Committee noted that the authorities in the State has recommended the proposal.

xxii. The purpose-wise breakup of the total land required:

S. No.	Description	Extent (in ha.)
1.	Total excavation	115.6001
2.	Embankment	1.409
3.	Toe Wall	0.482
4.	Setting pond	3.5318
5.	Diversion/below river/Nala/Canal	0.3510
6.	Garland Drains	2.2338
7.	Plantation	24.43
8.	7.5 m safety zone along the periphery	3.8142
Total		151.8519

xxiii. The Committee noted that the as per the above land use 0.3510 ha area below river/Nala/canal has been proposed to be diverted. The Chief Conservator of Forests, Bhadradi Circle has informed that the UA has reported that the proposed extent of 0.3510 Ha, is for straightening the existing course of NALA within the boundary of proposed 151.8517 ha. for better utilisation of proposed 151.8517 ha.

Further, the NALA is very small, seasonal and the straightening work will be taken up after grant of Stage-II only.

- xxiv. The Committee noted that the old Dargah & Burial Ground is existing near Timber Depot under the control of the Forest department. This land is falling in proposed area for diversion Area. The State Govt. informed that the SCCL has informed that they have identified equivalent alternate site of 0.208 Ha (burial ground 0.203 Ha, Dargah 0.005 Ha.) at survey No.588 of Rompedu village, which is under possession of SCCL.
- xxv. The Committee noted that the CCF, Bhadradri has reported that the site is suitable to raise Bamboo brakes in 100 Meter periphery. This forest area is having good natural growth of bamboo in the vicinity. The Site suitability certificate has been furnished by the Forest Divisional Officer, Yellandu and the planting will be done by the SCCL at its cost after getting the Stage-I within 3 years and as and when area is shown by the Forest Department.
- xxvi. The Committee further noted that an area of 61.156 ha will be kept undisturbed and continued with UG rights. In this regard the State Govt. informed that the area of 61.156 Ha. is FL diverted with UG rights and no mining activity is proposed in this area, hence kept as undisturbed. This area is covered in the Approved Mining Plan. There is no mining plan separately to this extent.
- xxvii. The Committee further noted that while discussing the similar kind of proposal of conversion of UG mines to open cast mines by the same User Agency the FAC on 21.09.22 deliberated that converting the UG mines to Open cast mines fails the motive of encouraging the UG Mines. The UG Mines are encouraged since the vegetation above the soil is not affected. Considering the large area to be diverted and huge number of trees to be felled, biodiversity impact assessment, valuation of ecological/ecosystem services from the said land to be diverted needs to be accounted for
- xxviii. The Committee noted that the IGF (Central), Sub-Office Hyderabad has inspected the proposed forest area for diversion and proposed CA area (NFL and DFL). During the inspection the IGF (Central), Sub-Office Hyderabad has categorically mentioned that:
 - a. About 68.00 ha out of 106.3042 ha forest land (part of the total area proposed for diversion is 151.8517 ha) proposed for diversion is under Encroachment and there are some claims under process under FRA. In addition, in this forest land, encroachments by way of cultivation of agricultural crops and commercial establishments like poultry shed, shops, dwelling house etc. were also noticed as per site inspection report. In this regard the State Govt. informed that the CF Bhadadri has informed that the encroachment has taken place in long back and the RoFR title deed are not issued to the encroaches under FRA and removal of encroachment is under process and will follow the procedure and take necessary action for removal of encroachments in the proposed diversion land. However, M/s. SCCL has informed that they will provide compensation as per RFCTLARR Act-2023 to the Eligible people it confirmed as

encroaches as per the decision taken by competent authorities. Similarly, the balance forest land. i.e. 18 ha which is the part of earlier diversion of 124.96 ha approved by the ministry vide F.No.8-260/1985-FC, dated 20.07.2018 is also under encroachment.

- b. In the additional 45.5477 ha proposed for diversion, graveyards/ cemeteries, BT road, electrical substation and some pathways were observed at a few locations. In this regard the State Govt. informed that the additional block of 45.5477 Ha was initially treated as Non-forest land while preparing the proposal and subsequently the Mandal Revenue Officer, Yellandu, vide his reference No. B/295/2020 dated 05.11.2020 had certified that this land is forest land and this land is shown as fresh area for diversion. However, UG mining was completed before 1980 treating this land as Non-forest land at that time.
- xxix. The Committee further noted that the clear recommendation of the Regional Office Chennai has not been provided in the instant proposal. The same is required.
- xxx. Further, the committee noted that the above facts were considered in the AC meeting held on 30.04.2024 and the committee decided to seek the following information from the State Govt.:
 - a. The State Government is required to submit the details that how much coal reserve has been excavated from the UG mines so far and how much coal reserve is available in the proposed forest land for diversion with justification for seeking surface rights for open cast mining.
 - b. The detailed action plan to remove the noted encroachment from the 68.00 ha out of 106.3042 ha forest land proposed for diversion as well as in the 18 ha which is part of earlier diverted 124.96 ha shall be submitted. Further, the details of the eligible families to be considered as per the provisions of the RFCTLAR Act, 2013 shall be provided. Also the State Govt. shall clarify, whether any R&R plan is required for the same.
 - c. In the additional 45.5477 ha proposed for diversion, graveyards/ cemeteries, BT road, electrical substation and some pathways were observed at a few locations. In this regard the State Govt. is required to submit the NOCs for the concerned departments (i.e. Road & building and Electricity) and action plan for removal/shifting of the noted structures in this part of the forest land.
 - d. As per the proposed land use 0.3510 ha area below river/Nala/canal has been proposed to be diverted. In this regard, the State Government is required to submit the NOC from the concerned department of State Govt.
 - e. As per the site inspection report by the Regional Office the exact area proposed for the CA (NFL-rehabilitated OB dump area), is not demarcated completely (verified and measured) and there may be a possibility of encroachment in the fringe areas. In this regard the State Govt. shall demarcate the area and submit

exact details along with plan to protect the said area for its protection and management.

- f. Clear recommendation from the DDGF Regional Office, Chennai shall be submitted within 15 days.
- xxxi. The committee further noted that the State Govt. has submitted the reply of the observation sought by the AC vide letter dated 29.06.2024.
- xxxii. The committee further noted that the proposal relates to the conversion of the mines from UG to OC and the State Govt. has informed that the percentage of extraction of coal in underground mining is very less and the percentage of extraction varies from 20% to 40% depending on the technology and other site-specific conditions. In the present case the geological reserves in the proposed area of 151.8519 ha are 23.334 Mt. The depleted reserve by underground method is only 8.5 Mt which is about 36.42%. In view of existing demand of Coal for thermal power plants, sustenance of coal to the linked power plants, and coal conservation with profitability, it is now proposed to convert this underground mine into an opencast mine to extract additional coal reserves of 6.0 MT, which otherwise would have been lost forever. Hence, the total extractable reserves are optimised to 14.5 MT in conservation point of view and thus the percentage of extraction would be about 62.14%.
- xxxiii. The committee further noted that regarding removal of the encroachment from the 68.00 ha out of 106.3042 and from 18 ha which is part of earlier diverted 124.96 ha the State Govt. has informed that the encroachers were duly served notice & eviction process was taken up and some structures in 106.304 ha forest land area (part of 151.8517 ha proposed for diversion) were dismantled & forest area was retrieved in the presence of the Revenue officials & Police personnel and the cultivation of crops on field is also hereby stopped and further action is under process.
- xxxiv. The committee further noted that regarding implementation of R&R plan the State Govt. has stated that the SCCL authorities have agreed to pay compensation for the eligible families if any, as per the provisions of the RFCTLARR Act. 2013. Undertaking to that effect has been provided.
- xxxv. The committee further noted that regarding diversion of 45.5477 ha are proposed for graveyards/ cemeteries, BT road, electrical substation and some pathways the State Govt. has informed that UA is agreed for providing CA & NPV and the existing substation/ road/Path ways will be diverted in SCCL land. The NOCs are obtained for electrical substation belonging to SCCL from TSNPDCL on 30.05.2024, for BT road belonging to SCCL from R&B department on 06.06.2024 and NOC for graveyard/ cemetery is obtained from Panchyath department on 13.06.2024.
- xxxvi. The committee further noted that regarding diversion of 0.3510 ha area below nala, the State Govt. has informed that the user agency has proposed extent of 0.3510 ha is to straighten the existing course of nala within the boundary of proposed 151.8517 ha. Further, the nala is seasonal, very small and the straightening work will be taken up after

grant of Stage-II only. NOC was obtained from I & CAD, Telangana on 07.06.2024.

- xxxvii. The committee further noted that regarding demarcation of the CA land the State Govt. has informed that the user agency has stated that the proposed CA land of 151.8517 ha was resurveyed and demarcated completely (verified & measured) Out of 151.8517 ha of given CA land, an extent of 8.889 ha was identified with encroachments at fringes. Further, as per DSS analysis of this additional area it is noted that an electric tower is present in this area.
 - xxxviii. The DDGF (Central), RO Chennai has recommended the proposal subject to the certain conditions.
 - xxxix. The committee further noted that regarding CA site suitability of an extent of 8.889 ha. the State Government has submitted a letter dated 22.08.2024 received through e-mail on 27.08.2024 with new and revised details and the same need to be examined.
5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF, RO Chennai, IGF (Central), Sub-Office Hyderabad, Nodal Officer, Government of Telangana and after going through the facts of the proposal, the Committee decided to defer the proposal for want of examination of the new and revised CA details submitted by the State Govt.

Agenda No. 28

File No. 8-16/2021-FC

Sub: Subject: Regularization of 330.33 ha. (330.1826 ha as per DGPS Survey) of forest land in Upperlakesaram Forest Block in Manthani Range of Peddapalli Division for Open Cast Mining Operations and Other Activities of SCCL in Peddapalli District in favour of M/s SCCL (Online proposal No. FP/TG/MIN/47899/2020).-regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chennai, IGF (Central), sub-office Hyderabad and Nodal Officer, Government of Telangana attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Committee noted that the Government of Telangana, Environment, Forests, Science & Technology (Section. II) Department vide their letter No.1190/For. I (1)/2021 dated 03rd May, 2021 submitted the above mentioned proposal to obtain prior approval of Central Government, in accordance with Section-2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- ii. The Committee noted that the Ministry vide letter of even No. dated 21.11.2023 has granted Stage-I approval with the certain conditions.
- iii. Further, the User Agency vide letter No. CRP/EST/F/401A/58 dated 23.01.2024 wherein it has been informed that while the MoEF&CC has granted Stage-I for Regularization of 330.33 ha (330.1826) Ha RF in Upparlakesaram Forest Block in Peddapalli Division, Telangana for Ramagundam Coal mine Mining Operations and other activities in favour of SCCL.
- iv. The Committee noted that the above representation has been forwarded to the State Govt. vide this Ministry's letter dated 12.03.2024.
- v. The Committee noted that the Government of Telangana vide their letter No.1190/For. I (1)/2021 dated 27th May, 2024 requesting to delete the condition No.3 of Stage-I approval letter dated 21.11.2023 based on the guidelines issued as per para 1.16 (v) of the Handbook issued by the MoEFCC dated 29.12.2023.
- vi. Further, The Committee noted that the PCCF (HoFF) vide letter dated 13.05.2024 informing that while granting Stage-I approval by the Gol, at condition no. 3 it is mentioned as "The State Government shall impose a penalty of (5) times the NPV for 330.33 ha which is the area under violation, plus 12 percent simple interest on the total amount so calculated from 01.08.2013 till the actual date of deposit as penalty for violation of FCA 1980;"
 - a. The said land of 330.33 Ha(330.1826 Ha) was handed over by Revenue Department in Upparlakesaram for different Mining activities since 1973 through charge certificates without any objection raised from Forest Department.
 - b. During the year 1986, SCCL has submitted proposal vide FP/TG/MIN/112/1986 for diversion of Forest land to an extent of 412.40 Ha for the purpose of Manuguru OCP-IV at Manuguru area. The CA land for above proposals was provided by the SCCL in the 448.90 Ha (330.33 hac + 118.57 hac) Government & patta land which was handed over by the revenue Department to SCCL.
 - c. The Forest Department has taken the above revenue land as CA considering as non-forest land in the year 1987-88 and notified as Protected Forest in the year 1989.
 - d. As coal was available in the CA area, the SCCL vide letter dated 07.02.2005 submitted proposal for diversion of 412.40 Ha (247 Ha surface use + 165.40 Ha UG rights) from the protected forest land, which was earlier given as CA land for the purpose of GDK 9, 10 & 10 A and OC I and OC-II expansion.
 - e. The MoEF, Gol vide reference No 8-09/2005-FC, dated 2nd May 2008, issued order for diversion of 412.40 ha of protected forest land (247 Ha Surface use +165.4 UG Use).
 - f. Further, out of the 165.40 ha of underground, SCCL submitted another proposal vide Lr.No.RG3/EST/FL/105/138, dated 25.06.2009 for conversion of UG to surface rights to the extent of 147.42 Ha.

- g. During Site inspection by the forest officials, it was concluded that the 448.90 ha of Uppariakesaram is actually a Reserve Forest block and not the non-forest land and out of which an extent of 118.57 Ha was already covered under diversion of 412.40 Ha and the balance 330.33 Ha was under possession of SCCL without any diversion.
 - h. The MoEF, Gol has granted Stage-I for 147.42 Ha of Surface rights from UG vide F.No.8-109/2005-FC(vol), dated 19.07.2012, and amended on 23.07.2013. Subsequently granted stage-II vide F.No.8-109/2005-FC (vol), dated 01.08.2013.
- vii. The Committee noted that the User agency made a representation to the Gol with a request to delete condition no.3 from stage-I approval and Gol has requested to examine the matter and provide the comments on further action in this matter.
- viii. The Chairman & Managing Director, SCCL, has submitted a representation to delete the condition based on the following facts and to recommend to the MoEF&CC through State Government for consideration.
 - a. It has been informed that the said land of 330.33 ha. was clearly recorded as Revenue Land in the Revenue records and the Forest Department also not aware of the fact till 2013.
 - b. Further, the MoEF&CC, Gol has issued guidelines for "Violations of provisions of Forest (Conservation) Act 1980 and rules made thereof and guidelines issued in this behalf, by user agencies and quantum of penalty to be imposed". As per the guidelines, the provision 'E' stated as follows:-
 - c. E-In cases where 'Forest land' has been changed to 'non-forest land' in Governments records: If the violation is not attributable to the user agency, no penalty shall be imposed. The same statement has been mentioned in Handbook on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Van (Sanrakshan Evam Samvardhan) Rules, 2023 (Guidelines) issued by the Gol, MoEF& CC, New Delhi, Dt. 29.12.2023 at para 1.16 (v) as " If the violation is not attributable to the user agency, no penalty shall be imposed on user agency".
 - d. Further it has been informed that in the present case, the land was also recorded as non-forest land and the same was handed over by the Revenue Department through charge certificates.
 - e. Further, the Inspector General of Forests (Central), Integrated Regional Officer, MoEF&CC, Hyderabad, had submitted the site inspection report to the Additional Director General of Forests (FC), MoEF&CC, Gol, vide F.No.TSA225/2021-HYD/97, dated 27.10.2021, wherein as per the para no.2 of conclusions and recommendations:
 - f. "The very fact that this land was forest land was not in the knowledge of Forest Department who has accepted it for raising CA against another diversion proposals of SCCL. The records shown during the site visit and discussions reveal that

this land was lawfully obtained by SCCL from Revenue Department. Therefore this is to be considered as a mistake of fact involving errors on the part of Revenue Department, Forest Department and SCCL & thus cannot be solely attributed to SCCL. As a matter of fact of these three agencies least is expected to be in this knowledge of SCCL in respect of the status/ownership of this land, in fact it is SCCL which has pointed out that this a forest land as per records shown during the visit in presence of the senior officials of the Forest Department". They were fully unaware that Mining is going on in this area.

- g. Considering above guidelines and remarks of the Inspector General of Forests (Central), Integrated Regional Office, MoEF&CC, Hyderabad it is evident that in the present case there is no fault of the UA (SCCL) and the whole process happened due to oversight by all departments associated with this hence no penalty can be attributed to the user agency.
- ix. The Committee noted that the facts of the initial proposal submitted by the State Govt. and also the SIR recommendations submitted by the sub-office Hyderabad were considered in the Advisory Committee (AC) in its meeting held on 21.08.2023, In this meeting the AC has decided that the IGF(C), Sub-office Hyderabad to provide clear recommendation with regard to the applicable penal provisions (CA & NPV) in consultation with the State Nodal Officer and also check the compliance with respect to the CA land and plantation in the overlap/related matters within next 15 days and IGF (C), Sub-Office Hyderabad shall present before the AC for further consideration of the instant proposal.
- x. Accordingly, the IGF(C), Sub-Office Hyderabad and PCCF & Nodal Officer Telangana had prepared the joint report and the same was submitted to the Ministry vide letter dated 12.09.2023. As per the joint report following:
 - a. NPV for 330.33 ha may be imposed.
 - b. 330.33 ha Non-Forest land shall be imposed against the diversion of 330.33 ha.
 - c. 14.04 ha of DFL wrt Safety zone
 - d. Penal CA in 237.45 Ha DFL may be imposed as 660.66 Ha is already imposed earlier.
 - e. It was stated that Penal NPV may be decided by the Advisory Committee please. Since Panel NPV was not imposed earlier.
- xi. The Committee noted that, the proposal was again considered in the AC meeting held on 20.10.2023 and the Committee had detailed discussion and deliberation with IGF (C), Sub-office, Hyderabad and Nodal officer, Govt. of Telangana. After going through the facts of the proposal and submissions made, the committee recommended the proposal for grant of 'in-principle'/ Stage-I approval, subject to the general, standard, and certain specific conditions including condition no. (iii) which is reproduced as below:

"The State Govt. shall impose a penalty of five (5) times the NPV for 330.33 ha which is the area under violation, plus 12 percent simple interest on the total amount so calculated from 01.08.2013 till the actual date of deposit as penalty for violation of FCA 1980"

- xii. The committee noted that the Government of Telangana vide their letter dated 27th May, 2024 requesting to delete the condition No.3 of Stage-I approval letter dated 21.11.2023 based on the guidelines issued as per para 1.16 (v) of the Handbook issued by the MoEFCC dated 29.12.2023 which stated;
vide clause 'E' " In cases where 'Forest land' has been changed to 'non-forest land' in Governments records and as per para 1.16 (v) " If the violation is not attributable to the user agency, no penalty shall be imposed on user agency".
- xiii. The AC noted that regarding Clause 'E' it is observed that this clause was mentioned in the guidelines issued on 29.01.2018. However, the Ministry has issued comprehensive Guideline on 28.03.2019 in super-session of the all the previous guidelines and this clause was not mentioned therein.
- xiv. The AC noted that, the guidelines issued as per para 1.16 (v) of the Handbook issued by the MoEFCC dated 29.12.2023 which inter-alia stated that;
"If the violation is not attributable to the user agency, no penalty shall be imposed on user agency".
- xv. The AC noted that for applicability of the above mentioned provisions following reasons has been provided by the State Government and it has been informed that the said land of 330.33 ha. was clearly recorded as Revenue Land in the Revenue records and the Forest Department also not aware of the fact till 2013.
- xvi. Further the AC noted that SCCL had submitted an application in past for diversion of (from UG rights to surface rights) 147.42 Ha of forest land (out of 165.40 Ha having UG rights which) OC-II expansion project leaving 17.98 Ha under UG right. While processing this proposal, it came to the notice that mining operations are being carried out in the adjoining area since 1973 presuming it as Revenue land but found to be part of Upperlakesaram Forest Block and notified as RF in the year 1944 and this fact was not updated in the Maps of Forest Department.
- xvii. Further, the sub-office Hyderabad in his SIR has informed that the Upperlakesaram Forest Block (notified as RF in 1944), the IRO Hyderabad informed that the working plan document i.e., the Compartment History (working plan for the period 1992-93 to 2001-02) it is recorded that the land is having mixed forest with site quality VI and density 0.1 with age class of 10 to 3 years and goes on to mention that natural regeneration is poor and has wildlife bear, wild boar, rabbit and wildcat etc. while the fact that the land was under mining with SCCL from 1970s. In this case, what action the State Government has taken as and when violations were noted by the State Forest Department.
- xviii. In view of the plea given by the State Govt., that the SFD was not aware till 2013 that the land in question was forest land is not tenable.

- xix. Moreover, the Ministry, while according to approval for diversion of 147.42 ha of forest land during 2013, the SCCL was directed to submit the proposal for regularization of the remaining 330.1826 Ha of the 448.90 ha. However, the User Agency had submitted the proposal to the Ministry in 2021. Further, the User Agency continued the mining operations in this mining lease area since then to till date.
- xx. Further, the AC noted that the proposal has already been granted 'in-principle' approval as per the extant Rules and Regulations applicable that time. The Rule 16 (8) of the V (SES), 2023 says that: "Any proposal which has already been submitted under the provisions of the Forest (Conservation) Rules, 2003 or Forest (Conservation) Rules, 2022 and are currently under consideration of the various authorities in the State
- xxi. Government or Union territory Administration or the Central Government for grant of 'In-principle' or 'Final' approval shall be dealt in the following manner, namely:-
 - a. Any proposals granted 'In-principle' approval shall be dealt under the provisions of the extant rules and be processed and considered for grant of 'Final' approval without amending the conditions stipulated in the 'In-principle' approval; and
 - b. Any provision of the extant rules will be applicable on the proposals, which are yet to be granted 'In-principle' approval under the Adhiniyam.
- xxii. In addition, it was noted that while deliberating the proposal in the AC in its meeting dated 20.10.2023 specifically observed that:
 - a. The proposal for regularization was received in the Ministry on 03.05.2021 (which is after a gap of 7 years since the approval in the earlier matter was granted vide letter No. 8-109/2005-FC (Vol) dated 01.08.2013.
 - b. The non-compliance of the conditions imposed amounts to violation /non-compliance of conditions as per Para 1.21 (iii) of this Ministry Handbook of Guidelines issued on 28.03.2019. The non-compliance of the condition is overlap / related matters as reported by the Sub-office Hyderabad and was also taken note in earlier deliberations.
 - c. The CA land identified and mutated in the name of Forest department w.r.t. the two proposals adjoining to the instant mine shall be notified as RF/PF under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be **within three months and the compliance in this regard shall be submitted to the Ministry.**
 - d. The State Govt. shall forward the details of the CA land and CA scheme (if revised) pertaining to the proposals (diversion of 412.4 ha of forest land for underground mining in which 247 ha for surface use for GHDK-9,10 & 10 A inclines in Ramagundam-II and OC Project-I expansion and diversion of 147.42 ha of forest land in RF of Karimnagar east division for expansion of Ramagundam OCP- II in RG-III for which approvals were accorded by this Ministry in 02.05.2008 &

01.08.2013 respectively). **Further the State Govt. shall take approval of this Ministry wrt the revised CA lands within a period of three months.**

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF, RO Chennai, IGF (Central), Sub-Office Hyderabad, Nodal Officer, Government of Telangana and after going through the facts of the proposal. Considering the specific details as noted above with respect to the earlier recommendations of the State Nodal Officer and Regional Officer, reported non-compliance of earlier stipulated conditions and in-ordinate delay in submitting the proposal for regularization as well the facts that there are documents which indicate that the UA and SFD has the knowledge that the said land is a forest land and especially after the year 2013 wherein the issue was deliberated in the AC, the Committee decided to **reject** the request of the State Government to delete the condition No.3 of Stage-I approval letter dated 21.11.2023 and directed for a timely compliance by the State Government.

Agenda No.29

File No. 3-TRB009/2023-SHI

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s. Jubilant Oil & Gas Pvt. Ltd. Tripura for non-forestry use of 1.368 ha. Reserved forest land for construction of drill site, waste pit, drill site accommodation, TSR camp and its approach road at location Dev-2A at Mouja-Birendranagar under South Tripura District (Online proposal No. FP/TR/Others/18888/2016) - regarding

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Shillong attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Tripura vide their letter No.F.6-1100/FC/For-2016/1574-81 dated 30.03.2023 submitted the above mentioned proposal to RO, Shillong for seeking prior approval of the Central

Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- ii. The proposal seeks diversion of 1.368 ha. Of forest land for construction of Drill site, Waste pit, Accommodation, TSR Camp and approach road at location called Dev 2A under South Tripura submitted by Project Manager, Jubilant Oil & Gas Pvt. Limited, Greater Noida – 201 306, Uttar Pradesh, India. The area is pin-pointed and selected for drill site and drill site accommodation for exploration of Hydrocarbon at location named Dev 2A. The area has been found geologically prospective on the basis of Seismic and Geo-physical Survey. Hence, the land measuring 1.368 ha is required for construction of drill site for the purpose of exploratory drilling only. The area cannot be shifted elsewhere due to technical reasons. As per the officials Regulation and Development Act, 1948 and Petroleum and Natural Gas Rules 1959, the Govt. of India has signed a production Sharing contract (PSC) with a consortium of Jubilant Oil and Gas Pvt. Ltd. and Gail India Limited for a Hydrocarbon block namely AA-ONN-2002/I in the State of Tripura in year 2004. The construction carries out exploration activities to prospect for Hydrocarbons (Oil and Natural Gas). The consortium partners (i.e. Jubilant and GAIL) have signed a Joint Operating Agreement.
- iii. Participating interest at 20% share of Enpro and 80% share of GAIL as per product sharing contract signed by Ministry of Petroleum, Govt. of India and GAIL in the year 2004. The block spreads over an area of 1680 sq.kms across three Districts namely Dhalai, West Tripura and South Tripura in the State. The construction has drilled exploratory wells and is in the process of planning and preparing for drilling further exploratory wells. One of these proposed wells is on the prospect "Dev2A". Based on investigation it has been assessed that the drilling location called Dev2A has promising underground Hydrocarbon reserve. Realizing the importance of forest land and ecological sensitivities of State the construction scouted for an alternative site outside the forest land. No other surface location could be selected since it was not possible to drill and reach this project from any other location due to the fact that an alternative surface location was not found.
- iv. The component wise break up submitted as under:

S. No	Particulars	Forest Land (in ha.)
1	Internal road	0.269
2	Cement shed	0.001
3	Pipe rack	0.06
4	Drilling platform	2.2629
5	Waste pit	0.0573
6	Mud pit	0.1125
7	Flare pit	0.042
8	VSP pit	0.042
9	Water pit	0.042
10	TSR Camp	0.1197
11	Drill site Accommodation	0.1719
12	Open space	0.178
13	Approach road	0.008
Total		1.368

- v. The State Government has mentioned that the proposal is not going to affect any endemic species of flora and fauna. The project will also not adversely affect timber, fuel wood and MFP supply to rural masses. The State Government has recommended the proposal subject to conditions of NPV, cost of CA. Cost of tree felling and other cost, with assurance of all standing trees must be saved from unnecessary felling from the user agency etc. and the following conditions:
 - a. The damage to the forest during construction activities should be minimum and also without affecting the adjacent patches of forest land.
 - b. The User Agency should provide income generation activities for livelihood of nearby villages.
 - c. Parts of the area proposed for diversion are prone to soil erosion so if needed the User Agency should bear the expenditure for soil stabilization measures and also to avoid soil erosion and landslide during construction.
 - d. The User Agency shall bear the expenditure to document the biodiversity and tents for Protection unit as the Meharipur RF has good biodiversity and needs effective patrolling by protection unit. Only required number of trees that needs to be felled may be felled during the implementation of the project.
 - e. The damage to the forest during construction activities should be minimum and also without affecting the adjacent patches of forest land
- vi. Density of vegetation has been reported as 0.3 (Eco-class I). Total of 17 trees are going to be affected by the said diversion.
- vii. The Committee was informed that the above proposal was discussed in the Regional Empowered Committee (REC) held on 29th May, 2023. The REC deliberated the proposal and recommended the diversion of 1.368 ha. Of forest land for construction of drill site, waste pit, drill site accommodation, TSR camp and its approach road at location Dev-2A at Mouja-Birendranagar under south Tripura District by Jubilant Oil & Gas Pvt. Limited for sending to Ministry for approval of the Competent Authority with usual conditions for exploratory drilling subject to submission of the following:
 - a. Revised/corrected KML Shape file for the proposed CA land.
 - b. The 2% of NPV of the forest land in the PML, the details status of transferring of amount to be submitted to IRO
- viii. The Committee was further informed that above observation of REC was communicated to the State Government on 02.06.2023. Accordingly, reply of the above observations was submitted by the State Govt. vide letter dated 23.11.2023. After examination of the reply received from the State Government, the State Government was requested to submit tentative timeline for payment of 2% NPV along with comments of State Government and to get the CA site inspected by an officer not below the rank of Conservator of Forests with specific report on the density of the proposed CA site along with GPS coordinates and photographs vide Ministry letter dated 30.11.2023.

- ix. The Committee was also informed that the reply from the State Government was received on 23.04.2024 wherein it was mentioned that the User Agency vide letter dated 26.03.2024 has stated that the payment of 2% of NPV of the forest land in the PML to be paid after approximately 7 months from the grant of Forest clearance and receipt of other approvals. Further, it is also mentioned that CF (M&E) physically inspected the CA site on 03.01.2024, after inspection, the CF (M&E) has recommended the land for CA.
 - x. The Compensatory Afforestation has been proposed over double the degraded forest land i.e. 2.74 ha in in Rev. C.S. Plot No. 2658, Kh. No. 4/1, Mouja-Muhuripur RF, Santibazar Block, Kakulia Range, Bagafa Forest Division, South District. CA scheme for 10 years along with site suitability certificate, KML file and DGPS map have been submitted. Under Rule 13(4)(a) of the Van Sanrakshan evam Samvardhan Adhiniyam 1980, *Special dispensation for raising CA over degraded forest land of double in extent can be considered in States having forest area more than 33% of total geographical area.*
 - xi. Tripura state has a total recorded forest area of 59.99% according India State of Forests Report 2021 released by the Forest Survey of India . Furthermore, the certificates from the Chief Secretary for all the 8 Districts of Tripura on the non-availability of non-forest land in the Districts have been submitted in the proposal. The Committee noted the same
 - xii. No violation of provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is observed. Certificate to this effect has been submitted by DFO concerned.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Shillong. After going through the facts of the proposal and submissions made by DDGF (Central), Regional Office, Shillong, the Committee recommended the proposal for ***'in-principle'*** approval for non-forestry use of 1.368 ha. of Reserved forest land for construction of drill site, waste pit, drill site accommodation, TSR camp and its approach road at location Dev-2A at Mouja-Birendranagar under South Tripura District in favour of M/s. Jubilant Oil & Gas Pvt. Ltd. with general, standard and following additional conditions:
- i. A Wildlife Management Plan shall be prepared at the cost of the User Agency. It shall be duly approved by the Chief Wildlife Warden, Tripura along with specific recommendations and shall be submitted by the State Government along with Stage- I compliance report.

Agenda No.30

File No. 8-19/2020-FC

Proposal for seeking prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 87.0815 ha of forest land in favour of M/s Airport Authority of India for

"Expansion of the Jolly Grant Airport" in District Dehradun of the State of Uttarakhand (Online Proposal No. FP/UK/Others/44884/2020)

1. The above proposal was considered by the Advisory Committee (AC) in its meeting held on 27.08.2024. The DDGF (Central), Regional Office, MoEF&CC, Dehradun attended the meeting. The Nodal Officer (Van Sanrakshan Evam Samvardhan), Uttarakhand was not present during the deliberation held on the proposal by the Advisory Committee.
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 after through deliberation and discussion observed that:
 - i. The proposal is for expansion of Jolly Grant Airport requiring additional land of 104.411 ha comprising of 87.08 ha of forest land and 17.411 ha of non-forest land.
 - ii. Earlier, in 2003 permission was granted for extension of the Jolly Grant airport for use of 70 ha forest area. Presently, 125.68 ha, including 70 ha of forest land is available with Airport Authority of India (AAI) and for expansion of airport an additional land of 104.411 ha comprising of 87.08 ha of forest land and 17.411 ha of non-forest land is required by the AAI.
 - iii. Legal status of forest land of 87.08 ha of forest land proposed for diversion is Reserved Forest.
 - iv. Vegetation density of 0.4 has been reported with 9,745 project affected trees. Out of the 87.0185 ha proposed area to be diverted 47 ha falls under MDF category. The State Government has informed that there is no viable alternative, except to use the forest land, for the proposed activity.
 - v. The proposed forest area is part of Shivalik Elephant Reserve. There are local and notified elephant corridors within 1 km radius including the notified Kansaro-Barkot Elephant Corridor located within 5 km radius. Proposal is located at a distance of approximately 10.5 km from the boundary of Rajaji National Park.
 - vi. The Chief Wildlife Warden in his comments has informed that the area under consideration is adjacent to the existing Dehradun Airport. Since the present proposal is of expansion of the existing Airport and not of construction of a new Airport, it is imperative that only the nearby area can be taken up for the purpose, as such this becomes, site specific.
 - vii. A wildlife Mitigation Plan, contained in 4 pages, involving financial provision of Rs. 2.81 crores has been submitted along with the proposal. Detailed Plan, duly approved by the Chief Wildlife Warden, needs to be prepared by the State.
 - viii. The State Government on 8.01.2021 has earlier de-notified the area of Shivalik Elephant reserve adjoining Jolly Grant airport. Subsequently, an

WP(C) 02/2021 was filed in the High Court of Nainital and in pursuance to direction of Hon'ble High Court, a Supplementary Affidavit was filed in the High court by the PCCF informing that the notification dated 8.01.2021 has been withdrawn by the Notification dated 9.02.2023 of the State Government to restore the Shivalik elephant Reserve.

- ix. Ministry, through protracted correspondences during last 2 years, has requested the State Government to explore the possibility of shifting certain ancillary activities in the non-forest land to keep the forest land at minimum. However, the State Government in its replies has submitted that use of forest land is unavoidable as the expansion of existing facilities can only be undertaken using the forest land.
 - x. CA has been proposed on double the degraded forest land being diverted i.e. 175.0 ha at Thano Range. Chief Secretary of the State has given a certificate of non-availability of non-forest land in Dehradun District. Proposal of CA needs to be revisited in light of provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023 i.e. CA either to be proposed on Civil Soyam land or revised certificate of the State Government for non-availability of non-forest land in the entire State is to be furnished.
 - xi. Cost benefits Analysis has not been submitted by the State citing the project is of public utility. There are no such exemptions provided in the in the Guidelines for such project, therefore, cost benefit analysis needs to be furnished by the State.
 - xii. Analysis of Satellite Google Imagery (April 2021 onwards) reveals visible construction of a temporary road in the southern part of proposed forest land. Therefore, the same needs to be commented upon by the State.
 - xiii. The Regional Office in its inspection report has reported unsatisfactory compliance of conditions stipulated in the earlier approval granted on 17.02.2003 specially with regards to CA as the survival percentage was observed to very poor (below 40%). Moreover, no proper record was made available to the Regional Office for the verification of CA sites.
4. **Decision of the Committee:** The Committee, after deliberations and discussion with the DDG, Regional Office and Nodal Officer observed that complete information as requested by the MoEF&CC from the State Government and Regional Office has not been received specially with regards to compensatory afforestation carried out in lieu of approval granted for 70 ha of forest land approved in 2003. Accordingly, the Committee observed the following:
- i. The State Government may furnish the following information:
 - a. The State Government needs to propose CA either in Civil Soyam land or revised certificate of the State Government for non-availability of non-forest land in the entire State is to be furnished in accordance with the provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023.
 - b. Cost benefits Analysis has not been submitted by the State citing the project is of public utility. There are no such exemptions

provided in the in the Guidelines for such project, therefore, cost benefit analysis needs to be furnished by the State.

- c. The State Government has mentioned that proposal (FP/UK/Others/5156/2020 dated 28-10-2020) has been submitted for approval of the Standing Committee of the NBWL. Updated status of the same may be informed by the State Government.
 - d. Details of compensatory afforestation undertaken in lieu of diversion of 70 ha of forest land, along with KML file shall be submitted to the Ministry as well as to Regional Office, Dehradun by the State Government.
 - e. Analysis of Satellite Google Imagery (April 2021 onwards) reveals visible construction of a temporary road in the southern part of proposed forest land. Therefore, the same needs to be commented upon by the State.
- ii. The Regional Office submit the complete information with regards to CA, in lieu of diversion of 70 ha of forest land diverted in 2003, and assessment of the following:
 - a. Validation of the various project parameters such as CA land, project affected trees, etc. and status of violation, if any, committed by the user agency during the intervening period.
 - b. legitimacy of forest land proposed for diversion vis-à-vis project components proposed in the forest land
 - c. Impact of the proposal on the wildlife corridors specially elephant corridors and legitimacy of the mitigation measures proposed by the State.

Policy issues

Agenda No. 1

(FC/SO-HYD/WP-01/2024)

Sub: Regularization proposals of (9) Districts for the Working Plans expired during 2013-14 & 2016-17 - Request for regularization expired during the period of 2012-13 to 2016-17

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 27.08.2024. The DDGF (Central), from various Regional Officers, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, noted the PCCF, Government of Telangana has requested for regularizing the works carried out after the expiry of Working Plans of 9 districts (forest area covered under erstwhile 6 Forest Divisions) which have been expired during 2012-13, 2013-14 and 2016-17. The Committee further noted the following:
 - i. Telangana State came into existence on 02.06.2014 and consequently existing 10 districts were reorganized into 33 districts. Due to re-organization of the Districts and Forest Divisions, revision of Working plan got delayed as per the information furnished by the SFD.

- ii. The matter was also discussed in the Standing Consultative Committee meeting held on 12.10.2023 and 7.03.2024 and it was decided to seek permission from the competent authority in the MoEF&CC, Govt. of India for regularization of the works already carried out in these Districts for the period elapsed from the expiry of Working Plan of the respective areas.
 - iii. The Standing Consultative Committee in its meeting held on 07.03.2024 recommended for forwarding the proposals for regularization of works in the above districts to the MoEF&CC, Govt. of India for approval.
 - iv. In view of the provisions of the National Working Plan Code-2014 and National Working Plan Code-2023, the Regional Office, Chennai (Sub Office Hyderabad) referred the matter to MoEF&CC for further clarifications.
 - v. The provision of the deemed extension of the expired Working Plan have been provided under para 7.2(4) of Unit 7 of the National Working Plan Code, 2023. Under these provisions, deemed extension of the expired working plan for the intervening period, during which no working plan was in existence, can be granted by the Regional Office or Regional Empowered Committee in accordance with the provisions of the National Working Plan Code. As the enabling provisions of the extension of the provisions of the expired Working Plan have been provided in the National Working Plan Code, there cannot be a period of forest management without a Working Plans.
 - vi. Further, the provisions of the National Working Plan Code, 2023, as given under para 3.4.4 para 3.4 of chapter-3 revealed that Regional Office can accord approval for extension of existing Working Plan for a period of 2 years only and maximum extension up to 5 years by the MoEF&CC. Contrary to this, the provisions of para 7.2(4) of chapter-7 authorizes the Regional Office/Regional Empowered Committee to grant deemed extension to an existing Working Plan, till the new Working Plan become effective.
 - vii. The Committee further noted that as per the provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, absolute powers have been delegated to the Regional Office and Regional Empowered Committee to approve the Working Plans, Working Schemes and annual felling permissions. Therefore, in light of enabling provisions given under the rules, and notwithstanding the provisions of para 3.4 of Chapter-3 of National Working Plan Code-2023, the Working Plans and matter connected or ancillary or incidental thereto are to be dealt and disposed of by the Regional Office or Regional Empowered Committee.
- 4. Decision of the Committee:** The Advisory Committee, after thorough deliberations with the DDGF (Central) of various Regional Officers and Nodal Officers of the States and in light of the relevant provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023 and National Working Plan Code-2023 decided that Working Plan for the lapsed period as and when submitted by the State Government concerned will be dealt and disposed of by the concerned Regional Office/Regional Empowered Committee subject to the following:
- i. There should be no felling of trees in the forest area for which Working Plan is to be approved for the lapsed period of such Plans.
 - ii. The operations during the lapsed period should be limited to management works (*forestry activities*) such as soil and moisture conservation works,

removal of dead decaying and diseased trees, maintenance of fire lines, regeneration operations, etc. without felling of trees.

- iii. Such Working Plans for the lapsed period should invariably be accompanied with an undertaking from the PCCF (Working Plan) of the State/UT concerned stating that Working Plan for the next Plan period, duly incorporating the management operations carried out during the lapsed period, shall be submitted within a period of one year for the approval of Central Government in accordance with the relevant provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023

Agenda No. 2

Sub: Clarifications sought by the Ministry of Home Affairs on the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Rules and guidelines made thereunder – reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 27.08.2024. The DDGF (Central), from various Regional Officers, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations in the matter, noted the following:
 - i. The Ministry has notified the guidelines under sub-section (3) of section 1A on 29.11.2023 regarding exemption of certain forest land from the purview of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 subject to certain terms and conditions mentioned therein.
 - ii. The Ministry of Home Affairs vide their OM dated 11.07.2024 requested clarifications on applicability of Net Present Value and Compensatory Afforestation charges when forest land is diverted for construction of strategic projects of national importance falling within 100 km aerial distance from IB/LC/LAC.
 - iii. As per the provisions of the clause (c) of sub-section (2) of section 1A of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 the construction of strategic linear projects of national importance and concerning national security within a distance of 100 km along international borders or LoC/LAC, projects related to security related infrastructure involving forest land up to ten hectares, and defence related and public utility infrastructure involving forest land up to five hectares in Left Wing Affected District, are exempted from the purview of the Adhiniyam. Further, sub-section (3) of section 1A empowers the Central Government to prescribe terms and conditions to compensate the loss of trees.
 - iv. The Central Government has notified the guidelines on 29.11.2023 prescribing the terms and conditions to be abided by the State Government while considering such exemptions. However, while prescribing the terms and conditions, the provisions of CA and NPV have not been addressed adequately. The notification dated 29.11.2023 mentioned that provisions of CA and NPV will be governed as per the provisions given under Van (Sanrakshan Evam Samvardhan) Rules, 2023. As certain categories of lands mentioned under clause (c) of subsection (2) of section 1A of the Adhiniyam have been exempted from the purview of the Adhiniyam, ipso fact the

provisions of Van (Sanrakshan Evam Samvardhan) Rules, 2023 will also not be applicable in such cases.

4. **Decision of the Advisory Committee:** The Committee observed that as the strategic projects have been exempted from the purview of the Adhiniyam to ensure development of security related strategic infrastructure in the border areas. Given the present procedural formalities, considerable time is consumed in the approval process, thereby not fully serving the very purpose of exemption granted to such projects in the Adhiniyam. Keeping in view the national importance of strategic projects and concerns of national security, the Committee, after deliberations with the Regional Offices and Nodal Officers of the States, proposed that the Ministry may consider the Guidelines given at Annexure-I, to further streamline the procedure for approval of strategic projects.

Annexure-I

PROPOSED GUIDELINES

- i. The guidelines notified on 29.11.2023 are applicable on the exemption mentioned under clause (a) and clause (c) of sub-section (2) of section 1A of the Adhiniyam viz. construction of strategic linear projects of national importance and concerning national security within a distance of hundred kilometers along international borders or LoC/LAC, projects related to security related infrastructure involving forest land up to ten hectares, and defence related and public utility infrastructure involving forest land up to five hectares in Left Wing Affected District, duly notified by the Ministry of Home Affairs or Ministry of Defense of the Central Government for this purpose and proposals involving area up to 0.1 ha of forest land meant for providing connectivity to road/rail side amenities.
- ii. Processing and approval of the proposals will be carried out using designated module of PARIVESH 2.0. However, keeping in view the strategic importance and sensitivity involved, the defence related projects will be masked and made non-accessible for open public access on PARIVESH portal.
- iii. The State Government or Union territory Administration, as the case may be, may authorize an officer not below the rank of the Deputy Conservator of Forests to receive and accept the proposals and process them through the Nodal Officer, dealing with the matters related to land transfer under the Adhiniyam for obtaining the approval of State Government/UT or Principal Chief Conservator of Forests (HoFF), if so authorized by the State Government.
- iv. The land for compensating the loss of trees may be identified in the degraded forest land, revenue forest land, waste lands, double in extent to the land proposed for diversion or in non-forest land, equivalent to the forest land being diverted, as per availability on case to case basis.
- v. The Divisional Forest Officer, within a period of one month, after receiving of the proposal, shall arrange to carry out tree enumeration, prepare a scheme for compensating the loss of project affected trees in the land identified, project specific mitigation plans, if any needed, and forward the proposal to Nodal Officer, along with demand for making the payment of Net Present Value (NPV), compensatory scheme, site specific mitigation plan, soil and moisture conservation plan, etc., as the case may be.

- vi. The Nodal Officer, after receipt of the proposal from the Divisional Forest Officer and recording his observations and recommendations, shall obtain approval of the State Government/UT Administration or Principal Chief Conservator of Forests & Head of the Forest Force, as the case may be, and convey the same to the user agency within a period of one month for compliance and deposition of compensatory levies.
- vii. While according above approval, the Nodal Officer may specify conditions, as may be required based on the site-specific conditions, to compensate the loss of trees, site-specific mitigation measures and Plans to be implemented in and around the forest area applied for diversion.
- viii. The State Government, after conveying approval of the proposal to user agency, may handover the land to the user agency for undertaking the project commencement work.
- ix. The user agency, soon after receiving the approval from the Nodal Officer, within a period of one month, shall deposit the compensatory levies into the account of State CAMPA, managed by the National Authority, CAMPA.
- x. In case, the user agency fails to make payment against the demand raised as above within the stipulated time, 12% interest per month shall be levied on the amount not paid in time. However, if the user agency fails to make payment within a period of three months of approval, the State Government shall suspend the work in the forest area diverted and such proposal can be reconsidered by the State Govt/UT Administration subject to submission of a valid and cogent justification from the user agency along with admissible interest on account of delayed payment.
- xi. The Nodal Office of the State Government or Union territory Administration shall ensure monitoring of conditions and their compliances by the user agency.

Agenda No. 3

Sub: Clarifications sought by the Ministry of Road, Transport and Highways on the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Rules and guidelines made thereunder – reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 27.08.2024. The DDGF (Central), from various Regional Officers, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations in the matter noted the following:
 - i. In a High level meeting between Ministry of Road, Transport and Highway and Ministry of Environment, Forest and Climate Change held on 6.08.2024, clarification was requested on the following:
 - a) Clarification in respect of land located in the Right of Way of the roads of already acquired by the NHAI in light of the amended provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - b) Clarification on the applicability of the provisions of raising compensatory afforestation in respect of tunnels involved in the road projects.

- c) Clarification on parallel processing of the proposals involving approval under the Van (Sanrakshan Evam Samvardhan) Adhiniya, 1980 and recommendation of the SCNBWL under the Wild Life (Protection) Act, 1972.

4. **Decision of the Advisory Committee** : With regards to clarifications sought during the High level meeting held between the Ministry of Road, Transport and Highways and Ministry of Environment, Forest and Climate Change, the Advisory Committee, after deliberations with the Regional Offices and Nodal Officers of the States, proposed that the Ministry may consider the following clarification in the matter:

- i. **Applicability of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in the lands located within the Right of Way of roads** : Applicability of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in various lands, in light of the provisions of the principal Act and directions given by the Hon'ble Supreme Court, has been codified in the Forest (Conservation) Amendment Act, 2023 which was enforced w.e.f. 1.12.2023. In light of the amended provisions of applicability of the Adhiniyam, in respect of the lands, located within the Right of Way (RoW) of roads, the following is hereby clarified:
 - a. *Construction of roads in the plantations raised by the NHAI in the non-forest land, falling outside the purview of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, shall not attract the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in accordance with the provisions of section 1A(2)(b) of the Adhiniyam.*
 - b. *Change of the land use/ layout of the road for which diversion of forestland has already been obtained by the user agency, will require prior approval of the Central Government under the Adhiniyam.*
- ii. **Applicability of the provisions of raising compensatory afforestation in respect of forest land proposed for construction of tunnel of linear projects**: Construction of tunnel is an environment friendly activity as it does not interfere with above ground flora and fauna. Hon'ble Supreme Court in its order dated 28.03.2008 has inter-alia directed to charge only 50% of normal rate of Net Present Value (NPV) in respect of underground mining proposals. Further, no compensatory afforestation is charged in respect of underground mining proposals as these proposals involves no damage to the above ground vegetation and wildlife. Therefore, in line with past clarifications issued by the Ministry on 17.04.2018 and 31.01.2023 and directions contained in the Hon'ble Supreme Court order dated 28.03.2008 passed in the W.P. (C) No. 202/1995, accordingly, the Ministry may consider clarifying that construction of road/railways tunnels in the forest area may be treated at par with the underground mining project for the purpose of applicability of compensatory afforestation subject to following:
 - a. **In case the opening of a tunnel involves the forest area, requiring its use rights by the user agency, the same shall be**

treated as normal diversion proposal and will be subject to realization of CA and NPV charges, as applicable:

- b. **Muck to be generated from the earth cutting during the construction of tunnels shall be stored at designated place. Muck disposal plan, contain scientific assessment of the muck generated, to be used during the construction phase and quantity to be dumped along with stabilization measures, duly approved by the competent authority, should be submitted along with the proposal.**
 - c. **The commercial use of stone/boulders generated during the construction of tunnels, shall be subject to payment of royalty to the State/UT authorities in accordance with the relevant laws of the State/UTs**
- iii. **Processing of the linear proposals pertaining to forest land requiring approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and the Wild Life (Protection) Act, 1972 :** Ministry vide its guidelines dated 8.07.2024, with a view to avoid *fait accompli* situations, has clarified the order of priority for obtaining the prior approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and recommendations of the Standing Committee (SC) of the National Board for Wildlife (NBWL). In furtherance to the clarification dated 8.07.2024, it is further to clarify that process for submission, scrutiny and processing by various authorities in the States and UTs can be undertaken in parallel for both proposals viz. prior approval under the Adhiniyam as well as recommendation of the SC of NBWL. However, approval in such proposals will be granted in accordance with the priority given the letter dated 8.07.2024 of the Ministry.

Agenda No. 4

Sub: Statutory provisions and Guidelines issued thereunder to deal with or avert the situations cropped up from the unprecedented natural disasters – reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 27.08.2024. The DDGF (Central), from various Regional Officers, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations in the matter noted the following:
 - i. The Chief Secretary, Government of Uttarakhand vide her DO dated 9.07.2024, endorsed by Cabinet Secretariat vide their OM 18.07.2024, with a view to tackle the menace of climate change and natural disaster, requested the Central Government to allow implementation of forestry works such as rehabilitation works of water sources, rivulets and rivers in the forest areas by other Government Departments with prior intimation to the local Forest Divisional Officer.
 - ii. Further, in a meeting held under the chairmanship of Hon'ble Home Minister on 23.06.2024 in North Block New Delhi to review the flood preparedness in the country, inter-alia desired appropriate action by the MoEF&CC and NDMA to tackle the forest fires.
 - iii. As per the provisions of the para 1.7(b) read with para 1.7(b) of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and rules framed thereunder, the DCF concerned, based on the recommendation of the DDMA can give permission for a limited period, not exceeding 60 days, to avert disaster or for temporary use of forest land.
 - iv. Further, enabling provisions have been provided in the **Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980**, as amended vide Forest (Conservation) Amendment Act, 2023, to maintain the health of forests by preventing them from the natural hazards like forest fires, erosions, etc. The relevant provisions have been provided under the 'Explanation' given under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - v. Guidelines have been issued at various occasions by the Ministry to deal with the natural hazards such as fires, floods, etc. These Guidelines needs to be revisited and examined in light of the amended provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to further provide legitimate guidelines to the States/UTs to deal with the natural calamities and involving the other Govt. Departments working in the same field so that isolated efforts made by the individual Department may be joined together for synergic and symbiotic results.
 - vi. It is also imperative to mention here that the Hon'ble NGT (SZ) vide its order dated 19.04.2022, passed in O.A. No. 75 of 2020, while dealing with such situations in the context of Kerala State, directed the MoEF&CC to come up with clear guidelines ensuring harmony between the various Acts such as van(Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Environment (Protection) Act, 1988, Disaster Management Act, 2005. In pursuance of said order of NGT the MoEF&CC has proposed the draft guidelines to the

MHA on 6.08.2023. However, so far, no response in matter has been received from MHA.

- vii. As per the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, implementation of the forestry activities in the forest land does not require prior approval of the Central Government. The State Forest Department, if so desire, may also involve and allow the other Govt Department to implement such forestry activities in the forest land with the prior permission of the local Divisional Forest Officer. Therefore, to allow synergy efforts to combat and avert the natural disaster, the Forest Conservation Division has proposed draft guidelines to involve other Government Department in the implementations of the forestry activities specially those related to soil and water conservation. The guidelines proposed by the Division appears to be appropriate and in consonance with the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and aptly relates to cotemporary hazards emanating from the climate change.

4. **Decision of the Advisory Committee:** The Committee, after deliberating the guidelines proposed by the Forest Conservation Division with the Regional Offices and Nodal Officers of the States, recommended that *under exceptional circumstances of emergent situations and non-availability of the technical expertise* with the State/UT Forest Department, the Ministry may consider permitting the State Govt./UT Administrations to allow other Government Department to implement forestry works such as soil and moisture conservation, construction of check dams, etc. in the forest area in accordance with the proposed guidelines annexed at **Annexure-II**.

Annexure-II

Proposed Guidelines

Activities to tackle the natural disaster or to avert the same are temporary in nature which can be undertaken to deal with emergent situations such as forest fires, floods, landslides, etc. Enabling provisions to deal with such situations, have been provided in the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Consolidated Guidelines issued thereunder. The relevant provisions are as under:

- i. The temporary use or breaking of forest land may be essential at times in the threatening disaster situations, wherein immediate action is required to save wildlife, human lives, public property. In such emergent situations and in light of the provisions given under clause (ii), (iii) and (v) of the 'Explanation' given under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and provisions of the para 1.7 (b) read with para 1.7 (b) of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Saamvardhan) Adhiniyam, 1980, the following activities, being forestry activities, can be undertaken in the forest land:
 - a. Establishment and maintenance of fire lines,
 - b. Construction of structures for soil and water conservation such as check dams, brushwood dams, gabion structures, waterholes, water tanks, trenches, and pipelines, etc.

- ii. *Under exceptional circumstance of emergent situations and non-availability of the technical expertise*, the State Forest Department, with a view to avert the natural disaster by ensuring efficient and effective preparatory works to avert natural disasters, if so desire, may allow the other Government Departments to undertake the implementation of forestry activities for soil and water conservation activities in the forest area subject to following conditions:
- a. The activities should be forestry activities in the accordance with the 'Explanation' given under sub-section (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - b. The proposed activities to be implemented in the forest area should in consonance with the prescriptions given in the Working Plan approved for the Forest Division by the Central Government.
 - c. Prior permission of the State Forest Department under the Indian Forest Act, 1927 (16 of 1927) or the State Forest Act will be obtained by the user agency concerned for entry and carrying out such activities in the forest lands.
 - d. Approval of the Divisional Forest Officer of the Forest Department shall be obtained on the layout plan and structural designs of the activities to be implemented for the soil and water conservation in the forest land.
 - e. Entire works should be implemented under the supervision of the concerned Divisional Forest Officer.
 - f. No damage to the flora and fauna shall be caused by the Govt Department implementing the soil and water conservation works in the forest land
 - g. The activities shall be implemented in such a manner involving no tree felling of trees, however, cleaning of bushes and shrubs and pruning of trees may be allowed as per requirement of the site.
 - h. Expenditure to be incurred on the proposed soil and water conservation activities shall be borne by the Government Department implementing such activities in the forest land.
 - i. The legal status of the forest will be unchanged and ownership of the such temporary structures will vest with the forest department, and protection and maintenance of such structures may either be done by the forest department or by the assisting user agency as the need may be. Necessary permission for entering in the forest and carrying out the work will be regulated by the forest department as per the extant Acts and rules.

Agenda No. 5

Subject: Effect of amended rules under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 on NHAI road projects Provision of Accredited CA land in lieu of diverted forest land for compensatory afforestation (CA) – clarification sought by the Government of Punjab on the ACA plantations – reg. (F. No. 11-59/2022-FC)

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 27.08.2024. The DDGF (Central), from various Regional Offices, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations in the matter noted that the State Government of Punjab vide their letter dated 25.07.2024 has requested to reduce the minimum age prescribed for the eligibility of ACA plantation. Following submissions have been made by the Government of Punjab:
 - i. NHAI has been constructing modern network of Expressways and Highways at various places within the State of Punjab, which invariably, involves diversion of the forest land. NHAI is required to provide either equivalent Non-forest land for creation of Compensatory Afforestation or Accredited Compensatory Afforestation.
 - ii. The National Highway Authority of India has offered to provide plantation areas meeting the criteria of Accredited Compensatory Afforestation in lieu of diversion of forest land such as avenue plantation area along National Highway namely NH-54. This plantation was raised in 2020-21 by the Forest Department under an agreement and funding from NHAI in non-forest Land. It meets all the criteria of ACA except the condition of 5 years as this plantation is 3 +years old.
 - iii. As per consolidated Guidelines given under para 2.2 (ii) of Chapter-2, the guidelines proposed for Accredited Compensatory Afforestation mention the minimum age of 5 years for a plantation to be accredited as ACA plantation.
 - iv. The State Government has considered the proposal of NHAI to provide plantation areas meeting the criteria of Accredited Compensatory Afforestation in lieu of diversion of forest land and keeping in view the important nature of the NHAI projects, the State Govt. feels that relaxation may be given to allow the 3+ years old plantation spread over 100 ha (approx.) to be considered under the ACA Scheme.
 - v. The State Government has recommended the case to consider it for ACA as it qualifies all the preconditions, except 5 year of age.
4. The Committee, after further deliberation in the matter noted the following:
 - i. The para 2.2 (ii) of the Consolidated Guidelines issued on 29.12.2023 inter-alia mention the following:

(ii) The non-forest lands afforested as per the provisions Accredited Compensatory Afforestation scheme i.e. patch of non-forest land involving minimum area of 10 ha with 0.4 vegetation density and minimum five years old afforestation can be used as CA in lieu of diversion of forest land.
 - ii. Para 2.4 (2) (vii) of the Consolidated guidelines provides the following:

- (vii) *An afforestation shall be counted towards ACA if such land has vegetation composed predominantly of trees having canopy density of 0.4 or more and the trees are at least five years old;*
- iii. Further para 2.4 (4) (iv) of the Consolidated guidelines provides the following:

The Forest Department shall give priority to such proposals and on receipt of 'In-principle' approval said land parcel shall be transferred and mutated in favour of the State Forest Department and declared as Protected Forest under Section 29 of the Indian Forest Act, 1927 or any other law; However, in exceptional cases as decided by the Government of India on case to case basis, Government owned lands, where transfer of ownership of land to the Forest Department is not possible due to legal impediments, such lands, without changing their ownership, will be notified as Protected Forest under the Indian Forest Act, 1927 or any other local Act for the management by the Forest Department concerned as per the prescriptions of the Working Plan. Provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Indian Forest Act, 1927 and relevant local Act(s) shall be applicable on such lands and shall be brought under the management and administrative Control of the local Forest Department concerned.

- iv. The above guidelines have been issued in accordance with the provisions of the rule 14(5)(c) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 which provides that "... (c) an afforestation shall be counted towards accredited compensatory afforestation if such land has vegetation composed predominantly of trees having canopy density of 0.4 or more and the trees are at least five years old...."
 - v. The minimum age of plantation has been prescribed in the guideline and rules to ensure that requisite density minimum 0.4 or above is attained during the said age. In the instant case, as per submissions made by the State Government, the plantation raised over an area of approximately 100 ha has attained the requisite density of 0.4 and accordingly, the State Government has agreed to accept the said land as ACA, provided the age limit of 5 years is relaxed to 3 years by the Central Government. Keeping in view the factual situation provided by the State, the submissions made by the State Government deserves consideration by the Ministry.
 - vi. As these lands meets most of the preconditions for ACA and will also attain the age of 5 years shortly as prescribed in the Van (Sanrakshan Evam Samvardhan) Rules, 2023, they deserve to be accepted as ACA. Once these lands are notified as Protected Forests, they will be forest for all purposes irrespective of their ownership. Therefore, following the principle of 'once forest always forests' these lands can be accepted for ACA as proposed by the State Government.
5. **Decision of the Advisory Committee:** The Committee, after deliberating the matter with the Regional Offices and Nodal Officers of the States, recommended that considering the proposal of the State Government of Punjab, as a special case, the plantations raised by the NHAI along National Highway namely NH-54

may be accepted by the Ministry as Accredited Compensatory Afforestation subject to following:

- i. The procedure for online submission and approval of proposal for the Accredited Compensatory Afforestation shall be ensured by the concerned Government entity as well by the State Government.
- ii. Similar proposals, if received from the States/UTs in near future, may be considered by the Ministry, on case to case basis.

Agenda No. 6

Sub: Use of pre 1980 roads for transportation and evacuation of mines out material from the mining leases – clarification sought by the Government of Karnataka – reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 27.08.2024. The DDGF (Central), from various Regional Offices, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations in the matter noted the following:
 - i. The State Government of Karnataka, vide their letter dated 30.04.2024 has sought a clarification whether the guidelines dated 15.11.2001, allowing use existing forest roads for by the lessee of cluster mining on the terms and conditions to be decided by the State Government, are still still effective for granting temporary permission to use existing approach road which was used before 1980 for mining purposes and other non-forest activities.
 - ii. Subsequently, the State Government of Karnataka vide their letter dated 28.06.2024, received on 5.07.2024, informed that in accordance with the provisions of the guidelines 15.11.2001, the State Government has issued temporary permission not exceeding six months at a time on the following conditions:
 - (a) Approach road must have been existing before 1980.
 - (b) The concerned user agency would have submitted application under FC Act for the approach road.
 - iii. After the enactment of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 on 25.10.1980, prior approval of the Central Government was mandatory before grant of new mining leases, including for activities ancillary to mining such as approach road i.e. approach roads to a mining lease, being a non-forestry activity also attracted the provisions of the Adhiniyam.
 - iv. Subsequently, the MoEF&CC, through its RoHQ Divisions has issued a clarification to Regional Office, Bangalore on 1.06.2015 clarifying that roads are to be treated as a part of mining project. Said guidelines were in force till 28.03.2019 i.e. date of issue of Handbook on Guidelines and Clarifications which was issued in suppression of all previous guidelines. Recently, the Ministry has issued Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam and Rules framed thereunder on 29.11.2023 which was also issued in suppression of all previous guidelines.

- v. The guidelines dated 15.11.2001, relied by the State Government for granting the working permission are not in vogue as explained above. Therefore, the action taken by the State Government to allow temporary working permission are not tenable in light of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, Rules and Guidelines made thereunder. Moreover, pending the decision of the Ministry on the clarification sought by the State vide their letter dated 30.04.2024, the action of the State Government to permit use of road does not seem to be appropriate. There is set practice of obtaining approval in such leases. However, to facilitate better decision making in the matter, it will be appropriate that further details, specific to the case, with regards to existence of road before 1980 and its use for the mining and applicability of the provisions of the Van (Sanrakshan Evam Samvardhan) Addhiniyam in light of various guidelines and ruling of the Hon'ble Supreme Court needs to be made available to the Committee.

4. Decision of the Advisory Committee: *The Committee, after deliberating the matter with the Regional Offices and Nodal Officers of the State, deferred the matter for obtaining a detailed site inspection report of the area by the Regional Office providing the following:*

- (i) *Status of existence of road before 1980 and its use for the transportation of mined out minerals.*
- (ii) *Status of leases using the said road during the pre 1980 and post 1980 period*
- (iii) *Applicability of the provisions of the Van (Sanrakshan Evam Samvardhan) Addhiniyam, 1980 on the said forest road in light of various guidelines and ruling of the Hon'ble Supreme Court*

Agenda No. 7

Subject: "Site Specificity "of diversion of forest land for small Public Utilities in Himachal Pradesh - reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 27.08.2024. The DDGF (Central), from various Regional Offices, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after deliberations in the matter noted that the PCCF & HOFF, State Government of Himachal Pradesh vide his letter dated 8.06.2024 and 09.07.2024 requested Ministry to rationalize the guidelines related to non-site activities in the forest area for small projects. Submissions made by the PCCF & HoFF are as under:
 - i. Total geographical area of the State includes 66.16% of forest area comprising of only 27.33% area under forest cover of >0.10% canopy density resulting into a situation of involvement of sparsely vegetated areas in the public utility projects.
 - ii. Area proposed for diversion for such proposals is generally less than 1 ha and due diligence is exercised at various levels before finalizing a patch of land for

public utility projects ensuring minimum impact of biodiversity and ecology of the area. Such small proposals are submitted to the Regional Office for approval.

- iii. However, adverting to the guidelines given at para 1.10 (i) & (ii) of the Consolidated Guidelines relating non-site specific activities in the forest areas, the Regional Offices often forwards such proposals to MoEF&CC for further approval. Therefore, approval of such proposals has become very time consuming and unwieldy, leading to cost escalation and sometime impacting the environment negatively.
 - iv. In view of the above, the PCCF has requested for streamlining the existing provisions of Guidelines so that such small public utility projects are not referred to the MoEF&CC level and are decided at the Regional Office level.
4. The Committee, after further deliberations in the matter noted the following:
- i. The matter, relating to non-site specific activities, was earlier considered by the Advisory Committee in its meeting held on 21.08.2023 and based on the recommendation of the Advisory Committee the guidelines on the non-site specific activities were issued by the Ministry which were incorporated at para 1.10 of the Consolidated Guidelines.
 - ii. From the above provisions of the Guidelines, it is imperative that the intent of the aforesaid guidelines is to provide *modus operandi* to deal with all non-site specific projects. Further, para 1.10(ii) of the said guidelines mention that only those non-site specific cases where there is some ambiguity is observed by the Regional Office regarding its non-site specificity, are to be forwarded by the Regional Office to the MoEF&CC for decision along with the recommendation of the REC/Regional Office.
 - iii. The intent of the Central Government to issue guidelines is to ensure that only those non-site specific activities, which are unavoidable and requirement of forest land for such activities are inescapable are allowed in the forest area. The Regional Office/Regional Empowered Committee, after having satisfied with the justification and inescapability of the forest land may consider such proposals for approval under the Adhiniyam. Only those cases, where ambiguity is observed regarding the non-site specificity are need to be forwarded to the MoEF&CC for further decision.
 - iv. Many such small proposals are received in the MoEF&CC for decision. In the MoEF&CC, such proposals are referred to the Advisory Committee, thereby increasing the time elapsed in the process of approval. Although, such proposals involves smaller area or public utility project, yet the time and levels of examination of such proposals is higher than the proposals which involve relatively higher forest land.

5. **Decision of the Advisory Committee:** 2. The Committee, after deliberating the matter with the Regional Offices and Nodal Officers of the State, Observed that legitimacy of the requirement of a public utility with no viable alternatives, make such proposals site-specific and use of forest land inescapable and accordingly, the Committee recommended that the Regional Offices of the Ministry should ascertain the legitimacy of a public utility project as non-site specific or site specific in light of justifications provided by the State and proposals found to be site-specific for want of availability of viable alternatives should be considered on their merits by the concerned Regional Office in accordance with the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam.

Additional Agenda

F. No. 8-37/2022-FC

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 455.1108 ha of forest land for Pachwara South Coal Block project in favour of M/s Neyveli Uttar Pradesh Power Ltd. (NUPPL), District Dumka, Jharkhand State (Online No. FP/JH/MIN/59823/2020) –regarding.

1. The agenda item was considered by the AC in its meeting held on 27.08.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Jharkhand vide their letter No. Van Bhumi-19/2022-3464 V.P. dated 29.11.2022 submitted a proposal seeking prior approval of Central Government under Section 2 of Forest (Conservation) Act, 1980 for the non-forest use of 455.1108 ha of forest land for Pachwara South Coal Block project in favour of M/s Neyveli Uttar Pradesh Power Ltd. (NUPPL), Jharkhand.
 - ii. Legal Status of Forest land involved is 455.1108 ha Reserved forest (Sec-4 of IFA) and the density of the proposed area is 0.7 having Eco class 3.
 - iii. Density of vegetation has been given as 0.7 with 91,564 project affected trees comprising of 74736 trees of below 60 cm girth and 16,828 trees above 60 cm girth. As per DSS analysis, out of total forest area of 455.1108 ha, 204 ha is classified as Medium Dense Forest, 72 as Open Forest and 180 as non-wooded land.
 - iv. Compensatory afforestation has been proposed over 910.23 ha of double degraded forest land identified under Dumka, Deoghar and Sahibganj districts in Jharkhand in lieu of 455.1108 ha of forest land proposed to be diverted.
 - v. The Pachwara South Coal Block has been allotted to NUPPL vide Allotment Order No 13016/26/2044-CA-I/CA-III(Pt) Vol.II) dated 3.10.2016 by the Ministry of Coal. Pachwara South Coal Block falls into the Rajmahal Coalfield. Coal from the Pachwara South Coal Block is proposed to be used for captive purpose i.e. linked to Ghatampur Thermal Power Plant of 1980 MW capacity. Coal based TPP is being set by the Neyveli Uttar Pradesh Power Ltd. Which is a joint venture company of NLC India Ltd (Central PSU) and Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited (Govt of UP PSE). Total lease area of the Coal Mining Project is 715 ha comprising of 455.1108 ha of forest

land and 259.7445 ha of non-forest land. The land has been acquired under the CBA, 1957.

- vi. The prospecting in the forest Block has been carried out by the user agency. Permission for prospecting was granted by the RO, Ranchi on 23.07.2019 and transportation of Coal from the Pachwara Coal mine has been proposed through conveyor belt to nearest Railway siding named Pachwara Railway Siding. Till construction of conveyor belt is completed the transportation will be undertaken through road.
- vii. The state has informed that the transportation of coal through conveyor belt will start in the 7th year of coal production phase. It is proposed to construct an overhead conveyor up to railway siding in Pachwara village, after crossing the Pachwara Central Coal Block. The conveyor will cover the areas of 2 coal blocks. Pachwara South, Pachwara central Land schedules of Pachwara South Coal Block is already approved and submitted in Form I, showing the forest land details. But the forest land of Pachwara Central is not under the jurisdiction of M/s NUPPL. Hence, details of the forest land falling in this block cannot be included in the extant proposal.
- viii. Further, for transportation of coal from the 3 coal blocks- Pachwara Central, Pachwara North and Pachwara South a Special Purpose vehicle (SPV) is formed. It will be jointly run by 3 coal block and State Government will act as the fourth member of this joint venture. Therefore, a separate land schedule as a whole will be prepared including the construction of the overhead conveyor belt as well.
- ix. The Mining plan along with Mine Closure Plan has been approved by the Ministry of Coal vide their letter no. 34011/2/2020-MPS dated 11.11.2020 for an area of 715 ha with capacity of 13.5 MTPA for a period of 38 years.
- x. The analysis of the area proposed for diversion, using DSS tools, revealed occurrence of road in the area proposed for diversion and the State Govt. has informed that the said road connects the three villages namely Mahuldabar, Kundapahari and Chirudih and are under active consideration for resettlement and within the leasehold area of Pachwara South Coal Block (PSCB). These villages will be resettled in due course of the mining operations of Pachwara South Coal block. Project proponent has proposed a diversion road from the western part of mine boundary, moving along the northern boundary and will connect the eastern most part of the block in Chirudih village.
- xi. The CF, Dumka in his inspection report has mentioned that proposed area, situated at the North Eastern Boundary of Dumka Forest Division, is a connecting link between Dumka and Pakur Forest Division. The landscape provides connectivity to wildlife habitats and maintains rich biodiversity. It is mentioned that the proposed area is a path for wildlife movement including Elephant from Dumka to Pakur and Godda. The landscape is also significant in terms of hydrological functions since Bansloi river is called lifeline flows in the area. Proposed mining site is located just on the right bank of Bansloi River. On the left bank of Bansloi River, two other coal blocks viz Pachwara North and Pachwara Central are operation. Proposed diversion will further lead to the

fragmentation of wildlife habitat. CCF in his inspection report among other facts, mentioned the following:

- a. Area is visited by wild elephants and there has been incidences of human-wildlife conflicts.
 - b. Proposed project will lead to further fragmentation of wildlife habitat.
 - c. Project will have adverse impact on the general ecosystem, water regime, and soil conditions.
 - d. Many mining operations in the area have started merely on the basis of undertakings without implementation of Wildlife Conservation Plan/Biodiversity Conservation Plan/Soil Conservation Plan
 - e. CCF has recommended the proposal subject to certain strict compliance of mitigating measures suggested therein.
- xii. The PCCF & Nodal Officer recommended the proposal inter-alia subject to fulfilment of general and standard and following specific conditions:
- a. Development of in-house capacity for sustaining the eco-restoration activities with qualitative assurance over the entire project period.
 - b. Period of diversion will be 30 years.
 - c. A site specific wildlife management plan of a radius of 10 km from the proposed lease area at the project cost will be prepared. Besides this, migration path for elephant's passage if present beyond 10 km then such migration route shall be developed with plantation of suitable species at the project cost.
 - d. User agency shall prepare a Digital Elevation Model of 10 Km radius using LIDAR technology before commencement of mining operation and shall be repeated on 3rd, 5th, 10th, 15th, 20th, 25th and 30th year in consultation with the PCCF. On the basis of DEM user agency shall prepare a CAT and SMC plan of 10 km radius including Chatua nala other nearby nalas. These plans will be approved by the PCCF (HoFF) and will be implemented by the Forest Department at the project cost. A team, to be finalized by the PCCF, comprising of officials of user agency, Forest Department subject matter specialist shall be constituted to study and monitor the soil erosion, water conservation, ecological restoration activities during the implementation of the project.
 - e. Water security plan prepared by the group of experts shall be adhered to.
- xiii. The PCCF Wildlife in his comments dated 4.08.2022 has concurred the observations of DFO and CF and inter-alia recommended the following:
- a. A comprehensive Regional Wildlife Management Plan should be prepared after carrying put detailed inspection of the area by experts to mitigate the adverse impact of mining activities on the biodiversity and ecology.
 - b. A comprehensive Site Specific Wildlife Management Plan, which should be part of Integrated Regional Wildlife Management Plan should be prepared by the user agency and implemented in a time bound manner at project cost.

- c. An assessment of likely impact of the project on the ecology, flora and fauna should be undertaken by the subject matter experts based on the collection of data on flora and fauna of the area at the landscape at the project cost so that data pertaining to endangered species of the State can be generated and maintained for better mitigating measures.
 - d. To minimise the wildlife-human conflicts, the user agency should cooperate the State Forest Department in social welfare initiative.
- xiv. The Regional Office, Ranchi in its Site Inspection Report has reported that a Comprehensive Bansloi River Catchment Area Treatment Plan with Soil & moisture conservation measures in the watershed to ensure water –security as well as eco- restoration during & post project period may be considered as part of the proposed project. Similarly, a comprehensive Wildlife Management Plan well before commencement of mining operations which should have provision for continuous study to decide about the impact of mining on biodiversity indices of the region during project period should also be an indispensable part of the project.
- xv. The Mining plan along with Mine Closure Plan has been approved by the Ministry of Coal vide their letter no. 34011/2/2020-MPS dated 11.11.2020 for an area of 715 ha with capacity of 13.5 MTPA for a period of 38 years.
- xvi. The proposal was discussed in Advisory Committee meeting held on 20.10.2023 and the Advisory Committee deferred the proposal for want of following information:
 - a. The components of the area proposed are not commensurate with the approved mining plan. The State shall ensure that the proposal is in conformity with the approved mining plan and submit the revised mining plan/proposal accordingly.
 - b. The forest area proposed for diversion is situated within the Elephant Migration route. The State govt was asked to submit the detail of the existing and proposed elephant corridors in the landscape which has not been provided. A detailed report in this regard shall be submitted.
 - c. Out of the total proposed forest land an area of 10.313 ha forest land is earmarked for infrastructure which is a non-site-specific activity. Therefore, the State Govt. shall explore the possibility to shift the 10.313 ha infrastructure development to non-forest land and revise the requirement of forest land accordingly.
 - d. The details of the special purpose vehicle created for the purpose of conveyor belt and requirement of additional forest land for the transportation of the coal shall be submitted along with a KML file showing the proposed route and involvement of forest land.
 - e. The Compensatory Afforestation areas shall be revisited and the State shall ensure that the same are free from encroachments and all encumbrances. Smaller patches with an area of less than 5 ha will not be appropriate for management and therefore the same needs revision. Therefore, in such cases revised CA patches along with revised CA Scheme and other details shall be submitted.
 - f. The correct KML file indicating the different components of the project including those proposed to be taken on non-forest land shall be submitted.

- g. With regard to current status of progress of the settlement proceedings after notification under section 4 of the IFA, the State Government has informed that the section 4 notification is of the year 1944 and status of settlement proceedings is not available with the State Government. In this regard, the State shall submit a copy of the notification as asked by the Ministry earlier.
- xvii. The State Government has informed that the Mining Plan including Mine Closure Plan was prepared in the year 2020 where land schedule utilized was certified by the revenue department. Later on during the scrutiny of the forest diversion proposal, involvement of forest land was found more and accordingly the FC proposal was modified. The issues have been addressed through Minor Revision of the Mining Plan as per the provision of the Ministry of Coal's Guidelines for preparation of Mining Plan and Mine Closure Plan.
- xviii. The State Government has also informed that the whole of the project area of Pachwara South Coal Mine is coal bearing. The mine has been designed in such a way that it doesn't involve any additional land outside the allotted Geological Block boundary for Dumping & Infrastructure laying and there is no infrastructure proposed over the forest land as per the approved Revised Mining and Mine Closure Plan.
- xix. The State Government has also informed that the infrastructure area comprising 10.313 ha is relocated in the back filled area where the nature of land is non forest. Necessary corrections have been addressed in the proposal in accordance with the Revised Mining Plan including Mine Closure Plan.
- xx. The State Government has informed that Coal Transportation from Pachwara South Coal Mine involves road transportation through existing road along the northern bank of Bansloi river upto Amrapara and thereafter upto Kurwa Siding (Dumka) where dedicated siding for Pachwara South Coal Mine is being constructed.
- xxi. As per DSS analysis it was observed that in order to connect the mine with the existing road on a northern bank a bridge construction would be involved. The State needs to confirm whether any additional forest land would be required for the bridge construction or not. Further, the state has revised the component wise breakup as per mining plan, however the component wise kml file submitted is not correct.
- xxii. The State Government has submitted the copy of the notification under section 4 of the IFA.
- xxiii. The proposal was again placed before Advisory Committee in its meeting held on 07.06.2024 wherein the Committee deferred the proposal for want of following information:
 - a. The forest area proposed for diversion is situated within the Elephant Migration route. The State govt. has submitted the detail of the existing and proposed Elephant Migration route along the contiguous landscape of Damin-i-Koh from Kathikund & Gopikandar Forests (biggest forest block, the Old Reserve Block) to the Amrapara Forest of Pakur Forest Division & Sundarpahari Forests of Godda Forest Division and at the confluence of Bansloi River. Keeping in view the importance of the habitat, a detailed in depth analysis of this issue is required. The Regional Office, Ranchi shall therefore re-visit the area and submit its recommendations in view of the elephant habitat, the

dense forest patches and Bansloi river along the area proposed for diversion.

- b. The FC Division shall seek comments from Project Elephant Division of the Ministry keeping in view the presence of elephants in the area.
 - c. As per DSS analysis it was observed that in order to connect the mine with the existing road on a northern bank of Bansloi river, a bridge construction would be required. The State needs to confirm whether any additional forest land would be required for the bridge construction or not.
 - d. The state has revised the component wise breakup as per mining plan, however the component wise KML file submitted is not correct. A correct component wise KML file of the mining lease area commensurate with the mining plan and the proposed diversion shall be submitted.
 - e. As per the provisions contained in the Van (Sanrakshan Evam Samvardhan) Rules, 2023, the Compensatory Afforestation cannot be allowed on degraded forest land in the instant case. The state shall therefore initiate steps for the identification of alternative land for CA as per the provisions of extant Rules.
- xiv. The Ministry vide its letter dated 26.06.2024 requested the State Government/Regional Office to furnish information as per recommendation of Advisory Committee. In addition, the Project Elephant Division was requested to provide their comments as per recommendation of AC.
 - xv. The State Government has reported that in order to cross Bansloi river, construction of Bridge is inevitable. A bridge will be constructed to connect existing road in the northern bank of Bansloi river to connect Amrapara from where coal transportation vehicles will be enroute towards Kurwa Siding (Dumka). The connecting bridge and associated transportation road does not involve any additional forest land.
 - xvi. The Project Elephant Division has furnished their comments and mentioned that the proposed site for mining is considerably far away from the existing elephant corridor, elephant habitat and Elephant Reserve.
 - xvii. The Regional Office, Ranchi vide their letter no. FP/JH/MIN/59823/2020 dated 05.08.2024 has submitted Site Inspection Report and recommended the proposal wherein following conclusion has been made:
 - a. As per DSS analysis, the proposed site is not an inviolate area. The proposed area is having moderately dense forest. The number of trees to be felled is large. To minimize the adverse ecological impact, trees should be felled in a phased manner and when become absolutely necessary and under strict supervision of State Forest Department. Wherever feasible suitable species should be transplanted.
 - b. There is occasional movement of elephant in this area. The proposed forest land is not a regular migratory route of elephants. The State Govt. may prepare and implement Wildlife Conservation plan duly approved by CWLW, Jharkhand to mitigate the impact of mining on elephant and other wildlife in and around the proposed area at project cost.
 - c. As the Bansloi river is flowing in the Northern boundary of the proposed mining lease, no excavated material and mine waste water shall be discharged into the river. Embankment all along the river bank should be

constructed to ensure that the no mining waste water is drained to the river. Catchment area treatment plan for river Bansloi may be prepared and implemented at project cost.

- d. Safety Zone of 100 meter along the river bank shall be maintained. Inside the safety zone, plantation should be done at the project cost. Because of creating Safety zone maintenance along the river 8000 trees can be saved from felling besides restricting drained water from the mined area.

- xviii. The Advisory Committee observed that as per the provisions contained in the Van (Sanrakshan Evam Samvardhan) Rules, 2023, the Compensatory Afforestation cannot be allowed on degraded forest land in the instant case and the state has to provide alternative land for CA as per the provisions of the new Rules.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand, the Committee recommended the proposal for grant of '**in-principle**' approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 455.1108 ha of forest land for Pachwara South Coal Block project to the general, standard and following specific conditions:

- i. Details (i.e. KML file, SOI topo sheet, DGPS map, approved CA Scheme, site suitability certificate etc.) of non-forest land equal in extent to the forest land being proposed for diversion including the area for safety zone/green belt shall be submitted by the State Government along with the compliance report of the Stage-I approval.
- ii. The non-forest land to be identified shall be transferred and mutated in favour of the State Forest Department and shall also be notified as RF/PF under IFA, 1927 or any state /local act before granting the Stage-II approval.
- iii. Trees should be felled in a phased manner and when become absolutely necessary and under strict supervision of State Forest Department and wherever feasible suitable species should be transplanted.
- iv. The State Govt. shall prepare and implement Wildlife Conservation plan duly approved by CWLW, Jharkhand to mitigate the impact of mining on elephant and other wildlife in and around the proposed area at project cost.
- v. As the Bansloi river is flowing in the Northern boundary of the proposed mining lease, no excavated material and mine waste water shall be discharged into the river. Embankment all along the river bank should be constructed to ensure that the no mining waste water is drained to the river. Catchment area treatment plan for river Bansloi shall be prepared and implemented at project cost.
- vi. Safety Zone of 100 meter along the river bank shall be maintained and inside the safety zone, plantation should be done at the project cost.
- vii. A site specific wildlife management plan of a radius of 10 km from the proposed lease area at the project cost will be prepared. Besides this, migration path for elephant's passage if present beyond 10 km then such

- migration route shall be developed with plantation of suitable species at the project cost.
- viii. User agency shall prepare a Digital Elevation Model of 10 Km radius using LIDAR technology before commencement of mining operation and shall be repeated on 3rd, 5th, 10th, 15th, 20th, 25th and 30th year in consultation with the PCCF. On the basis of DEM user agency shall prepare a CAT and SMC plan of 10 km radius including Chatua nala and other nearby nalas. These plans will be approved by the PCCF (HoFF) and will be implemented by the Forest Department at the project cost. A team, to be finalized by the PCCF, comprising of officials of user agency, Forest Department subject matter specialist shall be constituted to study and monitor the soil erosion, water conservation, ecological restoration activities during the implementation of the project.
 - ix. As recommended by the State, the Water security plan prepared by the group of experts shall be adhered to.

(Not present)

Dr. Naveen Chandra Bisht
(non-official Member)

(Not present)

Shri S. D. Vora
(non-official Member)

(confirmed through e-mail)

Shri Manoj Pant
(non-official Member)

(confirmed through e-mail)

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

(confirmed through e-mail)

Shri Sushil Awasthi
Additional Director General of Forests
(WL)
(Member)

(confirmed through e-mail)

Shri Anjan Kumar Mohanty
Additional Director General of Forests (FC)
(Member)

(Confirmed)

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

(Approved)

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