



No. 5-ORC473/2021-BHU

3<sup>rd</sup> November, 2021

To

The Addl. Chief Secretary,  
Forest & Environment Deptt.,  
Government of Odisha,  
Bhubaneswar-751 001.

Sub:- Diversion of 10.803 ha of forest land (PRF land 6.084 ha + Revenue Forest 4.719 ha) for construction of 33 KV Power line corridor on NBLs Tower from 220/33 KV Grid Sub-station at Khairput, Govindpali of OPTCL to 33 KV Sub-station site near Saptadhara H.E.P. in Malkangiri District by M/s Sri Avantika Power Projects Pvt. Ltd., Bhubaneswar.

Madam,

I am directed to refer to State Govt. letter No10F(Cons)66/2021-17234/F&E dated 27.09.2021 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 01.11.2021, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 10.803 ha of forest land (PRF land 6.084 ha + Revenue Forest 4.719 ha) for construction of 33 KV Power line corridor on NBLs Tower from 220/33 KV Grid Sub-station at Khairput, Govindpali of OPTCL to 33 KV Sub-station site near Saptadhara H.E.P. in Malkangiri District by M/s Sri Avantika Power Projects Pvt. Ltd., Bhubaneswar, subject to the fulfillment of the following conditions.

**A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.**

- i) The user agency shall transfer online, the Net Present Value (NPV) of 10.803 ha forest land being diverted under this proposal, as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 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 in CAMPA account of the State concerned.
- ii) The State Govt./User agency shall submit compliance of earlier proposal for diversion of 3.599 ha of forest land for Saptadhara Small HEP by M/s Avantika Power Project Pvt. Ltd. within 6 months.
- iii) The State Govt./User agency shall submit copy of the PF/RF Notification in respect of non-forest land identified for C.A. over 3.852 ha against Saptadhara Small HEP within 15 days as said by the Nodal Officer (FCA), Odisha.

- iv) In the proposed Compensatory Afforestation Scheme, species selected for plantation may be same compositions that are to be felled in the project area, since CA is being taken up in the same division where project area is located.
  - v) The land identified for the purpose of Compensatory Afforestation shall be clearly depicted on a Survey of India Topo sheet of 1 : 50,000 scale.
  - vi) The KML files of the area to be diverted and the CA areas shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.
  - vii) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
  - viii) The user agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal species) in right of way under the transmission line, and provide funds for execution of the said scheme by the State Forest Department.
  - ix) All the funds received from the user agency under the project shall be transferred/ deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
  - x) The cost of felling of trees shall be deposited by the user agency with the State Forest Department. The user agency shall explore the possibility of successful transplantation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
  - xi) The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in/>).
  - xii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificates from the concerned District Collector.
  - xiii) The boundary of the proposed forest land for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.
- B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval.**
- i) Legal status of forest land proposed for diversion shall remain unchanged.

- ii) Compensatory afforestation shall be raised over 22.00 ha of degraded forest land identified in Tandiki RF of Mathili Range under Malkangiri Forest Division within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department, at the cost of user agency. In the Compensatory Afforestation Scheme, species selected for plantation may be of same composition that are to be felled. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals.
- iii) At the time of payment of Net Present Value (NPV) at the then prevailing rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- iv) The base of towers in forest area to be fenced with barbed wire in addition to spike on the legs of the towers so as to avoid elephant electrocution/death of wild animals especially in forest areas. The concerned DFO shall inspect the area and shall take a decision as to the specific towers which shall be provided with spike on the leg of the towers.
- v) Sufficient ground clearance has to be maintained in consideration of the sag and swing of lines and height of elephants to stop untoward incidence of electrocution as per existing guidelines of MoEF&CC dated 05.05.2014 and 19.11.2014.
- vi) The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
- vii) The user agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No.7-25/2012-FC dated 05.05.2014 and 19.11.2014.
- viii) The user agency shall obtain Environmental Clearance as per the provisions of Environment (Protection) Act, 1980, if applicable.
- ix) No labour camp shall be established on the forest land and the user agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- x) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xi) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xii) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- xiii) The forest land shall not be used for any purpose other than that specified in the proposal.
- xiv) The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.

- xv) No damage to the flora and fauna of the adjoining area shall be caused.
- xvi) The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
- xvii) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and concerned Integrated Regional Office of this Ministry by the end of March every year.
- xviii) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.
- xix) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

3. **Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in Para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.**

4. After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

5. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per Para 11.2 of Chapter-11 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019. Under no circumstances the working permission shall be extended beyond one year. Any working beyond one year shall be construed as a violation.

Yours faithfully,

*Padma Mahanti*

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
2. M/s Sri Avantika Power Projects Pvt. Ltd., Flat No.103, Utsav Enclave, Chandrasekharpur, Niladrivihar, Main Road, Bhubaneswar – 751016, Odisha.

Dy. Inspector General of Forests (C)