



No. 5-ORB477/2021-BHU

3rd December, 2021

To

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

Sub:- Diversion of 0.8 ha of Revenue forest land (Gramya Jungle) in village Arda under Kirmira Tahasil of Jharsuguda District for **expansion of Line-II of Railway line at Jharsuguda Cement Works (JCW) by M/s Ultra Tech Cement Ltd. in Jharsuguda District.**

Madam,

I am directed to refer to State Govt. letter No10F(Cons)68/2021-18225/FE&CC dated 11.10.2021 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, the Ministry of Environment, Forest & Climate Change hereby conveys '**Stage-I/in-principle**' approval for diversion of 0.8 ha of Revenue forest land (Gramya Jungle) in village Arda under Kirmira Tahasil of Jharsuguda District for expansion of Line-II of Railway line at Jharsuguda Cement Works (JCW) by M/s Ultra Tech Cement Ltd. in Jharsuguda District, 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 0.8 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 user agency shall transfer the cost of plantation of 100 nos. of plants (including 10 years maintenance) at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The Plantation Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- iii) The KML files of the area to be diverted 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.
- iv) 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.
- v) The compliance report of the Stage-I approval shall be uploaded on e-portal (<https://parivesh.nic.in/>).

- vi) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- vii) 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) The State Govt. shall carry out plantation of 100 plants towards compensatory afforestation within three years from the issue of approval and maintained thereafter, at the cost of user agency. The State Govt. shall inform the site of the plantation. The trees shall be indigenous to the area and naturally growing species shall be planted using intensive planting technique to ensure survival of the plantation. 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) Speed regulating signage will be erected along the railway line at regular intervals in Protected Areas/Forest Areas.
- v) The user agency shall take up Avenue Plantation on either side of alignment of the track at its own cost in consultation with the DFO.
- vi) The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- vii) 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.
- viii) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- ix) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- x) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- xi) The forest land shall not be used for any purpose other than that specified in the proposal.
- xii) 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.
- xiii) No damage to the flora and fauna of the adjoining area shall be caused.
- xiv) 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.
- xv) 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.

xvi) 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.

xvii) 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.

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, Chandrasekharapur, Bhubaneswar-751023.
2. The Dy. General Manager (HR & Admin), Jharsuguda Cement Works, Near Dhutra Railway Station, PO: Arda, Dist: Jharsuguda, Odisha - 768202.

Dy. Inspector General of Forests (C)