

F. No 8-09/2016-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 12th September, 2017

To,
The Principal Secretary (Forests),
Government of Maharashtra,
Mumbai.

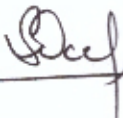
Sub: Application for approval of MoEF&CC under Section 2(iii) of FC Act, 1980 concerning 193.67 ha of forest land ha within total mining lease of 840.83 ha for limestone mining of Shindola mining lease (ACC Ltd.) Tal. Wani, Distt. Yavatmal, Maharashtra.

Sir,

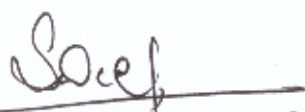
I am directed to refer to the State Government's letter No.FLD-3216/CR-90/F-10 dated 25.04.2016 on the subject mentioned above seeking prior approval of the Central Government under **Section-2 (iii)** of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government seeking prior approval under Section-2 (iii) of the Forest (Conservation) Act, 1980 and on the basis of the recommendations of the Forest Advisory Committee, approval of the Central Government is hereby granted under Section 2(iii) of FC Act, 1980 concerning 193.67 ha of forest land ha within total mining lease of 840.83 ha for limestone mining of Shindola mining lease (ACC Ltd.) Tal. Wani, Distt. Yavatmal, Maharashtra subject to the following conditions:

- (i) Legal status of the forest land shall remain unchanged;
- (ii) The State Government shall charge the Net Present Value (NPV) of entire forest land of the Mining lease for assignment of lease for the extended period of lease under this proposal from the User Agency as per the orders of the 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 and No. 11-599/2014-FC dated 01.04.2015 and 19.10.2015 in this regard;
- (iii) At the time of payment of the 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) All the funds received from the User Agency under the project shall be transferred on line to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (v) State Government shall, within a period of **30 days** from the date of issue of this letter, realize from the user agency, NPV of the entire forest land falling in the mining lease, in case NPV of such forest land has not already been realised;


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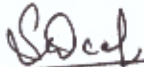
- (vi) In case State Government fails to realize from the user agency, NPV of the entire forest land falling in a mining lease within a period of 30 days from the date of issue of this letter, this approval in respect of such mining lease, shall be kept in abeyance, till such time, the NPV of such forest land is realised by the State Government.
- (vii) The approval under Section 2(iii) of the Forest (Conservation) Act, 1980 shall be valid for a period co-terminus with the period of mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended, and the Rules framed thereunder;
- (viii) This approval does not, in any manner, exempt a user agency from obtaining prior approval under section 2 (ii) of the FC Act in regard to such area of forest land which is to be used for non-forest purpose;
- (ix) Grant of this approval does not in any manner, exonerate the concerned authorities in the State Government or in any other Authority, from the proceedings under Section 3A and 3B of the FC Act, liable to be initiated for violation, if any, of the FC Act committed by them by assigning such forest land on mining lease without obtaining prior approval of Central government under Section- 2 of the FC Act.
- (x) **No physical diversion of forest land will be allowed and no breaking up of forest land to be permitted.**
- (xi) **The project proponent has to pay full NPV for the area.**
- (xii) **The grant of permission under section 2(iii) of Forest (Conservation) Act 1980 will not confer any right on the project proponent for diversion of forest land under section 2(ii) of Forest (Conservation) Act 1980.**
- (xiii) **The forest department will be free to manage the forest area as per normal management practices and working plan prescriptions**
- (xiv) **State Government to ensure complete compliance of the provision of FRA 2006, as per the guidelines issued by MOEF&CC in this regards in consultation with Ministry of Tribal Affairs, prior to executing/granting forest area on lease in favour of the user agency for which the approval under section 2(iii) has been sought**
- (xv) **The permission is subject to confirmation of deposit of NPV amount for the area in Adhoc CAMPA.**
- (xvi) **Mining shall be confined in the non-forest area only and operated as per approved mining plan.**
- (xvii) **It will be ensured that no activity in non-forest land will affect the forest and wildlife in any manner as recommended by NTCA.**
- (xviii) **In future if any destruction ,disturbance or forceful physical diversion of the forest land is effected and noticed by the forest department in the lease area the lease shall be suspended and work shall be stopped immediately till the area is restored to its actual status**
- (xix) **The area is important tiger corridor and the approval under section 2(iii) of Forest Conservation Act 1980 shall not in any manner be understood that user agency will have any right over forest land except for the purpose of executing mining lease. The area will not be broken by user agency for any non forestry purpose and the forest land of the lease area will be maintained as forest at the cost of user agency by the forest department.**
- (xx) **The condition no. (x) to (xix) above shall be incorporated in the lease agreement.**
- (xxi) **No staff/ laborer shall be allowed to enter inside forest area without valid permission of competent local forest authority.**



- (xxii) Demarcation of mining lease area will be done on the ground at project cost using 4 feet high concrete pillars with serial numbers, bearing, distance from pillar to pillar and GPS co-ordinates.
- (xxiii) 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;
- (xxiv) 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;
- (xxv) The State Government and user agency shall ensure compliance for the provisions of all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) & NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

The above approval under Section-2 (iii) of the Forest (Conservation) Act, 1980 is subject to verification of deposit of NPV in State CAMPA Account by Ad-hoc CAMPA and complete compliance of settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as prescribed by this Ministry in its letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013.

Yours faithfully


(Sandeep Sharma) 12.9.17

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur.
2. The Nodal Officer (FCA), O/o the PCCF, Government of Maharashtra, Nagpur.
3. The Addl. PCCF (Central), Regional Office, Nagpur.
4. User Agency
5. Monitoring Cell, FC Divisions, MoEF&CC.
6. Guard File.


(Sandeep Sharma) 12.9.17

Assistant Inspector General of Forests (FC)

13-9-17