

भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
पूर्वी क्षेत्रीय कार्यालय/ Eastern Regional Office
ए/ ३/ A/3, चन्द्रसेखरपुर / Chandrasekharpur
भुवनेश्वर - ७५१०२३ / Bhubaneswar - 751023
E-mail: roez.bsr-mef@nic.in

No. 5-ORB414/2020-BHU
 To

13th May, 2020

The Addl. Chief Secretary,

Forest & Environment Deptt.,

Govt. of Odisha,

Bhubaneswar.

Sub:- Diversion of 0.04 ha of Revenue forest land for construction of approach road to the Petrol pump from the Road (NH-53) present at Barpal under Sukinda Tahasil of Jajpur District by Shri Pradeep Kumar Mallick.

Madam,

I am directed to refer to State Govt. letter No.10F(Cons)61/2020-7019/F&E dated 27.04.2020 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 0.04 ha of Revenue forest land for construction of approach road to the Petrol pump from the Road (NH-53) present at Barpal under Sukinda Tahasil of Jajpur District by Shri Pradeep Kumar Mallick, subject to the fulfillment of the following conditions.

- i. Legal status of forest land proposed for diversion shall remain unchanged.
- ii. The State Govt. shall realize the cost of plantation (including 10 years maintenance) of 100 trees from the user agency towards compensatory afforestation.
- iii. The State Govt. shall charge the Net Present Value (NPV) for the 0.04 ha forest area to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No.566 in Writ Petition (Civil) No.202/1995 and as per the guidelines issued by Ministry vide letter No.5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No.5-2/2006-FC dated 03.10.2006 and No.5-3/2007-FC dated 05.02.2009 in this regard.
- iv. Additional amount of the NPV of the forest land to be diverted, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Govt. from the user agency. The user




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- agency shall furnish an undertaking to this effect.
- v. All the funds received from the user agency under the project shall be transferred/deposited to State CAMPA fund only through (<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. The FRA certificate in Form-II (for linear projects other than plantation) shall be submitted before Stage-II approval.
 - vii. The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 - viii. Fuel stations should generally be part of the rest area complex having other amenities like place for parking, toilets, restaurants, rest rooms, shops etc. Proper planning should be made by the user agency, in advance, for construction of such complex along the highways so that destruction of road side forests is minimized.
 - ix. Suitable signs and markings showing the location of the fuel station may be provided without disturbing the road side plantations.
 - x. No additional or new path will be constructed inside the forest area for any activity related to the project work.
 - xi. No labour camp shall be allowed in the forest area.
 - xii. The user agency shall provide LPG, to labourers working at the site to avoid damage/tree felling and ensure no fuel wood use.
 - xiii. The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
 - xiv. The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
 - xv. The period of diversion under this approval shall be co-terminus with the period of lease granted in favour of user agency or the project life, whichever is less.
 - xvi. The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
 - xvii. The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
 - 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.
 - xx. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

3. 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.

4. 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,




(R.K. Samal)

Dy. Inspector General of Forests (C)

Copy to:-

1. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharapur, Bhubaneswar-751023.
2. The Divisional Forest Officer, Cuttack Forest Division, Cuttack, Odisha.
3. Shri Pradeep Kumar Mallick, At: Sukarana, PO: Ampolaba, PS: Sukinda, Dist: Jajpur-755108, Odisha.
4. Guard file.


Dy. Inspector General of Forests (C)