

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Jor Bagh Road Aliganj
New Delhi-110003
Dated: 18th May, 2023

To,
The Addl. Chief Secretary (Forests)
Government of Odisha
Bhubaneswar


Sub: Application for Permission under Section-2 (iii) of Forest Conservation Act, 1980 by M/s Dalmia Cement (Bharat) Limited) (DCBL) over 575.16 ha of forest land within the granted ML area over 802.255 ha for Kottameta Lime Limestone mining in Katamateru village under Malkangiri Tahasil of Malakangiri District, Odisha (Online Proposal No. FP/OR/MIN/144696/2021)

Madam/Sir,

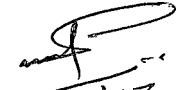
I am directed to refer to the State Government's letter Odisha vide letter No. FE-DIV-FLD-0057-2022-12010 dated 08.01.2022 submitting above subject proposal for seeking prior approval of the Central Government under Section-2 (iii) of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section - 3 of the aforesaid Act. The detailed minutes of the FAC meeting held on 25.04.2023 is placed on the website of this Ministry: (<https://parivesh.nic.in/>).

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby granted approval under Section-2 (iii) of Forest (Conservation) Act, 1980 for grant of forest land on lease over 575.16 ha of forest land within the granted ML area over 802.255 ha for Kottameta Lime Limestone mining in Katamateru village under Malkangiri Tahasil of Malakangiri District, Odisha State through E-Auction by Govt. of Odisha subject to fulfilment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. The State Government shall ensure that NPV, in lieu of forest land being considered for approval under the Forest (Conservation) Act, 1980, will be realized from the user agency, in accordance with MoEF&CC's guidelines dated 06.01.2022 read with guidelines dated 22.03.2022 and deposited, through e-challan, in to the CAMPA account of the State concerned;
- iii. 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. Compensatory levies to be realized from the User Agency under the project


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- shall be transferred/ deposited, through e-challan, into the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
- v. ***This approval under section 2 (iii) will automatically lapse within a period of two years from the date of in principal approval by Central Government, unless the user agency applies for approval under section 2 (ii).***
 - vi. ***The approval under section 2(iii) does not in any manner exempt the user agency from obtaining prior approval under section 2(ii) of the FCA,1980 in regard to such area of forest land which is to be used for non-forest purpose.***
 - vii. ***Grant of approval under section 2 (iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under section 2 (ii) of the Forest (Conservation) Act, 1980 and decision on proposal under section 2 (ii) will be taken purely on the merit of the case.***
 - viii. ***The State govt. shall ensure that breaking up of land or mining operations within the lease area are not allowed without prior approval of the Central Govt. under Section 2 (ii) of Forest (Conservation) Act, 1980. The user agency shall be responsible for the protection of the forest land located in the mining lease. However, administrative and management control of such forest land will remain with the State Forest department or other forest land owning agencies.***
 - ix. The State Government shall, within a period 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 realized;
 - x. In case State Government fails to realize NPV 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, and shall be deemed to have been kept in abeyance, and all mining activities in such mining lease shall be stopped, till such time, the NPV of such forest land is realized by the State Government.
 - xi. The approval 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;
 - xii. No physical diversion of forestland shall be allowed and no breaking up of forest land to be permitted;
 - xiii. The User Agency has to pay full NPV for the area.
 - xiv. The forest department will be free to manage the forest area as per normal management practices and working plan prescription;
 - xv. State Government to confirm complete compliance of the provision of FRA 2006 prior to executing/ granting forest area on lease.
 - xvi. 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;


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- xvii. This permission does not confer any right to User Agency for physical diversion/ Mining or any other activity on the Forest Land;
- xviii. No staff/ laborer shall be allowed to enter inside forest area without valid permission of competent local forest authority;
- xix. 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 coordinates;
- xx. 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;
- xxi. The User Agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly;
- xxii. 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;
- xxiii. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and
- xxiv. 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.

3. The above approval under Section-2 (iii) of Forest (Conservation) Act, 1980 is subject to verification of deposit of NPV in State CAMPA Account by the National Authority (CAMPA) and complete compliance of settlement of right, 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 Sincerely,

Sd/-
(Suneet Bhardwaj)
 Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. DDGF (Central), Integrated Regional Office, Bhubaneswar.
3. PCCF cum Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.
6. Guard File.