

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

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

**Dated:24-09-2024**

To

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

**Sub: Proposal for seeking prior approval of the Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 26.416 ha (originally proposed area is 20.383 ha) of forest land in favour of the Mahanadi Coalfields Ltd. for continuation of mining operation at Bhubaneswari expansion OCP within Mining Lease area over 658.724 ha under Angul Forest Division in Angul District, Odisha - regarding. (Online proposal no. FP/OR/MIN/155017/2022).**

Madam/Sir,

I am directed to refer to the Government of Odisha's letter FE-DIV-FLD-0020-2022-8408/FE&CC dated 24.04.2023 and additional information submitted by the State Govt. vide letter 13760/9F (MG)-377/2022 dated 12.07.2024 on the above subject seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 Adhiniyam.

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 accords '*in-principle*' approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 26.416 ha (originally proposed area is 20.383 ha) of forest land in favour of the Mahanadi Coalfields Ltd. for continuation of mining operation at Bhubaneswari expansion OCP within Mining Lease area over 658.724 ha under Angul Forest Division in Angul District, Odisha, subject to fulfilment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. **Compensatory Afforestation:**
  - i. The Compensatory afforestation, over non-forest land, equal in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost;
  - ii. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal;

- iii. *The exact area involved in the proposal shall be verified after taking into account the already diverted area for Ananta OCP and the Stage-2/Final approval shall be accordingly issued. The state shall ensure that the safety zone is maintained within the diverted area only and keeping in view the revised area the modifications in the mining plan as appropriate shall be made by the state/UA*
- iv. *The suitable non-forest land equivalent to the area proposed for diversion shall be identified and provided for raising compensatory afforestation. The area identified shall be transferred and mutated in favour of the State Forest Department and shall also be notified as RF/PF under IFA, 1927 or any state /local act before granting the Stage-II approval;*
- v. *All details (i.e. KML file, SOI topo sheet, DGPS map, approved CA Scheme, site suitability certificate etc.) of non-forest land equal in extent to the forest land being proposed for diversion shall be submitted by the State Government along with the compliance report of the Stage-I approval.*
- vi. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land as RF/PF, along with compliance of 'in-principle' approval.
- vii. The cost of survey, demarcation and erection of permanent pillars, if required on the identified CA land, shall be deposited in advance with the Forest Department by the user agency.

### **3. Net Present Value:**

- i. User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted 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 given under para 3 of the Chapter -3 of the Consolidate Guidelines and Clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 published by the Ministry on 29.12.2023, through e-payment module on PARIVESH portal, into the account of CAMPA of the State concerned, managed by the National Authority (CAMPA);
  - ii. At the time of payment of the Net Present Value (NPV) at the present 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;
4. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-payment module on PARIVESH portal (<https://parivesh.nic.in/>), into the account of CAMPA of the State concerned, managed by the National Authority (CAMPA);
  5. The KML files of diverted area, the CA areas, the proposed SMC treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to 'final' approval;
  6. Following activities, as per approved plan / schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department. Approved scheme/plan shall be submitted to the Ministry along

with compliance of '*in-principle*' approval:

- i. Mitigation measures, to minimize soil erosion and choking of stream, shall be implemented within a period of two years with effect from the date of issue of order of diversion of forest land, in accordance with the approved Plan in consultation with the State Forest Department;
  - ii. Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
  - iii. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
  - iv. Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28<sup>o</sup>; and
  - v. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan;
7. User agency either himself or through the State Forest Department shall undertake gap planting and soil and moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 meter from outer perimeter of the mining lease. The plan for plantation and SMC activities will be prepared and submitted to MoEF&CC along with the compliance of '*in-principle*' approval;
8. The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed approved plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF& CC along with the compliance of '*in-principle*' approval;
9. **Safety Zone Management:** Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:
- i. User agency shall ensure demarcation of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the. State Forest Department;
  - ii. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
  - iii. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department; and
  - iv. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
10. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;

11. Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
12. The user agency shall explore the possibility of translocation 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;
13. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concern Addl. Principle Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
14. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
15. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
16. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
17. 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;
18. The boundary of the diverted forest land, mining lease and safety zone, as applicable, 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 coordinates;
19. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
21. No damage to the flora and fauna of the adjoining area shall be caused;
22. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
23. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, or the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 as applicable to the project;
24. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para

1.16 of Chapter 1 of the Consolidated Guidelines And Clarifications Issued Under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023;

25. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
26. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

After receipt of a satisfactory report on the compliance of conditions stipulated in the extant 'in-principle approval letter, as mentioned above, from the State Government, the proposal shall be considered for grant of 'final' approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. Transfer of forest land shall not be affected by the State Government till the 'final' approval, to the extant proposal, is granted by the Central Government.

Yours faithfully

**(Dr. Dheeraj Mittal)**

Assistant Inspector General of Forests

**Copy to:**

1. PCCF (HoFF), Department of Forests, Government of Odisha, Bhubaneswar.
2. Dy. DGF (Central), Regional Office of the MoEF&CC at Bhubaneswar.
3. Nodal Officer (FCA), Department of Forests, Government of Odisha, Bhubaneswar.
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.