



No. 5-ORC328/2017-BHU

27th July, 2020

To

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

Sub:

Diversion of 18.5 ha of revenue forest land for construction of 220 KV/SC Transmission line from 220/33 KV Grid Sub-station at Balimela to 220/33 KV Grid Sub-station at Malkangiri in Malkangiri district, Odisha by M/s Odisha Power Transmission Corporation Ltd.

Madam,

I am directed to refer to State Govt. letter No.10F(Cons)69/2017-22956/F&E dated 09.11.2017, No.5163/F&E dated 06.03.2018 and No.9705/F&E dated 25.06.2020 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 and on the basis of decision of Regional Empowered Committee meeting held on 20.02.2018 and uploading of the reply of query raised in *Parivesh* web portal on 10.07.2020, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 18.5 ha of revenue forest land for construction of 220 KV/SC Transmission line from 220/33 KV Grid Sub-station at Balimela to 220/33 KV Grid Sub-station at Malkangiri in Malkangiri district, Odisha by M/s Odisha Power Transmission Corporation Ltd., subject to the fulfillment of the following conditions.

- i) Legal status of forest land shall remain unchanged.
- ii) Compensatory afforestation shall taken up by the State Forest Department over 20.266 ha non-forest land identified in Khata No.3 of village Orkel and Khata No.134 of village Chitapari under Chitrakonda Tahasil of Malkangiri district at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- iii) The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- iv) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage-II approval.
- v) The non-forest land over which compensatory afforestation will be taken up shall be notified as PF/RF and shall remain under the administrative control of the State Forest Department.

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- vi) The State Govt. shall charge the Net Present Value (NPV) for 18.50 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.
- vii) Additional amount of the NPV of the diverted forest land, 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 agency shall furnish an undertaking to this effect.
- viii) (a) State Govt. shall realize Penal NPV equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto five (5) times the NPV plus 12 percent simple interest till the deposit is made.
- (b) In case of public utility project of the government the penalty shall be 20% of the penalty proposed in para (a) above.
- (c) State Govt. shall initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- (d) User agency responsible for violation be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State Authority.
- ix) The user agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the user agency with the State Forest Department.
- x) 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/>).
- xi) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- xii) The user agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal species) in right of way under the transmission line, and provide funds for execution of the said scheme by the State Forest Department.
- xiii) The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
- xiv) The user agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter No.7-25/2012-FC dated 05.05.2014 and 19.11.2014.
- xv) The user agency shall obtain Environmental Clearance as per the provisions of Environment (Protection) Act, 1980, if applicable.
- xvi) The layout plan of the proposed forest land shall not be changed without the prior approval of Central Government.

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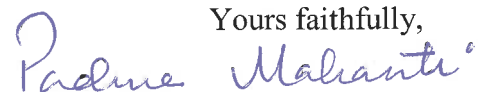
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- xvii) No labour camp shall be allowed in the forest area.
- xviii) Sufficient firewood, preferably the alternate fuel, shall be provided by the user agency to the labourer after purchasing the same from the State Forest Department or Forest Development Corporation or any other legal source of alternate fuel.
- xix) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xx) 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.
- xxi) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- xxii) 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.
- xxiii) The forest land shall not be used for any purpose other than that specified in the project proposal.
- xxiv) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without the prior approval of Government of India.
- xxv) 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.
- xxvi) 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.
- xxvii) The compliance report of the Stage-I approval 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,



(Padma Mahanti)

Dy. Inspector General of Forests(C)

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Copy to:

1. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
2. The Dy. General Manager (Elect.) EHT Construction Division, Odisha Power Transmission Corporation Ltd. (OPTCL), Jeypore, Dist: Koraput-764001, Odisha.

Dy. Inspector General of Forests (C)