

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

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

Dated:27-11-2024

To

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

Sub: Proposal for seeking "ex-post facto approval involving violation of the provisions of the Adhiniyam" under Section 2 1 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 30.469 ha (Phulbani Division 19.563 ha + Boudh Division 10.906 ha) of forest land for construction of 132/33 KV DC line on DC tower from existing 132/33 KV Phulbani Grid Sub-Station to 132/33 KV Grid Sub-Station at Boudh by OPTCL, Angul, Odisha (Online Proposal No. FP/OR/TRANS/149711/2021) - reg.

Madam/Sir,

I am directed to refer to the State Government of Odisha's letter No. FFE-DIV-FLD-0072-2023-16851/FE&CC dated 08.08.2023 and additional information submitted by the State Govt. vide letter dated 06.02.2024 on 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 Act.

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 accords '**in-principle**' approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 30.469 ha (Phulbani Division 19.563 ha + Boudh Division 10.906 ha) of forest land for construction of 132/33 KV DC line on DC tower from existing 132/33 KV Phulbani Grid Sub-Station to 132/33 KV Grid Sub-Station at Boudh by OPTCL, Angul, Odisha subject to fulfilment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. **Compensatory Afforestation:**
 - i. Compensatory Afforestation over degraded forest land, double in extent to the forest land being diverted i.e. 61.00 ha, shall be raised by the State Forest Department at the project cost as per applicable guidelines;
 - 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 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. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;

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 issued by this Ministry vide its letter No. 5-3/2007-FC dated 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned;
 - 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. *The State Govt. shall take action against the erring official under section 3A/3B of the Adhinyam;*
 7. *The State Govt. shall realize Penal NPV of forest land per ha per each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to 5 times the NPV plus 12% simple interest from the date of raising of such demand till the deposit is made;*
 8. *The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued;*
 9. *The State Govt. shall determine the exact area under the violation at the time of the submission of the compliance and accordingly the penal NPV shall also be deposited;*
 10. The maximum width of right of way for the proposed transmission line on the forest land shall not be more than 27 mtrs;
 11. The User agency shall comply with the guidelines for laying transmission lines through forest areas issued by the Ministry;
 12. The user agency shall install circuit breakers at suitable places besides maintain necessary ground clearance to prevent electrocution of wild animals;

13. No approach road shall be constructed in the forest area for transportation of steel and other material required for the transmission line. As far as possible the User Agency shall use the existing road and the proposed RoW for the transportation of the material and in the event of non-availability of such facilities, the User Agency shall transport material manually without construction of any path;
14. To minimize the felling of trees for construction of transmission line, user agency shall comply with the following guidelines:
 - i. Below each conductor, width clearance of 3 mts. would be permitted for carrying the tension stringing equipment. The trees on such strips may be felled but after stringing work is completed, the natural regeneration will be allowed to come up.
 - ii. One outer strip may be left clear to permit maintenance of the transmission line;
 - iii. In the remaining width the right of way felling/pollarding/pruning of trees will be done with the permission of the local forest officer whenever necessary to maintain the electrical clearance, trees shall be allowed to be felled or lopped to the extent required, for preventing electrical hazards by maintaining the minimum 4.0 meter clearance between conductors and trees. The sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above;
 - iv. User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line, and provide funds for execution of the said scheme to the State Forest Department; and
 - v. In case a portion of the transmission lines to be constructed is located in hilly areas, where adequate clearance is already available, trees shall not be cut;
14. The user agency will ensure that all the compensations, as per the norms and rules of the State Government to the affected persons shall be paid prior to handing over of forest land to the User agency;
15. User agency will ensure that forest area nearby shall not be encroached upon due to implementation of the project;
16. The State Government shall ensure that the minimum number of trees/plants/poles in any case not more than mentioned in the applied forest area will be removed and the trees should be felled under strict supervision of the State Forest Department;
17. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
18. 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;
19. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
20. The State Government shall complete settlement of rights, in term of the

Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence, in accordance with the Rule 11 (7) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023;

21. 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;
22. 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;
23. The State Govt. shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
24. No damage to the flora and fauna of the adjoining area shall be caused;
25. 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;
26. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
27. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 as issued by this Ministry's letter dated 29.12.2023;
28. 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;
29. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

After receipt of a satisfactorily report on the compliance of conditions stipulated in the extant 'in-principle, as mentioned above, from the State Government, the proposal shall be considered for 'Final' approval under section 2 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,

(Suneet Bhardwaj)

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.