



सत्यमेव जयते

भारत सरकार
Government of India

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, शिलांग/Regional Office, Shillong
उप कार्यालय, गुवाहाटी/Sub - office, Guwahati

चौथी मंजिल, हौसेफेड इमारत, जी एस रोड, रुक्मिणी गाँव, गुवाहाटी- ७८१०२२
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F.No. 3 AS B 114/2022-GHY/4441-42

29th August, 2023

सेवा में,

अतिरिक्त प्रमुख सचिव/ Addl. Chief Secretary,
असम सरकार/Govt of Assam,
पर्यावरण और वन विभाग/Environment and Forests Department,
दिसपुर/Dispur, गुवाहाटी/Guwahati-781006.

Sub: Proposal for diversion of 3.92 ha of forest land for development drilling wells and testing of Hydrocarbons in Duarmara Block in Upper Dehing Reserved Forest (East Block) under Digboi Division in favour of Oil Max Energy Pvt. Ltd.

Sir,

This has got reference to the State Govt Assam letter No. FRS.101/2022/72 dated 11.07.2022 and ECF No. 230462/195 dated 20.06.2023 on the subject mentioned above seeking prior approval of the Central Government in accordance with Section 2 of the FCA, 1980 and to say that the proposal has been examined by the Regional Empowered Committee constituted by Central Government under Section 3 of aforesaid Act.

After careful consideration of the proposal of the State Government of Assam by the Regional Empowered Committee in its meeting held on 22.11.2022 and its recommendation and State Govt. letter ECF No. 230462/195 dated 20.06.2023 and subsequent approval of Ministry, New Delhi on 01.08.2023 through e-office, I am to inform that the Central Government hereby conveys its **"In Principle Approval"** for diversion of 3.92 ha of forest land for development drilling wells and testing of Hydrocarbons in Duarmara Block in Upper Dehing Reserved Forest (East Block) under Digboi Forest Division in favour of Oil Max Energy Pvt. Ltd. subject to the following conditions:

A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. The user agency shall transfer, the Net Present Value (NPV) in the revised rate of the forest land being diverted under this proposal, 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 as per the guidelines issued by the Ministry vide letters No 5-3/2007-FC dated 05.02.2009 and File No.5-3/2011-FC(Vol-I) dated 21.03.2022. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned;

2. The user agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with the State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
3. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
4. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
5. The State Govt. shall assess the total forest area involved in Daurmara PML and the user agency shall deposit 2 % NPV of the entire forest area involved in the Daurmara PML as per the Ministry letter F.No. 8-118/2006-Fc dated 24th June, 2015.
6. The State Government shall take cognizance of the report submitted by the committee formed by the Ministry and report submitted in the Supreme Court and take preventive and remedial actions keeping in view the sensitivity of the area and action taken on preventive and remedial measures shall be submitted along with the compliance of Stage I letter.
7. The compliance report shall be uploaded on e-portal(<https://parivesh.nic.in/>).
8. The KML files of the area to be diverted and the CA areas shall be uploaded on the e-Green watch portal with all requisite details before submitting compliance report for seeking Stage II approval;
9. The user agency shall deposit 2% of the total project cost into the account of CAMPA which will be utilized to prepare and implement wildlife mitigation plan to mitigate the Human Elephant Conflict and precautionary measures to ensure free movement of the elephants in the landscape .
10. The State Govt shall ensure that under no circumstances, implementation of such mitigating measures envisaged in Human Elephant/wildlife Conflict mitigation and wildlife conservation plan should be delayed beyond a period of 2 years to ensure commencement of rejuvenation of ecosystem services lost from the forest area allowed for non-forestry use of forest land at the earliest possible time.
11. The State Govt shall submit Human Elephant/wildlife Conflict mitigation and wildlife conservation plan approved by Chief Wildlife Warden, Govt of Assam along with detail cost of its implementation.
12. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the District Collector.
13. The User Agency shall obtain the Environment Clearance as per the provisions of Environment (Protection) Act, 1986.

14. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
15. Any change in the diameter of borehole and number of bore holes will be reported to the concerned Integrated Regional Office in advance for consideration and recommendations to the Central Government;
16. 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.

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of the diverted forest land shall remain unchanged;
2. The compensatory afforestation shall be raised and maintained by the State Forest Department over equivalent non forest land of 3.92 ha in Lungdingkro Village under Dima Hasao Forest Division, Dima Hasao District of Assam at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
3. At the time of payment of the Net Present Value (NPV) at the then prevailing 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. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
5. The State government shall comply the directions of the Hon'ble NGT given in its order dated 08.12.2017 in the Original Application No. 19 of 2014, titled *Dr. Kashmira Kakati Vs. Union of India & Ors.*, pertaining to protection and conservation of Dihing –Patkai Elephant Reserve and related corridors.
6. The 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 granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
7. No labour camp shall be established on the forest land;
8. 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;
9. 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;
10. No damage to the flora and fauna of the adjoining area shall be caused;

11. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
12. The user agency shall not expand its occupation or use surrounding forest/forest land in any manner otherwise expressed in this clearance;
13. Land so diverted shall revert back to the Forest Department in case it is not needed for the above use after due restoration to its original status (as far as possible and to the satisfaction of State Forest Department).
14. The user agency shall take all possible precautions & care all the time not to impact adversely the surround forests and forestland by their actions/activities;
15. Trees felling shall be done only when absolutely unavoidable and such removal, if any, shall be done under the supervision of the Forest department;
16. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
17. The user agency shall undertake mining in a phase 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 Govt and the concerned Integrated Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan area not being executed by the user agency, the Nodal Officer or the concerned Integrated Regional Office may direct that the mining activities shall remain suspended till such time, reclamation activities are satisfactorily executed;
18. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Integrated Regional Office and to this Ministry by the end of March every year; and
19. 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.
20. 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.
21. All other clearance /NOCs under different applicable rules/regulations /local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guideline No.11-9/1998-FC(pt) dated 03.08.2009 shall be complied with.
22. This approval may be revoked if the above conditions of approval are not complied to the satisfaction of the Regional Office, Shillong.
23. Any other conditions that the Regional Office, Shillong, Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of

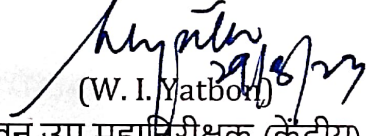
conservation, protection and development of forests & wildlife. The State Govt shall ensure compliance of all the above conditions;

24. As per Ministry's letter No 11-30/96-FC(Pt) dt 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5(five) years, the in-principle approval would be summarily be revoked considering that the user agency is no longer interested in the project.

After the receipt of the compliance report from the State Government on fulfillment of the conditions mentioned above, final/stage-II approval of the Central Government, in accordance with Section 2 of the Forest (Conservation) Act, 1980, will be considered. Till the receipt of the Final / Stage-II approval of the Central Government for diversion of the said forest land from this Ministry, transfer of the said forest land to the User Agency shall not be affected by the State Government.

This In Principle Approval/Stage-I approval is subject to decisions of the Hon'ble NGT in the Original Application No. 19 of 2014, titled *Dr. Kashmira Kakati Vs. Union of India & Ors.*, in the matter.

भवदीय,

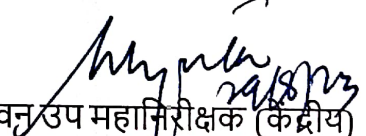

(W. I. Yatbor)
वन उप महानिरीक्षक (केंद्रीय)

Deputy Inspector General of Forests(C)

Copy to:

1. The Principal Chief Conservator of Forests & HoFF, Govt of Assam, Environment and Forest Department, Aranya Bhawan, Rop Konwar Jyoti Prasad Agarwal Path, Near Srimanta Sankardev Kalakheta, Panjabari, Guwahati-781037.

o/c


वन उप महानिरीक्षक (केंद्रीय)
Deputy Inspector General of Forests(C)