

**File No. 8-280/1989-FCVol. (170901)**

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

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

**Dated: As per E-sign**

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 in favour of Mahanadi Coalfields Limited for non-forestry use of 417.073 ha & Re-diversion (Change of Land use) of 171.774 ha forest land in respect of Integrated Lakhanpur-Belpahar-Lilari Opencast Project of Lakhanpur area, in district Jharsuguda in Odisha –(Online Proposal No. FP/OR/MIN/39355/2019) reg.**

Madam/Sir,

I am directed to refer to the Government of Odisha's letter No. FE-DIV-FLD-0142-2021-20500/ FE&CC dated 24.11.2021 on the above subject seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful examination of the proposal by the Advisory Committee, constituted under Section-3 of the said Adhiniyam, '*in-principle*' approval to the proposal under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 was granted vide this Ministry's letter of even number dated 27.12.2023 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the '*in-principle*' approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the PCCF (FD& Nodal Officer, FCA) vide their letter No. 1559/9F (MG) 372/2021 dated 21.01.2025, '*final*' approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is hereby granted in favour of Mahanadi Coalfields Limited for diversion of 417.073 ha & Re-diversion (Change of Land use) of 171.774 ha forest land in respect of Integrated Lakhanpur-Belpahar-Lilari Opencast Project of Lakhanpur area in district Jharsuguda in Odisha, subject to fulfillment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. The State Govt. shall ensure that the offence cases booked as OR case No.113 of 96/97, OR case No. 120 of 97/98, OR case No.125 of 97/98, OR case No.17 of 1999/2000, OR case No. 18 of 1999/2000 of Belpahar Range

against the MCL authorities and Case No.33-1999/2000 registered in Belpahar Police Station are taken to a logical conclusion expeditiously.

### 3. **Compensatory Afforestation:**

- i. *The State Government shall ensure that the land identified for CA which has been transferred and mutated in favour of the State Forest Department, shall be notified as Protected Forest under section 29 of the Indian Forest Act, 1927 of local forest Act **before handing over of forest land to the User Agency by the State Government.** The Nodal Officer shall upload a copy of said notification on the PARIVESH portal under intimation to this Ministry.*
- ii. The State Government shall ensure that the compensatory afforestation over identified transfer and mutated non-forest land, equal in extent to the forest land being diverted i.e. 417.073 ha, shall be raised by the State Forest Department at the project cost. The work of compensatory afforestation shall start within two years of issue of final approval and maintained thereafter in accordance with the approved plan in consultation with the State Forest Department;
- iii. The State Government shall ensure that afforestation on identified degraded forest land, measuring one and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department. The work of compensatory afforestation shall start within two years of issue of final approval and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;
- iv. The State Government shall ensure that the compensatory afforestation, including the soil and moisture conservation activities, shall be undertaken by the State Forest Department in accordance with the CA scheme approved by the competent authority of the State from the funds deposited by the user agency for the purpose. Afforestation of indigenous species should be undertaken and the afforestation will be maintained for 10 years;
- v. The State Government shall ensure that user agency either himself or through the State Forest Department shall implement gap planting and soil & 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 as per the approved scheme;

### 4. **NPV:**

- i. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency, as per the orders dated 28.03.2008, 24.04.2008 and 09.05.2008 passed by the Hon'ble Supreme Court of India 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) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 published by the Ministry on 29.12.2023;
- ii. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of

India; The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

5. The State Government shall ensure that the compensatory levies, if any, realized in future under the extant 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);
6. The State Government shall ensure that the following activities, as per approved plan / schemes, shall be implemented in the lease area by the User Agency under the supervision of the State Forest Department:
  - 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  $28^{\circ}$ ; and
  - v. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
7. The State Government shall ensure that the following activities regarding the management of the safety zone, at project cost, shall be implemented by the user agency as per relevant guidelines issued by the Ministry:
  - 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;
  - iv. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms.
8. The State Government shall ensure that no damage shall be caused to the top-soil and the user agency will follow the top soil management plan;
9. The State Government shall ensure that the User Agency shall regularly implemented the plan for desilting of village tanks and other water bodies, located within five km from the mine lease boundary, as per plan submitted along with the compliance of 'in-principle' approval, so as to mitigate the

impact of project on such tanks/water bodies.

10. The State Government shall ensure that the cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
11. The State Government shall ensure that trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
12. The State Government shall ensure that the User Agency shall implement plan for afforestation of the non-mineralized virgin forest land within the mining area shall be taken up at project cost;
13. The State Government shall ensure that 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;
14. The State Government shall ensure that the provisions of the approved Site-Specific Wildlife Management Plan shall be implemented by the State Forest Department from the cost realized from the user agency on pro rata basis;
15. 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;
16. The State Government shall ensure that the User Agency shall create and maintain from funds to be provided by the user agency alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project as per the plan duly approved by the Principal Chief Conservator of Forests (Wildlife) and the Chief Wildlife Warden Odisha. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
17. The State Government shall ensure that the project authority needs to take up works for construction and cleaning of garland drains, stabilizing retaining walls, proper terracing of OB dumps and checking gully formation resulting in soil erosion;
18. The State Government shall ensure that plants which are having lowest translocation factor can be preferred under afforestation on the OB dumps and fruit trees to be avoided in planting during biological stabilization of OB dumps;
19. The State Government shall ensure that prevention of fall of wild animals into mining pit by fencing the open pit area;
20. The State Government shall ensure that the angle of repose in OB dumps to be maintained to ensure stability and safety;
21. The State Government shall ensure that vetiver grass can be planted at the lower reaches of the dump to bind the soil and prevent soil erosion giving better stability to the dump;
22. The State Government shall ensure that the User Agency shall carry out mining operations 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 concerned Regional Office may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;

23. The State Government 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;
24. The State Government shall ensure that 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;
25. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
26. 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;
27. The State Government shall ensure that 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;
28. The State Government shall ensure that 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;
29. The State Government shall ensure that 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;
30. No damage to the flora and fauna of the adjoining area shall be caused;
31. 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;
32. 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;
33. The State Government shall ensure that the user agency shall comply the provisions of 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;
34. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023;

35. The State Government and user agency shall ensure compliance to all conditions stipulated in the 'in-principle' approval letter dated 27.12.2023 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, for the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, before handing over the forest land to the user agency;
36. The monitoring report shall be uploaded on e-portal (<https://parivesh.nic.in/>) regularly.

Yours faithfully,

**Sd/-**

**(Suneet Bhardwaj)**

Assistant Inspector General of Forests

**Copy to:**

1. The PCCF (HoFF), Department of Forest, Government of Odisha, Bhubaneswar.
2. The DDGF (Central), Regional Office of MoEF&CC at Bhubaneswar.
3. The PPCF cum Nodal Officer, Department of Forest, Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.