

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

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

**Dated: 1st March, 2021**

To

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

**Sub: Proposal seeking prior approval under Section – 2 of the Forest (Conservation) Act, 1980 for non-forestry use of additional forest area of 230.20 ha including 3.806 ha of forest land within safety zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha in favour of M/s Mahanadi Coalfields Limited for Samaleswari Opencast Coal Mining Expansion (Phase-IV) Project in IB-Valley Area, Brajarajnagar District (Odisha) - reg.**

Sir,

I am directed to refer to the Government of Odisha's letter No. 10F (Cons) 171/2018/25381/F&E dated 24.11.2018 and No. 10F (Cons) 171/18/16374/F&E dated 28.08.2019 on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted under section-3 of the said Act, '**in-principle**' approval was granted vide this Ministry's letter of even number dated **15.11.2019** subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the 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 Government of Odisha vide their letter No. 2041/9F (MG) dated 01.02.2021, **Stage-II/Final** approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of additional 230.20 ha of forest land including 3.806 ha of forest land within safety zone in addition to already diverted 350.706 ha of forest land within total project area of 1384.767 ha (as indicated in latest approved Mining Plan) for Samaleswari OCP Expansion (Phase-IV) rated capacity 15.0 MTY of Mahandi Coalfields Ltd. in IB-Valley Area, Brajarajnagar Dist. Jharsuguda, Odisha subject to following conditions:

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

1. Non-forest land transferred and mutated in favour of the State Forest Department shall be notified as RF/PF under the IFA or local Forest Act (s) before handing over the forest land to the User Agency;
2. The KML files of forest land being diverted, area identified for raising compensatory afforestation and other works carried out with CAMPA funds

shall be uploaded on e-Green Watch portal;

3. Compensatory levies deposited into the account of concerned DFO shall be transferred to the CAMPA account of the State along with interest; and
4. Compensatory levies, proposed to be retained by the User Agency on account of implementation of certain provision of approved site-specific Wildlife Management Plan in lease area by the User Agency, shall be transferred to the CAMPA account of the State.

**B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department**

1. Legal status of the diverted forest land shall remain unchanged;
2. **Compensatory afforestation**
  - i. The State Govt. shall ensure that compensatory afforestation shall be raised over 96 ha of degraded forest land and 184.3276 ha of non-forest land within three years from the date of issue of Stage-II Clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency;
  - ii. Approved site-specific CA schemes, in lieu of diversion of forest land of 230.20 ha of forest land shall be implemented by the State Forest Department from the funds already provided by the User Agency;

**3. Net present Value**

- i. The State Government has realized the Net Present Value of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letter No. 5-3/2007-FC dated 05.02.2009 in this regard, additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
- ii. The User Agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India;
4. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);

**5. Safety Zone**

- i. The State Govt. shall ensure that the activities proposed in the approved scheme for fencing, protection and regeneration of the safety zone area (7.5 meters strip all along the outer boundary of the mining lease area as recommended by the State Govt.) shall be implemented within three year at the project cost from the issue of Stage-II Clearance;
- ii. Afforestation on degraded forest land to be selected elsewhere, 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 degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files before Stage-II approval and afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;
- iii. **Safety Zone Management:** Following activities shall be undertaken by the user agency for the management of safety zone:
  - (a) User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip

all along the inner boundary of the mining lease area), and its protection 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;

(b) Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;

(c) 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

(d) The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;

6. User agency shall implement the Catchment Area Treatment (CAT) plan in consultation with the State Forest Department;
7. The reclamation of back filled area is very slow and the area is poor in moisture retention. Therefore for purpose of better reclamation, the State Government shall ensure that the user agency creates smaller water bodies to improve the water regime in the reclaimed area as per plan submitted along with compliance report of Stage-I approval;
8. The State Government shall ensure that all conditions referred in EC approvals related to Pondern Nala shall be complied by the user agency;
9. The State Govt. shall ensure that the User Agency shall carry out muck/silt disposal at pre-designated sites in such a manner so as to avoid its rolling down and the dumping area for muck/silt disposal shall be stabilized and reclaimed by planting suitable species by the User Agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;
10. 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;
11. The mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.
12. The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard;
13. The State Govt. and user agency shall ensure that 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;
14. The State Govt. and user agency 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 co-ordinates;

15. The State Govt. and user agency 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;
16. The State Govt. and user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
17. The State Govt. 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;
18. 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;
19. The State Govt. shall ensure that 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; and
20. The State Govt. shall ensure that 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.

Yours Sincerely

Sd/-

(Sandeep Sharma)

Assistant Inspector General of Forests

**Copy to:**

1. The PCCF (HoFF), State Forest Department, Government of Odisha, Bhubaneswar
2. PCCF & Nodal Nodal Officer (FCA), O/o the PCCF, Government of Odisha, Bhubaneswar
3. The Regional Officer (Central), Integrated Regional Office, MoEF&CC, Bhubaneswar
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC
6. Guard File