



No.5-ORB399/2019-BHU

31st May, 2024

To

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

Sub:- Diversion of 0.992 ha (online proposal applied for 0.966 ha) of Revenue Forest land in villages Fakirpur, Bishnupur, Titirikata under Harbhanga Tahasil of Boudh District for installation of pipeline for drawl of water from river Mahanadi to Boudh Distillery by M/s Boudh Distillery Pvt. Ltd.

Sir,

I am directed to refer to State Govt. letter No. 10F(Cons)32/2019-20127/F&E dated 23.10.2019, wherein prior approval of the Ministry of Environment, Forest & Climate Change for diversion of 0.992 ha (online proposal applied for 0.966 ha) of Revenue Forest land in villages Fakirpur, Bishnupur, Titirikata under Harbhanga Tahasil of Boudh District for installation of pipeline for drawl of water from river Mahanadi to Boudh Distillery by M/s Boudh Distillery Pvt. Ltd., was sought in accordance with Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After due consideration of the proposal by the Ministry of Environment, Forest & Climate Change, the in-principle approval for diversion of the said forest land was accorded by Ministry vide this office letter of even number dated 04.12.2019, subject to fulfillment of certain conditions. The Nodal Officer (FCA) of the State Government has furnished the compliance report in respect of the conditions stipulated in the in-principle approval and has requested to grant final approval of the proposal.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the PCCF & Nodal Officer (FCA), Odisha vide their letter No.16238/9F(Misc)-314/2019 dated 20.08.2022, No.14559 dated 19.07.2023, No.22607 dated 20.11.2023 & No.8723 dated 24.04.2024 and uploading of the compliance report in *Parivesh* web portal on 01.05.2024, **Stage-II/final** approval of the Ministry of Environment, Forest & Climate Change is hereby granted under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.992 ha (online proposal applied for 0.966 ha) of Revenue Forest land in villages Fakirpur, Bishnupur, Titirikata under Harbhanga Tahasil of Boudh District for installation of pipeline for drawl of water from river Mahanadi to Boudh Distillery by M/s Boudh Distillery Pvt. Ltd., subject to the fulfillment of the following conditions:-

A: Conditions which need to be complied prior to handing over of forest land.

- The State Govt. shall ensure the compliance on FRA, 2006 as per Forest (Conservation) Rules and guidelines issued from time to time.
- 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 upto 5 times the NPV plus 12% simple interest from the date of raising of such demand till the deposit is made.
- The State Govt. shall raise 5 times Penal CA for un-authorized use of forest land for non-forestry purpose without prior approval of the competent authority at the cost of user agency.

- iv) The State Govt. shall take appropriate action against the erring officials and should furnish name and designation of erring revenue officials responsible for causing diversion of forest land for non-forestry purpose.
- v) The State Govt. shall ensure that NPV of the above proposal has been realized from user agency as per Ministry's direction from time to time.
- vi) The State Govt. shall ensure that the user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- vii) The State Govt. shall ensure that the KML files of forest area to be diverted shall be uploaded on the e-Green watch portal with all requisite details before handing over of the diverted forest land to the user agency.
- viii) The State Govt. shall ensure that the boundary of the diverted forest land 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.

B: Conditions which need to be complied after handing over of forest land to the user agency.

- i) Legal status of the diverted forest land shall remain unchanged.
- ii) The State Govt. shall ensure that the State Forest Department shall carry out plantation of 100 trees towards compensatory afforestation within two years from the date of Stage-II Clearance as per approved plan/scheme and maintained thereafter by the State Forest Department, at the cost of user agency. The species to be planted under the CA scheme shall be of native species of the area. At least 18 month old seedlings should be planted. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals.
- iii) The State Govt. shall ensure that the State Forest Department shall carry out 5 times Penal CA for un-authorized use of forest land for non-forestry purpose without prior approval of the competent authority within two years from the date of Stage-II Clearance as per approved plan/scheme and maintained thereafter by the State Forest Department, at the cost of user agency. The species to be planted under the Penal CA scheme shall be of native species of the area. At least 18 month old seedlings should be planted. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals.
- iv) 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.
- v) The State Govt. and user agency shall ensure that the pipeline shall be laid down 1.5 meter below the ground and after laying down of pipe line the ground will be leveled.
- vi) The State Govt. shall ensure that the period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- vii) The State Govt. 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 staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- viii) The State Govt. and user agency shall ensure that no additional or new path will be constructed inside the forest area for any activity related to the project work.

- ix) The State Govt. and user agency shall ensure that earth or any material shall neither be brought from nor the debris resulting during construction be disposed of in the adjoining forest area by the user agency.
- x) The State Govt. and user agency shall ensure that while executing works, the user agency shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xi) The State Govt. shall ensure that the DFO concerned will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in surrounding area.
- xii) The State Govt. and user agency shall ensure that the layout plan of the proposal shall not be changed without prior approval of the Ministry of Environment, Forest & Climate Change.
- xiii) The State Govt. shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without prior approval of the Ministry of Environment, Forest & Climate Change.
- xiv) The State Govt. shall ensure that no damage to the flora and fauna of the adjoining area shall be caused.
- xv) The State Govt. shall ensure that the user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and Regional Office of this Ministry by the end of March every year regularly.
- xvi) The State Govt. shall ensure that 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, which shall be complied by the user agency.
- xvii) 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.
- xviii) 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 Clarification issued under Van Sanrakshna Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 by this Ministry's letter dated 29.12.2023.

Yours faithfully,
Padma Mahanti

(Dr. Padma Mahanti)
 Dy. Inspector General of Forests (C)

Copy to:-

1. The Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110003.
2. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
3. The Managing Director, Boudh Distillery Pvt. Ltd., Plot No.C-84, Palashpalli, Airport Area, Bhubaneswar-751020.

Dy. Inspector General of Forests (C)

