

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

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Bhawan, Jor Bagh  
Road, Aliganj  
New Delhi — 110003

**Dated: 21st September, 2023**

To

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

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Paradip Port Trust for non-forestry use of 75.635 ha of forest land for development of Outer Harbour including Wester Dock & mechanization of existing operational berth within the limits of Paradip Port Trust at Paradip coming under jurisdiction of Rajnagar mangrove Division/ Jagatsinghpur district, Odisha (Online proposal No. FP/OR/Others/26300/2017)**

Madam/Sir,

I am directed to refer to the State Government's letter no. 10F(Conse) 150/2018/22977 F&E dated 30.10.2018 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 After careful examination of the proposal by the Forest Advisory Committee, constituted under Section-3 of the said Act, '*in-principle*' approval to the proposal under the Forest (Conservation) Act, 1980 was granted vide this Ministry's letter of even number dated 31.12.2018 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 the Government of Odisha has submitted the compliance report vide letter No.11829/9F(IND)-371/2018 dated 19.06.2020 and letter No. FE-DIV-FLD-0098-2021-12000 dated 13.07.2021. After

the examination of the said compliance report it has been found that the condition no. (iv) of the '*in-principle*' approval regarding "*the State Government shall initiate action for violation as per the provisions of Government of India Guidelines 11-42/2017-FC dated 29.01.2018*" has not been complied.

3. Further, the Govt. of Odisha vide letter dated 04.11.2022 (*uploaded on online 23.05.2023*) and vide letter dated 28.07.2023 has submitted the justification and evidence in respect of the conditions no. (iv) and the matter was placed before the Advisory Committee meeting held on 21.08.2023 wherein the Committee noted the facts submitted by the State and documentary evidence of the Aahar Kendra being established in 1965 and keeping in view the fact that the area was under non-forestry use prior to 1980, the Ministry therefore has amended the conditions no. (iv) of the '*in-principle*' approval vide letter of even no. dated 18.09.2023.

4. In view of the above and compliance report submitted by the State, '**final approval**' of the Central Government is hereby granted prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour Paradip Port Trust for non-forestry use of 75.635 ha of forest land for development of Outer Harbour including Wester Dock & mechanization of existing operational berth within the limits of Paradip Port Trust at Paradip coming under jurisdiction of Rajnagar mangrove Division/ Jagatsinghpur district, Odisha, subject to following conditions:

i. Legal status of the diverted forest land shall remain unchanged;

ii. **Compensatory Afforestation**

a. The State Government shall ensure that compensatory afforestation over the degraded forest land, twice in extent to the area of forest land being diverted shall be raised 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;

b. 25% of the CA cost additionally will be spent towards soil and moisture conservation activities in the proposed CA area as per site requirement and deposited in CAF;

iii. **Net Present Value**

a. The State Government has realized the NPV 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 guidelines dated 6.01.2022 read with guidelines dated 22.03.2022 through online portal of CAMPA account of the State Concerned. NPV, if any becomes due in future

shall be realized in accordance with the relevant guidelines issued by the Ministry;

- b. 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;
- iv. The KML files of diverted area, the CA areas, SMC works area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to handing over forest land to user Agency;
- v. 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>);
- vi. The State Government shall ensure that the user Agency Shall undertake plantation of suitable species in the vacant spaces available within the applied area as well as in the Port limit area as per advice of the Divisional Forest Officer, Rajnagar (Mangrove) Division at project cost;
- vii. The State Government shall ensure that the user agency shall undertake posting of durable six feet high RCC pillars along the forest area included in diversion proposal and embedded with pillars two feet inside and 4 feet above the ground with serial number, forward and back bearings and distance from adjacent pillar posted clearly;
- viii. The State Government and the user agency shall undertake that the contractors engaged in the project shall not damage any forest growth and wildlife found in the area;
- ix. The State Government shall ensure that the execution of the project shall also be subject to CRZ clearance of the competent authority;
- x. The State Government and the user agency shall ensure that movement of Olive Ridley turtle does not get affected owing to this project including during its construction phase;
- xi. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- xii. The State Govt. ensure that the User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xiii. The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land;
- xiv. The State Govt. shall ensure that 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;
- xv. The State Govt. and the user agency shall ensure that the layout plan of the

proposal shall not be changed without the prior approval of the Central Government;

- xvi. The State Govt. and the 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;
- xvii. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xviii. The State Government and 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;
- xix. The State Government shall ensure that process for settlement of rights under the Forest Rights Act, 2006 has been completed as per the relevant guidelines issued by the Ministry in this regard;
- xx. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxi. 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) pertaining to this project, if any, for the time being in force, as applicable to the project; and
- xxii. 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 this Ministry by the end of March every year.

This issues with the approval of the competent authority.

Yours faithfully,

**(Dr. Surabhi Rai)**

Dy. Inspector General of Forests

**Copy to:**

1. PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. APCCF cum Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
3. DDGF (C), MoEF&CC's IRO Bhubneswar
4. User Agency
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.

