



No.5-ORA542/2022-BHU

7<sup>th</sup> March, 2023

To

The Addl. Director General of Forests (FC),  
Ministry of Environment, Forest & Climate Change,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi – 110 003.

Sub: Proposal for non-forestry use of 112.621 ha of forest land (including 1.808 ha earmarked for Safety Zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundargarh District within the block area of 139.223 ha in respect of Netrabandha Pahar Iron Ore Block by M/s Bhusan Power & Steel Limited under Section 2 (ii) of FC Act, 1980.

Ref: Ministry's letter No. 8-31/2022-FC dated 05.12.2022.

Sir,

With subject and reference cited above, I am to inform that the site inspection of the above mentioned project was carried out by Smt. Padma Mahanti, DIGF (C) on 14.12.2022. The site inspection report along with recommendation of the undersigned is attached for kind information and necessary action.

Yours sincerely,

Encl: As stated above.

  
(A.T. Mishra)

Dy. Director General of Forests (C)



## **RECOMMENDATION OF DEPUTY DIRECTOR GENERAL OF FORESTS (CENTRAL)**

The instant proposal is for diversion of 112.621 ha of forest land (including 1.808 ha earmarked for safety zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundergarh District within the block area of 139.223 ha in respect of Netrabandha Pahar Iron Ore block by M/s Bhusan Power & Steel Limited under Section 2 (ii) of Forest (Conservation) Act, 1980.

The user agency has also submitted proposal under Section 2 (iii) of FC Act, 1980 which has been sent to Ministry.

The proposed site was inspected by Smt. Padma Mahanti, DIGF (C) on 14.12.2022 along with DFO, Bonai Forest Division and officers of Rourkela Forest Division and representative of User Agency.

As per the site inspection report of the Dy. Inspector General of Forests (Central) and the record available:

- 1) The applied area is not involved with any National Park/Wildlife Sanctuary and Eco Sensitive Zone. However, as reported, Karo-Karampada Elephant corridor is about 13.31 Km from the project.
- 2) There is movement of elephants in the proposed mining area. The vegetation type would support a varied population of small mammals as well. So mitigation measures to minimize destruction of habitat of elephants and protect their movement path to be part of the Site Specific Wildlife Conservation Plan along with conservation of small mammals and their habitat.
- 3) The density of vegetation has been reported to be 0.5 with Eco Value Class-I. Total 31,083 numbers of trees in the forest land and 3,777 in the non-forest land have been enumerated for this project. Removal of trees has impact on the general ecosystem. So, trees should be felled only when it is absolutely necessary and in a phased manner under the supervision of State Forest Department.
- 4) The project does not involve displacement of any human habitation.
- 5) The Mining plan including Progressive Mines Closure plan has been approved by the Regional Controller of Mines, Indian Bureau of Mines, Bhubaneswar.
- 6) Non-forest revenue land over 110.813 ha has been identified for compensatory afforestation which is suitable from plantation and management point of view. However, while site inspection water storage tanks supposedly by Government Department were seen to be erected in the proposed C.A. lands.

The DIGF (C) after inspection of the site has suggested the following:

- 1) The Site Specific Wildlife Conservation Plan duly approved by the CWLW shall be implemented. Study should be conducted on the impact of mines on the flora and fauna of that area. Protection and monitoring of wildlife habitat management, mitigation measures and support to local forest dependent communities through proper eco-development measures should be taken care of.
- 2) Trees should be felled only when it is absolutely necessary and in a phased manner under the supervision of State Forest Department.

In view of the above, the proposal may be considered under provisions of FC Act, 1980 subject to compliance of other general conditions, observations made in site inspection report and issues raised in the site inspection report of the Joint Committee constituted by FAC.



(A.T. Mishra)

Dy. Director General of Forests (Central)



**SITE INSPECTION REPORT IN RESPECT OF DIVERSION PROPOSAL FOR DIVERSION OF 112.621 HA OF FOREST LAND (INCLUDING 1.808 HA EARMARKED FOR SAFETY ZONE) IN VILLAGE BALDIHI UNDER KOIRA TAHASIL AND KOIRA RANGE OF BONAI FOREST DIVISION OF SUNDERGARH DISTRICT WITHIN THE BLOCK AREA OF 139.223 HA IN RESPECT OF NETRABANDHA PAHAR IRON ORE BLOCK BY M/S BHUSHAN POWER AND STEEL LIMITED UNDER SECTION 2 (II) OF FOREST CONSERVATION ACT, 1980**

The site inspection of the above project was carried out by the undersigned on 14.12.2022 along with the Divisional Forest Officer, Bonai Forest Division and officers of Rourkela Forest Division and officials of M/s JSW Steel Ltd.

**1. Legal status of the forest land proposed for diversion:**

As reported by the Forest, Environment and Climate Change Department, Government of Odisha, the details of forest land proposed for diversion are furnished below:

Sl. No.	Type of forest land	Area (in ha)
1.	PRF	48.431
2.	Revenue Forest	19.433
3.	DLC Forest	44.743
	<b>Total</b>	<b>112.607</b>

**2. Item-wise break-up details of the forest land proposed for diversion.**

As reported by the Forest, Environment and Climate Change Department, Government of Odisha, details of land required for mining activities (both forest and non forest) are furnished below:

Sl. No.	Pattern of utilization	Un-diverted/virgin forest land (in ha)				Non forest land
		PRF	Revenue Forest	DLC Forest	Total forest	
1.	Mining with haul road	27.444	17.829	42.160	87.433	14.985
2.	Dump	9.607	0	0	9.607	0
3.	Sub Grade	0.650	0	1.472	2.122	0.030
4.	Storing of ore	1.835	0	0	1.835	0
5.	Top soil	0.500	0	0	0.500	0
6.	Stacking of mineral	5.726	0	0.113	5.839	0
7.	Infrastructure	0.130	0	0	0.130	1.687
8.	Road	0	0	0	0	0.534
9.	Water harvesting	0	0	0	0	0.066
10.	Green belt	0	0	0	0	3.909
11.	Others	1.411	1.392	0.544	3.347	3.757
12.	Safety Zone around ML area	1.043	0.311	0.454	1.808	1.634
	<b>Total</b>	<b>48.346</b>	<b>19.532</b>	<b>44.743</b>	<b>112.621</b>	<b>26.602</b>



## RECOMMENDATION OF DEPUTY DIRECTOR GENERAL OF FORESTS (CENTRAL)

The instant proposal is for diversion of 112.621 ha of forest land (including 1.808 ha earmarked for safety zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundergarh District within the block area of 139.223 ha in respect of Netrabandha Pahar Iron Ore block by M/s Bhusan Power & Steel Limited under Section 2 (ii) of Forest (Conservation) Act, 1980.

The user agency has also submitted proposal under Section 2 (iii) of FC Act, 1980 which has been sent to Ministry.

The proposed site was inspected by Smt. Padma Mahanti, DIGF (C) on 14.12.2022 along with DFO, Bonai Forest Division and officers of Rourkela Forest Division and representative of User Agency.


As per the site inspection report of the Dy. Inspector General of Forests (Central) and the record available:

- 1) The applied area is not involved with any National Park/Wildlife Sanctuary and Eco Sensitive Zone. However, as reported, Karo-Karampada Elephant corridor is about 13.31 Km from the project.
- 2) There is movement of elephants in the proposed mining area. The vegetation type would support a varied population of small mammals as well. So mitigation measures to minimize destruction of habitat of elephants and protect their movement path to be part of the Site Specific Wildlife Conservation Plan along with conservation of small mammals and their habitat.
- 3) The density of vegetation has been reported to be 0.5 with Eco Value Class-I. Total 31,083 numbers of trees in the forest land and 3,777 in the non-forest land have been enumerated for this project. Removal of trees has impact on the general ecosystem. So, trees should be felled only when it is absolutely necessary and in a phased manner under the supervision of State Forest Department.
- 4) The project does not involve displacement of any human habitation.
- 5) The Mining plan including Progressive Mines Closure plan has been approved by the Regional Controller of Mines, Indian Bureau of Mines, Bhubaneswar.
- 6) Non-forest revenue land over 110.813 ha has been identified for compensatory afforestation which is suitable from plantation and management point of view. However, while site inspection water storage tanks supposedly by Government Department were seen to be erected in the proposed C.A. lands.

The DIGF (C) after inspection of the site has suggested the following:

- 1) The Site Specific Wildlife Conservation Plan duly approved by the CWLW shall be implemented. Study should be conducted on the impact of mines on the flora and fauna of that area. Protection and monitoring of wildlife habitat management, mitigation measures and support to local forest dependent communities through proper eco-development measures should be taken care of.
- 2) Trees should be felled only when it is absolutely necessary and in a phased manner under the supervision of State Forest Department.

In view of the above, the proposal may be considered under provisions of FC Act, 1980 subject to compliance of other general conditions, observations made in site inspection report and issues raised in the site inspection report of the Joint Committee constituted by FAC.

  
(A.T. Mishra)

Dy. Director General of Forests (Central)



### **Number of trees of girth below 60 cm.**

The number of trees of girth below 60 cm. is 23396 (20497 in forest land and 2899 in non forest land).

### **Number of trees of girth above 60 cm**

The number of trees of girth above 60 cm. is 11464 (10586 in forest land and 878 in non forest land).

## **7. Background note on the proposal:**

As reported, M/s Bhushan Power and Steel Ltd (BPSL) was declared as the preferred bidder under 9(4)(b)(iii) of the Rules. Government of Odisha has awarded the Letter of Intent vide letter No.5283/SM dated 24.06.2017 for grant of mining lease for iron ore in favour of M/s Bhushan Power and Steel Ltd, the successful bidder in respect of Netrabandha Pahar Iron Ore Block over an area of 139.223 ha (as per DGPS)/138.579 ha (as per RoR) in Baldihi village under Koira Tahasil of Sundargarh district

As intimated by the PCCF & HoFF, Odisha, the original issued LoI was modified vide letter No.6285/SM dated 27.07.2017 revising the area of 139 ha to 139.223 ha. The said letter of Intent has been allowed with extension of the validity for another period of 2 years w.e.f. 26.06.2020 by the Steel and Mines Department, Government of Odisha vide letter No.6350/SM dated 27.07.2020.

Despite the said Iron Ore Block has been allotted to M/s BPSL in June, 2017, minimal progress has been made in terms of obtaining statutory approvals and clearances such as the EC/FC/Land Acquisition, the clearance for the forest diversion proposal, the issuance of the terms of reference, etc. primarily because of the following reasons:

- i. Corporate Insolvency Resolution Process (CIRP) was initiated in respect of BPSL vide the Order passed by the Hon'ble National Company Law Tribunal, New Delhi (NCLT) dated 26.07.2017.
- ii. The CIRP resulted in approval of the resolution plan dated 03.10.2018 as amended by addendum letter dated 10.10.2018 of JSW Steel Limited, which was the Resolution Applicant on 16.10.2018. Pursuant thereto, the resolution plan was filed before the NCLT for its approval and was accorded the same under Section 31 of the code vide order passed by it on 05.09.2019.
- iii. Through the NCLT Order was challenged before the Hon'ble NCLT, the Hon'ble NCLT vide its judgement dated 17.02.2020 disposed of the said challenges and approved the Resolution plan after making certain modification in the NCLT Order.
- iv. The NCLT Order approving the resolution plan was further challenged before the Hon'ble Supreme Court. Since the Hon'ble Supreme Court did not grant a stay on the implementation of the resolution plan, the JSW Steel Ltd. has started the implementation of the Resolution Plan w.e.f. 26.03.2021.

The PCCF & HoFF, Odisha has reported that during verification of the land schedule allotted for the said mining lease area, it is found that the total area (as per the DGPS) over 139.223 ha consists of 48.346 ha PRF, 19.532 ha of Revenue Forest, 44.743 ha DLC forest and 26.602 ha of non forest land.



## 8. Compensatory afforestation:

The non forest revenue land over 110.813 ha has been identified in village Jhurmur and Jaidega of Biramiytrapur Tahasil in Sundergarh district. The species proposed for plantation are Bahada (*Terminalia belerica*), Harida (*Terminalia chebula*), Khair (*Acacia catechu*), Karanj (*Pongamia pinnata*), Neem (*Azadirachta indica*), Pahadi Sissoo (*Dalbergia latifolia*), Amla (*Emblca officinalis*), Arjun (*Terminalia arjuna*), Salia Bamboo (*Dendrocalamus strictus*), Bija (*Pterocarpus marsupium*), etc.

**(a) Whether land for compensatory afforestation is suitable from plantation and management point of view or not:**

As reported, the land for compensatory Afforestation is suitable from plantation and management point of view.

**(b) Whether land for compensatory afforestation is free from encroachment/other encumbrances:**

As reported, the land for compensatory Afforestation is free from encroachment/other encumbrances. But while site inspection water storage tanks supposedly by government department were seen to be erected in the proposed CA lands, which needs further clarification from the Government of Odisha.

Photograph of concrete structure in the proposed CA area is furnished below:



**(c) Whether land for compensatory afforestation is important from Religious/Archaeological point of view:**

Not reported.

**(d) Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:**

Land identified for raising compensatory Afforestation is of 2 patches, viz. village Jhurmur and Jaidega of Biramitrapur, Sundergarh.



**(e) Map with details:**

Submitted.

**(f) Total financial outlay:**

The total financial out lay of the CA scheme is Rs.10,02,33,800.

**9. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:**

As reported by the DFO, Bonai Forest Division and RCCF, Rourkela, no violation under FC Act, 1980 has been committed by the user agency. No violation of the project site was observed during the site inspection.

**10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:**

As informed by the RCCF, Rourkela, the project does not involve displacement of any human habitation in Bonai Forest Division.

**11. Reclamation plan:**

A scheme for reclamation has been submitted.

**Details and financial allocation:**

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**12. Details on catchment and command area under the project:**

Not applicable.

**Catchment area treatment plan to prevent siltation of reservoir:**

**13. Cost benefit ratio:**

The cost benefit ratio comes to 1:52.34.

**14. Recommendations of the Principal Chief Conservator of Forests/State Government:**

Recommended.

**15. Recommendations of Additional Principal Chief Conservator of Forests (Central) along with detailed reasons:**

Attached in the report.



16. **Conservator of Forests (Central) shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:**

Not applicable.

17. **Utility of the project:**

As reported, the project will likely to generate employment for 237 numbers of persons directly. In addition to 1200 people will be benefitted indirectly due to this project.

**Numbers of Scheduled Caste/Scheduled Tribes to be benefitted by the project:**

There is no specific mention of number of Scheduled Caste/Scheduled Tribe to be benefitted by the project.

- 18.

- (a) **Whether land being diverted has any socio-cultural/ religious value:**

Not reported.

- (b) **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:**

Not reported.

- (c) **Whether the land under diversion forms part of any unique eco-system:**

Not reported.

19. **Situation with respect to any Protected Area:**

As reported, Karo-Karampada Elephant corridor is about 13.31 km from the project.

20. **Any other information relating to the project:**

1. Trees should be felled only when it is absolutely necessary and in a phased manner under the supervision of State Forest Department.
2. The user agency shall submit the FRA certificate under FRA, 2006.
3. The user agency shall submit copy of the documents regarding change of ownership.
4. The user agency should take initiative for the education of the children of that area.
5. Technical education and training should be imparted to the local youth so as to enable them to get employment opportunity.
6. The Site Specific Wildlife Conservation Plan duly approved by the Chief Wildlife Warden shall be implemented. Study should be conducted on the impact of mines on the flora and fauna of that area. Protection and monitoring of wildlife habitat management, mitigation measures and support to local forest dependent communities through proper eco-development measures should be taken care of.

*Padma Mahanti*

(Padma Mahanti)  
Deputy Inspector General of Forests (Central)