

FC1- 38786/2001



Forest Headquarters,  
Vazhuthacaud,  
Thiruvananthapuram - 14.  
Ph: 0471-2529243, 2529325  
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Date : 11.11.2023

From

Chief Conservator of Forests,  
Nodal Officer, F(C)Act,  
Forest Headquarters, Vazhuthacaud,  
Thiruvananthapuram - 695014.

To

The Divisional Forest Officer,  
Kozhikode.


Sir,

**Sub :-** Forest & Wildlife Department – Diversion of forest land for extension of lease of 94.98 ha for setting up of experimental farm at Peruvanamuzhy Range in Kozhikode District by IISR - regarding.

**Ref :-** Minutes of the Advisory Committee Meeting held on 14.11.2023.

Attention is invited to the subject and reference cited. Copy of the minutes of the Advisory Committee Meeting under reference is enclosed herewith. You are requested to comply the decision of Advisory Committee on Agenda No. I (item No. 5) and furnish the justification sought immediately.

Yours faithfully,

  
Chief Conservator of Forests  
Nodal Officer, F(C) Act

Copy to Chief Conservator of Forests (Northern Circle) Kannur.

Copy to Director, IISR

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

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Indira Paryavaran Bhawan,  
 Jor Bagh Road, Aliganj,  
 New Delhi: 1100 03,

**Dated: November, 2023**

**To**  
**The Principal Secretary Forests),**  
 Department of Forests and Wildlife,  
 Government of Kerala,  
 Thiruvananthapuram.

**Sub: Diversion of forest land for extension of lease of 94.98 ha. for setting up of experimental farm at Peruvannamuzhy Range in Kozhikode District by Indian Institute of Spices Research (IISR). -regarding.**

Madam/Sir

I am directed to refer to Government of Kerala's letter No. FC1-38786/2001 dated 31.01.2023 forwarding the additional information in response to this Ministry's letter of even number dated 24.11.2022 and to say that the proposal was discussed in the Advisory Committee held on 14.11.2023. After discussion and deliberation with DIGF (C) Regional Office, Bangalore and going through the facts of the proposal, the committee decided that the Nodal Officer (FCA) and CWLW Govt. of Kerala shall present the required justification/information with regard to the following:-

- i. Under which rules the State Govt. has granted annual lease till 2012, and why this may not be considered a violation of FC Act, 1980.
- ii. What are provisions which allows the exemption of CA and NPV in the instant case as recommended and requested by the State Govt.
- iii. Why the construction of new structures was allowed without renewal of lease and approval under FC Act 1980 as being noted in the analysis of historical imagery available on Google Earth for the years 25.11.2002 to 09.09.2018.
- iv. The inordinate delay in seeking approval by the State Govt. requires proper justification w.r.t. the instant proposal.
- v. Further, as the area falls in the Malabar WLS and the State gov't. has requested that required wildlife clearance from NBWL may be exempted and

*Get details from CCF NEJ Kozhikode*

*30/11*

*SA 100  
M. W. W.*

**HOFF**

also the specific comments/recommendation of the CWLW, Kerala State is not on record. In this regard the CWLW, Kerala State shall present the details of the instant proposal and the grounds on which such an exemption may be granted under the provisions of the WL (Protection) Act.

In view of the above, the State Govt. is requested to submit/present the above information/documents by the Nodal Officer (FCA) and CWLW Govt. of Kerala for further consideration of the proposal.

Signed by  
Dheeraj Mittal

Date: 28-11-2023 09:34:32 Assistant Inspector General of Forests

Yours faithfully,  
Sd/-  
(Dr. Dheeraj Mittal)

**Copy to:**

1. PCCF & HoFF, Government of Kerala, Thiruvananthapuram.
2. DDGF (Central) MoEF&CC's Regional Office, at Bangalore.
3. APCCF cum Nodal Officer (FCA), Forest Dept., Government of Kerala, Thiruvananthapuram.
4. User Agency.
5. Monitoring Cell, Forest Conservation Division, MoEF&CC, New Delhi.

## Minutes of the Meeting of the Advisory Committee (AC) meeting held on 14.11.2023

### Agenda No. 1

File No. 8-05/2018-FC

**Sub: Proposal for diversion of forest land for extension of lease of 94.98 ha. for setting up of experimental farm at Peruvannamuzhy Range in Kozhikode District by Indian Institute of Spices Research (IISR)- regarding.**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 14.11.2023. The corresponding details of the agenda may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by Member Secretary before the Advisory Committee (AC). Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIGF (C) Regional Office, Bangalore was also present in the meeting during the discussion of the above proposal.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:
  - (i) The present proposal is for extension of lease of 94.98 ha. for setting up of experimental farm at Peruvannamuzhy Range in Kozhikode District by Indian Institute of Spices Research (IISR). The Legal Status of the proposed forest land is Reserved Forest.
  - (ii) The following area is utilization by IISR as per record:

Area utilization at ICAR-IISR Experimental Farm, Peruvannamuzhi		
Sl. No	Particulars	Approximate Area (Ha)
1.	Residential Area	0.50
2.	Farm offices and other infrastructures (includes the buildings and surroundings of Farm office)	1.50
3.	Farm ponds/ water harvesting structures	0.50
4.	Spice processing units, drying yards, solar tunnel, boiling units etc	1.00
5.	Farm roads	1.50
6.	Area under elephant trench, compound wall and solar fence	3.00
7.	Area under nursery sheds for spice experiments, planting material production purposes	3.50
8.	Area under meteorological observatory	0.50
9.	National Active germplasm site for Black Pepper, ginger, turmeric, garcinia, clove, allspice, cinnamon, vanilla	15.0
10.	Evaluating Black pepper hybrid progenies, promising lines, DUS and other trials on nutmeg etc.	15.0
11.	Experimental and seed multiplication of Ginger and turmeric	5.00
12.	Area reserved for annual planting of ginger and turmeric on rotation basis	8.00
13.	Biodiversity conservation area (outside the trench)	15.0

14.	Coconut/ areca nut based cropping system	5.00
15.	KVK office buildings, Farmers hostel, nursery, hatchery and demo plots	2.50
16.	Area under other fruit trees	3.00
17.	Area marked for forest station	0.50
18.	Un-cultivable patches (Rocks, wet lands)	8.00
19.	Area under various forest trees/ shade trees	4.00

(iii) The Kerala Forest land of 94.08 ha was handed over in 1976 to the then Central Plantation Crops Research Institute, Kasargod on lease for a period of 25 years for various research activities on spices vide order no. G.O.(Ms)No.366/75/AD dated 08/12/1975 of Kerala Government as per the agreement executed on 02.08.1976. This site is located in Pannikkottur Reserve Forest. The lease agreement was for 101.173 hectares, but on actual measurement, 94.08 ha was handed over to the User agency. Out of this 94.08-hectare, 0.437 ha has been retained by the Forest department for management purpose.

(iv) The proposed area of 94.08 ha. of forest land is a part of Pannikkottur Reserve Forest which was notified as Reserved Forest vide notification Agri F(B)4-63626/58 and it falls in Survey No. 568 of Chembanada Village of Koyilandi Taluk. The above said 94.08 ha. of forest land was leased to IISR in the year 1975 for establishing experimental farm. The initial lease period was for 25 years w.e.f. 02.08.1976 and which expired on 2001. Thereafter the user agency has submitted proposal for the extent of lease for a further period of 99 years and also submitted the application in online mode in Form A accompanied with the essential details.

(v) The Site inspection report done by the Forest Department shows that the lease for an area of 79.08 ha. only needs be extended as the farm authorities have constructed Elephant Proof Trench to protect the crops. The remaining 15 ha. was not used in the past for any other activities and requested the Government to exclude extent from further leasing.

(vi) The State Govt. submitted the instant proposal on 02.04.2002 and after examination of the proposal the Ministry vide its letter dt 09.07.2002 requested the State Government to submit information / documents regarding (i) Cost benefit analysis; (ii) Detailed lay out plan for buildings & roads with justification; (iii) Copy of the earlier lease deed; and (iv) Enumeration list of trees of forest species if any found / grown over the years in the area. After a lapse of 13 years, the State Government vide its letter No. FC1-38786/2001 dated 18.05.2015 submitted certain details to RO Bangalore and the same were forwarded to this Ministry by the Regional Office, Bangalore vide its letter dated 25<sup>th</sup> June, 2015.

(vii) The issue was examined in the Ministry and it was observed that it is very old case. In the meantime, the procedure for granting of approvals under the Forest (Conservation) Act, 1980 has undergone various modifications and changes and, accordingly, Ministry vide its letter no. 8-82/2002-FC dated 17.07.2015 informed the State Government to submit the submit fresh proposal in this regard and DGPS map of the area and all formats as per the Forest (Conservation) Rules, 2003 amended in 2014 so that it can be further examined in the Ministry. Accordingly, the State Govt. again submitted the proposal in 2017.

(viii) The State Govt. has requested to requested for exemption of CA stating that forest land was transferred prior to the enactment of Forest (Conservation) Act, 1980 and the present proposal is for the renewal of lease. It was noted by AC that as per Para 2.4 (iv) of handbook of guidelines issued by this Ministry in 2019 (enclosed as Annexure) and as per the guideline dt 21.03.2023 the CA land is applicable in the instant project.

(ix) The State Govt. has requested for exemption of NPV stating that forest land was transferred prior to the enactment of Forest (Conservation) Act, 1980 and the present proposal is for the renewal of lease. It was noted by the AC that the Hon'ble Supreme Court vide order dt 04.08.2006 in IA Nos 1413,1414,1454 in IA No. 1413, 1426, 1428, 1440, 1439, 1441, 1444-1445, 1459 and 1460 in WP no 202 of 1995 stated that :-  
 ..... x) All proposals for grant of F.C. Act clearances and T.W.Ps. in respect of mining leases shall be placed before the F.A.C. Where the F.A.C., by order recommends the grant of a clearance or a T.W.P. the M.O.E.F. shall, within a period of four weeks from the date of such order, issue orders for the grant of clearance on the usual terms, including those relating to payment of N.P.V. Provided where a T.W.P. is being granted, it shall only be for a period not exceeding one year and upon payment of N.P.V. for the already broken up area;  
 ..... xv) The T.W.P. shall become effective only after the payment towards the N.F.V. for the already broken up area is deposited by the user agency,.....

It was noted that there is no specific direction wrt the exemption on NPV in the instant case, and the instant case may be considered as fresh proposal wherein NPV is applicable with prevalent rates.

(x) The AC observed that the C: B ratio submitted is not as per the prescribed format as per this Ministry's handbook of guidelines issued in 2019.

(xi) The AC also noted that the Ministry vide its letter dated 22.06.2019 sought the below mentioned justification from the State Govt.; -

*'It is mentioned by the State Government that the area of 94.08 ha. of forest land is a part of Pannikottur Reserve Forest which was notified as Reserved Forest vide notification Agri F(B)4-63626/58 and it falls in Survey No. 568 of Chembanada Village of Koyilandi Taluk. The above said 94.08 ha. of forest land was leased to IISR in the year 1975 for establishing experimental farm. The initial lease period was for 25 years w.e.f 02.08.1976 and which expired on 2001. It may clarify why the prior approval under Forest (Conservation) Act, 1980, for renewal of forest clearance was obtained before its expiry in year 2001 with justification'.*

In this regard no comments were received from the State Govt.

(xii) AC also noted that annual renewal of lease was granted by the State govt. till 2012, however, there was no valid approval under FCA, 1980.

(xiii) AC noted that the part of the proposed area for diversion is falling in the Malabar WLS and for accordingly, due approval from NBWL is required. However, the State Govt. has requested for exemption and also the comments of the CWLW are not submitted wrt the applicability of the required approval from NBWL.

**5. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DIGF (C) Regional Office, Bangalore. After going through the facts of the proposal and submissions made, the committee decided that the nodal officer (FCA) Govt. of Kerala shall present the required justification with regard to the following:

(i) Under which rules the State Govt. has granted annual lease till 2012, and why this may not be considered a violation of FC Act, 1980.

(ii) What are provisions which allows the exemption of CA and NPV in the instant case as recommended and requested by the State Govt.

(iii) Why the construction of new structures was allowed without renewal of lease and approval under FC Act 1980 as being noted in the analysis of historical imagery available on Google Earth for the years 25.11.2002 to 09.09.2018.

(iv) The inordinate delay in seeking approval by the State Govt. requires proper justification w.r.t. the instant proposal.

Further, as the area falls in the Malabar WLS and the State govt. has requested that required wildlife clearance from NBWL may be exempted and also the specific comments/recommendation of the CWLW, Kerala State is not on record. In this regard the CWLW, Kerala State shall present the details of the instant proposal and the grounds on which such an exemption may be granted under the provisions of the WL (Protection) Act.

## Agenda No. 2

**File No. 8-23/2017-FC**

**Subject: Proposal for re-alignment and additional construction for production and storage of explosive products from 87.97 ha forest land, already diverted in favour of M/s. Solar Industries India Ltd. for the expansion of Explosives Manufacturing Unit at Chakdoh, Taluka Katol, District Nagpur in the Maharashtra State – regarding.**

1. The agenda item was considered by the AC in its meeting held on 14.11.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. IGF (Central), RO, Bengaluru on behalf of Dy. DGF(Central), RO, Nagpur attended the meeting.
4. While deliberating on the proposal, AC observed that:
  - i. Originally the Government of Maharashtra vide their letter No. FLD-3415/CR-185/F-10 dated 16.12.2016 submitted the proposal for diversion of 87.97 ha of forests land for the Expansion of Explosives Manufacturing Unit at Mouza Chakdoh, Tal. Katol, District Nagpur, Maharashtra under Section 2 (ii) of Forest (Conservation) Act, 1980.
  - ii. The said proposal was considered by the FAC in its meeting held on 16.05.2017 wherein the proposal was recommended for Stage-I approval.
  - iii. Thereafter with the approval of the competent authority, the Ministry vide letter dated 25.07.2017 issued Stage-I approval for the said proposal. The State Government vide their letter dated 17.09.2018 submitted compliance of conditions stipulated in the Stage-I approval. Further the Ministry vide letter dated 17.12.2018 issued Stage-II approval for the said proposal.

- iv. Thereafter based on the request of State Government vide their letter dated 05.03.2019 additional conditions were stipulated in Stage-II approval as communicated vide Ministry letter dated 20.05.2019.
- v. It is imperative to mention that as per the recommendations of FAC the Ministry while issuing Stage-I approval and Stage-II approval imposed specific condition as under:  
*The State Govt. shall ensure that the non-forestry activity shall be undertaken only in 4.73 ha and rest of the area being diverted shall be maintained as green cover by planting plants in the area, at the cost of user agency and no non- forestry activity except fencing and watch tower shall be allowed over such land.*
- vi. The Government of Maharashtra vide their letter No. FLD-3415/C.R.185/F-10 dated 17.03.2023 forwarded a proposal for re-alignment and additional construction for production and storage of explosive products from 87.97 ha forest land, already diverted in favour of M/s. Solar Industries India Ltd. for the expansion of Explosives Manufacturing Unit at Chakdoh, Taluka Katol, District Nagpur in the Maharashtra State.
- vii. This proposal is submitted for following two activities: -
  - a. Approval for the realignment of civil work layout of buildings and roads and to the revised actual built up area of already constructed 3.87 ha as per revised layout plan and utilization of balance 0.86 ha to be utilized for paved pathways for human movement along existing roads, as against originally approved 4.73 ha.
  - b. Approval for additional built up area of 5.25 ha and layout thereof involving change of "Outer Safety Zone" status of 6 ha to "Inner Safety Zone" status along with security fencing as per Defence requirements to accommodate partially, the additional built up area within the boundaries of already diverted forest land of 87.97 ha, as per the revised layout plan. The boundaries and area of originally diverted forest area of 87.97 ha will remain unchanged.
- viii. The User agency has completed the construction work of 3.8712 ha out of 4.73 ha originally approved layout plan. Balance area 0.86 ha is planned to be utilized for laying paved pathways along the already constructed roads for human movement.
- ix. Further it has been informed that the new products being planned, an additional built up area of 5.25 ha is required for construction, for which 6 ha of land (from already diverted 87.97 ha. forest area) out of 29.65 ha. as shown in outer safety Zone in original layout plan is proposed for realignment.
- x. The State Government mentioned that the User Agency will comply with relevant condition of the approving authority, if any, for carrying out Afforestation against the 1800 Nos. of trees to be cut as indicated in the said proposal.
- xi. The Advisory Committee observed that few buildings have been slightly shifted from its originally approved locations mainly due to adverse foundation conditions and the plant was completed by slightly shifting those buildings (about 25 meters) and roads at few points from its originally



approved location. However, the constructions are within the area proposed for said landuse

- xii. Further the proposed additional built up area of plant buildings, godowns & internal roads totaling to 5.25 ha is proposed within the already diverted land of 87.97 ha.
- xiii. The Committee observed that the project also involves non-forest land (NFL), and therefore the possibility of using the NFL for the additional constructions needs to be explored.

#### **5. Decision of the Advisory Committee:**

The Committee had detailed discussion and deliberation. After going through the facts of the proposal, the Committee directed the Nodal Officer (FCA), Government of Maharashtra along with the DFO Nagpur shall give a detailed presentation before the Advisory Committee in its next meeting with particular reference to the following:

- i. The approval has been sought for change in location of the buildings which have been already constructed over 3.87 ha area within the originally approved construction area of 4.73 ha. The justification for shifting the location without intimation/ approval of Central Government shall be submitted.
- ii. The construction of buildings/built up area is non-site specific activity. The State Govt. shall therefore explore the possibility of using Non-forest land for the same. In case the use of forest land is unavoidable, the justification for the same shall be submitted.

#### **Agenda No. 3**

**File No. 8-26/2021-FC**

**Subject: Proposal for diversion of 344.688 ha Reserved Forest land (294.082 ha Reserved Forest land under Kajrahat (Dala) Limestone Mine and 50.606 ha Reserved Forest land under Bhalua Limestone mine] for mining on 10 years lease period in favour of M/s Ultratech Cement Ltd., Dalla in Obra Forest Division of Sonbhadra District, State Uttar Pradesh (Online No. FP/UP/MIN/47074/2020)- regarding.**

1. The agenda item was considered by the AC in its meeting held on 14.11.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Lucknow and Divisional Forest Officer, Kaimur Wildlife Sanctuary, Government of Uttar Pradesh attended the meeting.
4. While deliberating on the proposal, AC observed that:
  - i. The Government of Uttar Pradesh vide letter No. 1401/81-2-2021-800(155)/2021 dated 21.09.2021 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 344.688 ha Reserved Forest land (294.082 ha Reserved Forest land under Kajrahat (Dala) Limestone Mine and 50.606 ha Reserved Forest land under Bhalua Limestone

- mine] for mining on 10 years lease period in favour of M/s Ultratech Cement Ltd., Dalla in Obra Forest Division of Sonbhadra District, State Uttar Pradesh.
- ii. Legal status of the area proposed for diversion is 344.688 ha Reserved Forest and Density of vegetation has been proposed is 0.3 having Eco class 3 and a total of 16534 nos. of trees are marked for felling.
  - iii. The CF, Mirzapur Circle, Govt. of Uttar Pradesh, in their recommendation reported that, total 344.688 ha Non-forest land has been provided by the user agency against the instant proposal out of which 235.737 ha Non-forest land located in Mirzapur forest division and 108.951 ha Non-forest land located in Kaimur wildlife division of Mirzapur District. Moreover, out of 344.688 ha Non-forest land for CA, 120.544 ha Non-forest land was found un-suitable for carrying out plantation work. Therefore, 120.544 ha forest land in Obra forest division under Sonbhadra district have been identified for carrying out CA against the 120.544 ha un-suitable Non-forest CA land of the Mirzapur District.
  - iv. The Member Secretary informed the committee that the State Government vide their letter dated 01.09.2022 has submitted the additional information in reference to Ministry letter dated 01.11.2021. Further the Ministry vide letter dated 14.11.2022 requested the State Govt. to submit the information. Reply is awaited from the State Govt.
  - v. The Member Secretary informed the committee that a representation dated 16.08.2023 was received from M/s Jaiprakash Associates Ltd. in the Ministry wherein it has been requested to revive proposal No. FP/UP/MIN/QRY/429344/2023 filed by M/s Jaiprakash Associates Ltd. which is rejected by Nodal Officer, Government of Uttar Pradesh.
  - vi. The Member Secretary informed the committee that thereafter the M/s Ultratech Cement Ltd., vide their letter dated 01.09.2023 has submitted that the JAL's proposal no. FP/UP/MIN/QRY/429344/2023 for diversion of 294.082 Ha of forest land at Kajarhat Mines (filed on 15.05.2023) has been rightly rejected by the Chief Conservator of Forest & Nodal Officer vide its order dated 12.06.2023 as proposal No. FP/UP/MIN/47074/2020 filed by UltraTech Cement Ltd. ("UTCL") for diversion of 344.688 Ha of forest land including 294.082 Ha of forest land at Kajarhat Mines ("2020 UTCL Kajarhat Proposal") for which JAL has sought diversion, is already pending with Govt. of Uttar Pradesh. The Chief Conservator of Forest & Nodal Officer, Govt of Uttar Pradesh, has rightly recorded that UTCL has already filed 2020 UTCL Kajarhat Proposal and the same has been duly forwarded to your good offices on 21.09.2021 to which JAL has never objected.
  - vii. The Member Secretary informed the committee that in this regard a meeting was held on 14.09.2023 in Regional Office, Lucknow under the Chairmanship of DGF&SS, MoEF&CC to consider objection to representation dated 16.08.2023 of M/s Jai Prakash Associates submitted by M/s Ultratech Cement Ltd. vide letter dated 01.09.2023 wherein as per Minutes of Meeting it has been decided as under:
    - a) A meeting was convened to consider objection to representation Dated 28/5/2023 and 26/8/023 of Jai Prakash Associates submitted by Ultratech Cement Ltd. vide letter dated 1/9/2023.
    - b) Representatives of JP Associates and Ultratech Cement Ltd briefed about the issues related to dispute pertaining to diversion of 294 082 Ha of forest land at Kajarhat mines in Sonebhadra district, the disputed

- issue being related to transfer of mining rights etc. Incorporated in the Master Implementation Agreement (MIA) between the parties.
- c) It was briefed that in August, 2022, JAL initiated arbitration proceedings which are pending. The issue as regards the ownership of the JP Super Plant and forest clearance of Kajarhat mines is pending in the said arbitration proceedings which are likely to be finalised by first week of October, 2023.
  - d) It was requested and agreed by both the parties that the matter be considered by the MoEFCC in the second week of October 2023 or at a later date.
- viii. The Member Secretary informed the committee that further a meeting was held on 25.10.2023 in MoEF&CC, New Delhi under the Chairmanship of DGF&SS, MoEF&CC wherein as per Minutes of Meeting it has been decided as under:
- a) Representatives of M/s J.P. Associates Ltd. and M/s Ultratech Cement Ltd. briefed about the respective interpretation in this matter. M/s Ultratech Cement Ltd. has also submitted vide letter dated 25.10.23 updated status regarding Hon'ble Arbitral Tribunal dated 03.10.23.
  - b) DGF&SS desired that NGT orders and orders of Hon'ble Arbitral Tribunal be examined. However, based on discussions following observations were made:
  - c) No application has been submitted to MOEF&CC to apprise about change in ownership.
  - d) Mining plan has been submitted only for non-forest land and IBM approved mining plan for forest area has not been submitted. DGF&SS further desired that copies of LOI from State Government regarding mining in forest land, Hon'ble Supreme Court orders vide which the said land has been accorded status of forest land, copies of all relevant Court orders and other relevant letters be submitted by respective parties as applicable.
  - e) All agreed that the proposal be discussed in AC under FC Act for appropriate decision as that is the appropriate forum for all proposals submitted for diversion of Forest Land.
- ix. The representation of M/s Ultratech Cement Ltd., vide their letter dated 01.11.2023, 02.11.2023 and 11.11.2023 has been considered by the Advisory Committee.
- x. The Advisory Committee observed that the Mining plan for the instant project was prepared and approved in the year 2007 in favour of M/s Jaiprakash Associate Ltd. Mining plan has been submitted by M/s Ultratech Cement Ltd. only for non-forest land and IBM approved mining plan for forest area has not been submitted.
- xi. The Advisory Committee observed that the State Government has failed to submit the present status of LoI/mining lease and it has not been clarified in whose favour the LoI/mining lease has been issued.

#### **5. Decision of the Advisory Committee:**

The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Lucknow. After going through the facts of the proposal, the Committee decided that the proposal for diversion of 344.688 ha Reserved Forest land for mining in Dalla in Obra Forest

Division of Sonbhadra District, State Uttar Pradesh is incomplete and decided to defer the said proposal with the following observations:

- i. The State Government shall submit the approved mining plan in whose favour the LoI has been given /mining lease is proposed to be executed, along with the copy of LoI.
- ii. The State Government shall submit details of the forest land and non-forest land involved in the mining proposal and their land use along with requisite KML files.
- iii. The CA area shall be in favour of the person in whose favour LoI/mining lease has been given. Therefore, the State Govt. shall provide the related documents in this regard.

#### Agenda No. 4

File No. 8-16/2023-FC

**Subject: Diversion of 2250.05 ha (instead of 2272.05 ha) forest land for construction of Morand - Ganjal Irrigation Project located in Hoshangabad, Betul, Harda and Khandwa Districts of Madhya Pradesh State in favour of M/s Narmada Valley Development Authority (Online No. FP/MP/IRRIG/36231/2018) – regarding.**

The agenda item was considered by the AC in its meeting held on 14.11.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).

1. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
2. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh attended the meeting.
3. While deliberating on the proposal, AC observed that:
  - i. The Government of Madhya Pradesh vide their letter No. F-3/16/2018/10-11/1667 dated 26.04.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 2272.05 ha forest land for construction of Morand - Ganjal Irrigation Project located in Hoshangabad, Betul, Harda and Khandwa Districts of Madhya Pradesh State in favour of M/s Narmada Valley Development Authority.
  - ii. Thereafter on the basis of technical analysis, the State Government vide letter no F-3/16/2018/10-11/3669 dated 16.08.2023 submitted that on re-examination of the affected forest area in this project, the area of affected forest land has been found to be 2250.05 hectares.
  - iii. Density of vegetation in the proposed area is from 0.4 to 0.7 having Eco class 3 and approximately 7,17,232 number of trees will be affected at the full reservoir level(FRL) out of which a total of 5,75,164 no. of trees are marked for felling at FRL-4-meter Level.
  - iv. The proposal involves rehabilitation of 644 no. of families out of which 604 are Schedule Tribes families and 40 are other families.
  - v. The proposed forest diversion area is falling in Satpura - Melghat Tiger corridor and the CCF, Betul and the CF, Narmadapuram in their Site

Inspection reports have mentioned that the forest land proposed for diversion forms a part of an active wildlife corridor utilized by wild animals (Tiger, Panther, etc.). The project execution may therefore lead to habitat fragmentation and cause obstruction in the corridor.

- vi. The State Government vide letter no. F-3/16/2018/10-11/1667 dated 26.04.2023 has mentioned that compensatory afforestation has been proposed over an area of 2407.189 ha non forest land in Agar Malwa, Sagar, Betul and Jabalpur District, Madhya Pradesh. However, the detailed Compensatory Afforestation scheme for the proposed non forest land has not been submitted.
- vii. It has been observed that the District Collectors, Sagar, Betul, Agar Malwa and Jabalpur have reserved land for carrying out CA in the instant proposal. However, after examination of the same it has been found that as per District Collector, Betul vide their order dated 25.09.2018 an area of 662.00 ha of land has been reserved for CA out of which an area of 386.469 ha is proposed for CA against the instant proposal in Tehsil Betul, Amla and Godhadungri. However, the land type of proposed CA is recorded as Forest land, Bade Jhar ka Jungle. Also as per District Collector, Sagar vide their order dated 18.09.2018 an area of 1071.99 ha of land has been reserved for CA and same is proposed for CA against the instant proposal. However, the land type of proposed CA in Tehsil Kesli, Village – Padhna Khurd, Chirai, Rengajholi is recorded as Government Forest land. Further the land type (Bhumi Noiyath) of CA land is not recorded in District Collector, Jabalpur order dated 18.02.2019. Therefore, the Ministry vide letter no. 8-16/2023-FC dated 13.06.2023 requested the State Government to clarify that whether such lands proposed for CA does not comes in the ambit of Forest (Conservation) Act, 1980 and justify these lands as Non Forest Land.
- viii. In this regard, the Government of Madhya Pradesh vide their letter No. F-3/16/2018/10-11/3669 dated 16.08.2023 has informed that the project is likely to be executed in a phased manner as under and in First Phase 116.27 ha forest land is required and for the same Compensatory Afforestation scheme for the area of 116.27 ha non forest land is submitted.

S. No	Phase	Component	Proposed area in Ha
1	First	Dam seat and Sluice, Pipeline PH/DC, Spillway Channel with Fish Ladder, Approach & Diversion Road, Transmission line	116.27
2	Second	FRL-4	1135.57
3	Third	FRL-4	616.748
4	Fourth	FRL	381.462
		Total	2250.05

- ix. As per DSS analysis, it has been observed that Satellite imagery shows the presence of Settlements/ Built-up, Agriculture land, earthen dam, Road, playground, presence of earthen dam and canals in the CA areas and the proposed CA area are not free from encumbrances.
- x. As per the technical approval dated 18.10.2017 it has been reported that the Morand Dam will be constructed in Phase-I and if the water requirement gets

fulfilled by the same in that case the construction of Ganjal will not take place. Moreover, the Indira Sagar Dam is located at a distance of 54.40 Km from the proposed forest diversion site for Harda Dam and Tawa Reservoir is located at a distance of 34.33 Km from the proposed forest diversion site for Morand Dam. However, later on the State Govt. has informed that even after the construction of Ganjal Dam, a large area will remain deprived of irrigation facilities and State Government vide approval letter number F31-21/2017/2401, dated 21/04/2022 has decided to construct both the dams.

- xi. The RO, Bhopal in site inspection report has reported that as the proposed area for diversion is 2250.05 ha, the user agency has provided 2289.209 ha non-forest land at several locations in Betul, Jabalpur, Sagar & Agar Malwa District. Further it has been reported that there was no numbering of the trees falling in either submergence area or dam seat or spillway channel and it was found that there was no complete enumeration of the trees in the proposed area for diversion had taken place. Moreover, the figures given for no. of affected trees in the proposed diversion area was as per the no. of trees per ha mentioned in the working plan.
- xii. As per the DSS analysis, the proposed forest land for diversion is located at a distance of 52.22 Km from the Ratapani Wildlife Sanctuary and 37.28 Km from the Bori Wildlife Sanctuary. However, the proposed forest diversion patches are falling on Satpura-Melghat Tiger corridor.
- xiii. The Advisory Committee observed that the compensatory afforestation has been proposed over non forest land in Agar Malwa, Sagar, Betul and Jabalpur District, Madhya Pradesh. However, the detailed Compensatory Afforestation scheme for the proposed non forest land has not been submitted and the Government of Madhya Pradesh vide their letter No. F-3/16/2018/10-11/3669 dated 16.08.2023 has informed that the project is likely to be executed in a phased manner and in first phase 116.27 ha forest land is required and for the same Compensatory Afforestation scheme for the area of 116.27 ha non forest land is submitted.
- xiv. The Committee observed that the Compensatory afforestation scheme along with relevant documents for the entire non-forest land proposed for Compensatory Afforestation needs to be submitted. Further, the non-forest land has to be free from all encumbrances.

### **5. Decision of the Advisory Committee:**

The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh, the Committee deferred the proposal for non-forest use of 2250.05 ha forest land for construction of Morand - Ganjal Irrigation Project for want of following information:

- i. In order to have actual assessment of the no. of trees involved in the project, the species wise and girth class wise complete enumeration of the trees falling in proposed diversion area shall be submitted.
- ii. Keeping in view the fact that the area proposed for diversion and submergence is quite large and is located in a landscape which is part of an active wildlife corridor i.e., Satpura-Melghat Tiger corridor, the execution of the project may lead to habitat fragmentation and cause obstruction in the corridor. Therefore, a study of the possible impacts of the project on the Biodiversity and Wildlife by Wildlife Institute of India

which shall be submitted along with the specific recommendation from the CWLW and State Govt.

- iii. The State shall submit the recommendations/comments of National Tiger Conservation Authority (NTCA) on the instant proposal.
- iv. Keeping in view the fact that the area is within Satpura-Melghat Tiger Corridor, the State shall take necessary action as per rules to seek the requisite recommendations of NBWL/SBWL.
- v. The complete CA scheme, along with relevant documents, revenue record, maps and KML files for the total non-forest land proposed for Compensatory Afforestation shall be submitted. The State shall ensure that the proposed area is free from all encumbrances.

### Agenda No. 5

**File No: 8-21/2023-FC**

**Subject: Diversion of 206.826 ha forest land in the Forest compartment No PF-400, 401, 409, 410, 413, 414 & 422 of Damua Range under West Chhindwara Forest Division for the Tandsi Under-ground Coal Mining Project by M/s Western Coalfield Limited (WCL) under Chhindwara District of Madhya Pradesh State (Online No. FP/MP/MIN/44238/2020) - regarding.**

1. The agenda item was considered by the AC in its meeting held on 14.11.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh attended the meeting.
4. While deliberating on the proposal, AC observed that:
  - i. The Government of Madhya Pradesh vide their letter No. F-1/833/2022/10-11/3123 dated 13.07.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 206.826 ha forest land in the Forest compartment No PF-400, 401, 409, 410, 413, 414 & 422 of Damua Range under West Chhindwara Forest Division for the Tandsi Under-ground Coal Mining Project by M/s Western Coalfield Limited (WCL) under Chhindwara District of Madhya Pradesh State.
  - ii. Legal Status of Forest land involved is 206.826 ha Protected Forest and the density of the proposed area is 0.5 having Eco class 3.
  - iii. The proposal is for Underground Coal Mining Project. Therefore, Compensatory Afforestation is not applicable.
  - iv. The Site Inspection was carried out by the Divisional Forest Officer, Chhindwara Forest Division wherein it has been reported that the proposed Mining area is located within Satpura- Pench Corridor and the DFO has conditionally recommended the proposal subject to wild life protection measures.

- v. The Member Secretary informed the committee that the Ministry vide letter no. 11-164/2010-FC dated 25.03.2013 related to Forest and Environment Clearance to the coal mining project in PENCH Kanhan Coalfield located in Chhindwara District, Madhya Pradesh regarding Tandsi- I & Tandsi-II Coal Mine decided that after exhaustion of the underground reserve no further activity in the mine site, especially conversion to open cast should be allowed and regarding Tandsi-III Coal Mine decided that no mining activity may be allowed.
- vi. The Government of Madhya Pradesh vide their letter No. F-1/833/2022/10-11/3123 dated 13.07.2023 forwarded the proposal for diversion of 206.826 ha forest land for Tandsi under-ground coal mining project as a fresh diversion proposal without any reference to the renewal of the existing mine or diversion of forest area earlier, whereas, the DFO, Chhindwara (West) in his letter dated 15.06.2021 mentioned that an area of 299.44 ha was diverted earlier vide Ministry letter No. 8-145/86-FC dated 20.11.1991.
- vii. The Member Secretary informed the committee that the Government of Madhya Pradesh recommended the proposal subject to a study which is to be carried out by the WII, Dehradun and the State Forest Research Institute, Jabalpur to curb the noise level arising due to mining and allied activities.
- viii. The Member Secretary informed the committee that the instant proposal falls under Inviolable Zone or In high conservation zone value as per DSS Rule-I because the instant project is located at a distance of 0.54 Km from the Tiger corridor and it is also Inviolable due to presence of Hydrological feature (Tambiya Nadi).
- ix. The Advisory Committee observed that as per the DSS analysis, Satpura-Melghat-1 Tiger corridor is located at a distance of 0.54 Km from the proposed forest land for diversion. Buffer of Satpura Tiger Reserve is located at a distance of 18.07 Km from the Proposed forest diversion. Further the PCCF (Wildlife)-cum-Chief Wildlife Warden, Government of Madhya Pradesh vide their letter dated 07.01.2023 has mentioned that as the proposed area is falling in PENCH Satpura Wildlife Corridor. Therefore, the proposal also needs approval from NBWL.
- x. The Advisory Committee observed that the PCCF (Wildlife)-cum-Chief Wildlife Warden, Government of Madhya Pradesh has also mentioned that the forest land proposed for diversion forms a part of active wildlife corridor and in order to allow free movement of wild animals in and around the proposed area which may get affected due to transportation and high noise of machines used during mining operations. Therefore, in order to reduce the noise level, it is recommended to carry out a study from WII, Dehradun and SFRI, Jabalpur.
- iii. The Advisory Committee observed that a black top single road is passing through the proposed area and a river called Tambia is also observed to be flowing through the proposed diversion area.

#### **5. Decision of the Advisory Committee:**



The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh, the Committee deferred the proposal for non-forest use of 206.826 ha forest land for the Tandsi Under-ground Coal Mining Project for want of following information:

- i. A detailed chronology indicating the history of mining lease and its renewals along with the detail of approvals accorded under FCA, 1980 for the entire lease area with consolidated picture of Tandsi-I, Tandsi-II and Tandsi-III and the adjoining mines referred by CWLW shall be submitted.
- vi. The distance of proposed forest area from Satpura Tiger Reserve is 6.18 km. The area has a recorded presence of Tigers as elaborated in the SIR of DFO concerned. Further, the execution of the project may lead to habitat fragmentation and cause obstruction in the corridor. Therefore, before proceeding further in the instant matter it is essential to carry out a detailed study of the possible impacts of the project on the Biodiversity and Wildlife. A detailed study involving Wildlife institute of India, Dehradun shall be submitted along with the specific recommendation of the CWLW and the State Govt.
- vii. The PCCF (Wildlife)-cum-Chief Wildlife Warden, Government of Madhya Pradesh vide their letter dated 07.01.2023 has mentioned that the proposed area is falling in Pench Satpura Wildlife Corridor and needs approval from NBWL. In this regard the State Govt. shall take necessary action as per rules to seek the requisite recommendations of NBWL.
- viii. High resolution satellite imagery shows the presence of road and plantation work in the forest land proposed for diversion. The State Govt. shall examine the same in detail and submit a detailed report in this regard.
- ix. Tambiya River and its tributary are flowing through the forest land proposed for diversion. In this regard the comments of the Water Resource Department of the State/State Government on the effect of underground mining on ground water recharge, river flow and measures to protect river subsidence due to under-ground mining shall be submitted. The details of study carried out, if any in this regard shall also be submitted.

#### **Agenda No. 6**

**File No: 8-119/2011-FC**

**Subject: Diversion of 255.177 ha of forest land for underground coal mining of Maori Coal Block in favour of M/s. Western Coalfields Ltd. in Chhindwara district of Madhya Pradesh (Online No. FP/MP/MIN/1049/2011) - regarding.**

The agenda item was considered by the AC in its meeting held on 14.11.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).

1. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

2. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh attended the meeting.
3. While deliberating on the proposal, AC observed that:
  - i. The Government of Madhya Pradesh vide letter dated 09.11.2011 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 255.117 hectares of forest land in favour of M/s. Western Coal Limited for underground coal mining of Maori Coal block in Chhindwara district of Madhya Pradesh.
  - ii. The said proposal was considered by the FAC in its meeting held on 17.09.2012 wherein FAC after examination of the proposal noted as below:
    - a. The Maori Coal block is one of the 68 coal blocks located within the Pench Kanhan Coalfield;
    - b. The Maori Coal Block having total 338.268 hectares area contains 61.675 hectares of Protected Forest, 193.442 hectares of Reserved Forest land, 28.123 hectares of revenue forest land and 55.028-hectare revenue land;
    - c. As per the user agency, due to difficult geological conditions it is not economically viable to undertake mining in the 28.123 hectares of revenue forest land and 55.028 hectare of revenue land. The proposal for diversion of 255.117 hectares of Reserved and Protected Forest and Reserved Forest land located within the block has only been submitted;
    - d. The forest land required for opening/incline of the mine is not included in the proposal. Even if the approval for diversion of the forest land included in the proposal is accorded by the Central Government, it will not be feasible for the user agency to operate the mine, till approval for diversion of the forest land required for opening/incline of the said mine is obtained; and
    - e. The proposal does not contain soft copy and duly authenticated hard copy of geo-referenced map of the forest land proposed for diversion prepared by using differential GPS or Total Station, as has been stipulated by the MoEF.
  - iii. The FAC after detailed deliberations recommended that the proposal will be considered after visit of the Chairman and members of the FAC to the Pench-Kanhan Coalfield and cumulative assessment of impact of mining in all 68 coal blocks located within the block is completed.
  - iv. The FAC further recommended that meanwhile the State Government of Madhya Pradesh may be requested to submit a consolidated proposal for entire forest land, including incline/opening etc. required for extraction and evacuation of coal from the said mine. The 28.123 hectares of revenue forest land and 55.028 hectare of revenue land in which as per the user agency, due to difficult geological conditions, it is not economically viable to undertake mining, shall be formally excluded from the mining block before submission of the revised proposal.

- v. The revised proposal to be submitted by the State Government shall contain all essential documents including a soft and duly authenticated hard copy of geo-referenced map prepared by using differential GPS or Total Station.
- vi. The Chairman FAC along with other official of the Ministry visited the Pench Kanhan field in January 2013. Nothing pertaining to this Block has been indicated in the report of the visit of the Chairman, FAC to the Pench Kanhan coalfield.
- vii. The Government of Madhya Pradesh vide their letter dated 18.10.2014 and 14.03.2014 submitted a reference indicating coordinates of each corner point of the forest land proposed to be diverted and also the user agency vide letter dated 18.10.2014 has submitted a representation in the Ministry.
- viii. The Ministry vide letter dated 02.12.2014 requested the State Govt. to provide their comments on the content of user agency letter dated 18.10.2014 and also requested to complete the process for settlement of rights in accordance with the provision of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- ix. The State Govt. vide their letter dated 24.08.2023 has submitted their reply (after a gap of nearly 10 years) in reference to Ministry letter dated 02.12.2014 and provided the copy of FRA certificate dated 29.07.2017 issued by District Collector, Chhindwara. Further the State Government vide their letter dated 07.11.2023 has submitted the additional information in reference to the Ministry letter dated 06.10.2023 and submitted that on account of limited requirement the user agency require to reduce the land and applied 48.918 ha for open cast mine, incline mouth and other surface infrastructure for renewal under MCR, 1960. In this regard, the Ministry vide letter no. 8-113/2011-FC dated 02.07.2015 has issued Stage-II/ Final approval for the proposal for diversion of 48.918 ha of forest land in favour of M/s Western Coalfields Ltd. for infrastructure development in their Mohan Colliery Open Cast Phase-II project located in Chhindwara district of Madhya Pradesh.
- x. The State Government also informed that regarding FAC recommendation for excluding the 28.123 hectares of revenue forest land and 55.028 hectare of revenue land in which as per the user agency, due to difficult geological conditions, it is not economically viable to undertake mining. In this regard, the user agency submits its stand that since the above said land has already been notified under Sec. 11 (1) of CBA (A&D), 1957, therefore, it is not possible to the user agency to exclude the said land (28.123 ha and 55.028 ha) from the notified area of 338.268 ha.
- xi. The Site inspection has been carried out by Dy. DGF, RO, Bhopal and as per site inspection report it has been reported that the area was observed to be highly undulating with a small hillock in the middle. The vegetation in the area is falling in the category of open forest with a density varying from 0.1-0.5. There was no encroachment noticed in the area. No activity was observed to be undertaken by WCL in the area and hence no violation was observed. The same was confirmed from the local forest officials.

- xii. The Advisory Committee observed that the approved copy of the mining plan has not been submitted.

#### **5. Decision of the Advisory Committee:**

The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Bhopal and Nodal Officer, FCA, Government of Madhya Pradesh, the Committee deferred the proposal for non-forest use of 255.177 ha of forest land for underground coal mining of Maori Coal Block for want of following information:

- ii. The State Govt. has not submitted the copy of approved mining plan, which shall be submitted.
- iii. The State Govt. shall ensure that the land use proposed in the instant proposal is in conformity with the mining plan. A comparative analysis of the proposed landuse/component wise breakup vis-à-vis the mining plan shall also be submitted.

#### **Agenda No. 7**

**F. No. 8-31/2022-FC**

**Subject: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Bhusan Power & Steel Limited 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 in Odisha State (Online proposal no. FP/OR/MIN/26965/2017).**

The proposal was placed in front of Advisory Committee for discussion. It was noted that this proposal is in the same landscape wherein there are other proposals for which the reply of the State Government is not received consequent to observations by the Advisory Committee in the earlier meeting. It was further noted that the report of Regional Office has been received on 01.11.2023 in this regard. It was decided that all the proposal from this landscape (5 proposals in total) will be deliberated *in-toto* together as and when the reply in all proposals is received. Accordingly, the proposal has been deferred for further decision by the AC.

#### **Agenda No. 8**

**8-96/1996-FC (PT.-I)**

**Subject: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the forest (Conservation) Act, 1980 in favour of M/s OMC Ltd for non-forestry use of 194.683 ha of forest land involved in total mining lease area of 358.258 ha of Guali Opencast Iron Ore Mines in District Keonjhar (Odisha) (Online proposal No. (FP/OR/MIN/140713/2021) – reg.**

The proposal was placed in front of Advisory Committee for discussion. It was noted that this proposal is in the same landscape wherein there are other proposals for which the reply of the State Government is not received consequent to observations by the Advisory Committee in the earlier meeting. It was further noted that the report of Regional Office has been received on 01.11.2023 in this regard. It was decided that all the proposal from this landscape (5 proposals in total) will be deliberated *in-toto* together as and when the reply in all proposals is received. Accordingly, the proposal has been deferred for further decision by the AC.

### Agenda No. 9

File No. 8-25/2022-FC

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Anil Kumar Sharma Power of Attorney of Late Chandi Prasad Sharma for non-forestry use of 67.352 ha forest land for Iron & Manganese Ore Mining in village Raikela, Bahamba & Tensa under Bonai Sub-Division in Sundargarh District of Odisha (Online Proposal No. FP/OR/MIN/39199/2019)**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 14.11.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Odisha was not attended the meeting however, representative of the Nodal (FCA) from Govt. of Odisha was present and DDGF (central), MoEF&CC's RO at Bhubaneswar was also present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions of the Act, Rules and Guidelines relevant to the proposal and their significance.
3. Advisory Committee after through deliberation and discussion observed that:
  - i. Government of Odisha vide their letter No. FE-DIV-FLD-0068-2022-15274 dated 30.08.2022 submitted above subject proposal seeking prior approval of Central Government under Section-2 (ii) of Forest Conservation Act, 1980.
  - ii. The Mining lease area for Iron & Manganese Ore over 69.606 ha is located in Raikela, Bahamba and Tensa villages in Bonai Sub-Division of Sundargarh District, Odisha was granted in favour of M/s Chandi Prasad Sharma vide Govt. of Odisha, Department of Mining & Geology in Proceeding No.10903/MD, Bhubaneswar dated 25.09.1985.
  - iii. The Mining lease deed over an area of 69.606 ha was executed on 17.04.1986 for a period of 20 years from 17.04.1986 to 16.4.2006. The District Collector, Sundargarh had granted surface right over an area of 9.862 Ac (3.991 ha) vide Order No.512 dated 09.06.1986. The lessee started mining operation with effect from 15.09.1986 over the granted surface right area. Further, the District Collector Sundargarh had also granted surface right over an area of 7.860 acres (3.180 ha) vide Order No.788 dated 06.09.1991.
  - iv. The lessee had made application for renewal of the mining lease on dated 14.04.2005. Mining Operation was continued in already broken up area over 6.884 ha till 16.04.2006. The lease got expired on 16.04.2006 and the mining operations got stopped vide Office Letter No.7726/Mines Dated 17.04.2006 of

Deputy Director of Mines, Koira Circle, Koira. The lessee filed Writ Petition in the Hon'ble High Court of Orissa vide WP (C) No.7623/2006 challenging the aforesaid order of stoppage of mining operations.

- v. The Hon'ble High Court of Orissa passed an Order on 02.06.2006 which says that "if the lease in question granted in favour of the petitioner is still subsisting, he may be permitted to operate the mines in respect of the broken areas, however mining shall not be operated in virgin areas". As per the said Order of Hon'ble High Court of Orissa, the lessee resumed the mining operation from 15.07.2006 and continued till 09.03.2007 by the order of the Hon'ble High Court of Orissa in the Misc. Case No.2467/2007.
- vi. The Divisional Forest Officer, Bonai Forest Division had raised a demand for payment of NPV for ₹4,94,32,680/- vide Letter No.2886/6F dt.05.06.2010 and the lessee had paid the above amount of NPV vide demand draft No.094765 dated 25.06.2010 in favour of Compensatory Afforestation Fund (CAF)-Odisha A/C No.CA 1585, Corporation Bank, Lodhi Road, New Delhi and after payment of NPV, the lessee was allowed to resume mining operation over the already broken up area of 6.884 ha upto one year vide order No.20258/Mines Dated 13.08.2010 of the Divisional Forest Officer, Bonai Forest Division.
- vii. The Divisional Forest Officer, Bonai Forest Division directed the lessee to stop all mining operation with immediate effect vide letter No.1210/6F dated 22.02.2011.
- viii. The mining operations in the ML started from 15.09.1986 and continued till 31.03.1994. The mining operation got temporarily stopped by the lessee w.e.f. 01.04.1994 to 31.03.1995. Again, the mining operation started from 01.04.1995 and continued till 16.04.2006. After Payment of NPV for the total forest area, mining continued till 21.02.2011.
- ix. The lease was declared lapsed w.e.f. 22.02.2013 vide Govt. Proceeding No.5947/III (B) SM 06/2010/S&M dt. 26.06.2013 The lessee challenged the lapsing order before the Revisional Authority by filling Revision Application bearing No.22/(31)/2013/RC-I, Department of Mines, Govt. of India New Delhi. The Revisional Authority vide Common Order No.105/2016 to 160/2016 dated 11.05.2016 set aside the impugned order dated 26.06.2013 of the Govt. of Odisha and remanded back to the State Govt. for suitable re-consideration in line with Hon'ble Apex Court direction on the provisions of lapsing expeditiously. The Govt. in Steel & Mines Department vide their Order No.9841/S&M dated 23.11.2021 became pleased to decide not to declare and record the Iron & Manganese Mining Lease over an area of 69.606 ha in village Raikela-Bahamba-Tensa of Sundargarh District of Sri C.P. Sharma as lapsed under Rule 20 (6) of MC Rules, 2016 and amended vide MC (4th Amendment) Rules, 2021 without prejudice to any other proceeding pending against the lessee before any Court of Law or authority.
- x. As per the judgment passed by the Hon'ble Supreme Court in W.P. (C) No.114/2014 dated 02.07.2017, the lessee had been demanded a sum of ₹10,00,20,185.687 towards compensation for production of minerals without or in excess of Environment Clearance vide Letter No.5074/Mines date 02.09.2017 of the DDM, Koira. The lessee has paid the compensation amount along with applicable interest. Further the lessee had been demanded a sum of ₹43,71,184.05 towards compensation for production of minerals made in excess of the lower of the approved limit under Mining Plan/ Consent to Operate vide Letter

- No.5995/Mines Date 24.10.2017 of the DDM, Koira, and the lessee has also paid the demanded amount.
- xi. The land schedule of ML area of 69.606 ha comprises of DLC forest of 52.922 ha, Revenue Forest of 5.479 ha, PRF of 8.951 ha and non-forest of 2.254 ha. The User Agency has applied for diversion of 67.352 ha of forest land including 10.684 ha (Safety Zone-2.836 ha + 50 mtr wide Nala-5.408 ha + 10 mtr along the Public Road-2.44 ha) to be maintained as Green Belt.
  - xii. The Compensatory Afforestation is required over 64.516 ha (67.352 ha - 2.836 ha) of non-forest land and against the same 67.052 ha NFL has been provided.
  - xiii. The CA scheme has been prepared by the DFO, Rourkela Forest Division in Block Plantation mode @ 1600 seedlings per ha over 32 ha and 1000 seedlings per ha over 26 ha with provision of 10 years' maintenance with required SMC measures to be adopted and provision of Wire Mesh fencing around the CA land as per provision of one-time cost norm basis.
  - xiv. The land suitability certificate for raising of CA furnished by the RO, Banki. Financial outlay of CA scheme has been technically approved by CCF (FD & NO, FC Act) for ₹6,55,40,000.
  - xv. The project does not involve displacement of any human habitation. Hence, resettlement and rehabilitation plan is not required for this project.
  - xvi. The User Agency has granted the Environmental Clearance vide Letter No. J-11015/481/2007-IA dtd.16.06.2008 of Govt. of India, MoEF.
  - xvii. Regional Wildlife Management Plan and Site Specific Wildlife Conservation Plan has been proposed to be implemented by the SFD at the cost of the UA.
  - xviii. The Mining Plan with Progressive Mine Closure Plan have been approved by the Indian Bureau of Mines dated 03.03.2021 which is valid up to 31.03.2026.
  - xix. Regarding violation, it has been noticed that the mining lease got executed on 17.04.1986 over 69.606 ha which includes 10.380 ha of Revenue Forest land. Execution of ML on forest land without prior approval under Forest (Conservation) Act, 1980 is a violation. Later, it has been detected that the above said ML includes 8.951 ha of Sarkunda PRF. During Site Inspection, it has been detected that 0.050 ha of PRF patch also got broken up during the previous mining activities. A forest offence case has been booked against the lessee for violation over 0.050 ha of PRF area broken up during the previous mining activities under the provision of Orissa Forest Act, 1972 vide OR No.170 (BS) of 2021-22 on 25.02.2022.
  - xx. A Temple is located inside the proposed area. The Regional office has recommended that the temple shall be kept untouched. As per the present Mining Plan the temple area has not been included.
  - xxi. Superintending Engineer, Rourkela Irrigation Division has suggested that the following measures may be taken for protection of the adjoining nala:
    - a. Embankment on both side of the Nalla to be ensured for preventing Pollution of streams.
    - b. Vegetation improvement on both side of the stream needs to be ensured (50 m. on both side.
    - c. Artificial trenches (Canals) surrounding overburden dumping to be ensured for avoiding erosion of overburden to the streams.
    - d. Water quality need to be checked regularly.
  - xxii. The Hon'ble High Court of Orissa passed an Order on 02.06.2006 which says that "if the lease in question granted in favour of the petitioner is still subsisting, he may be permitted to operate the mines in respect of the broken areas, however

mining shall not be operated in virgin areas". As per the said Order of Hon'ble High Court of Orissa, the lessee resumed the mining operation from 15.07.2006 and continued till 09.03.2007 by the order of the Hon'ble High Court of Orissa in the Misc. Case No.2467/2007. The present status of said case is however not known.

- xxiii. The Divisional Forest Officer, Bonai Forest Division had raised a demand for payment of NPV for ₹4,94,32,680/- vide Letter No.2886/6F dt.05.06.2010 and the lessee had paid the above amount of NPV vide demand draft No.094765 dated 25.06.2010 in favour of Compensatory Afforestation Fund (CAF)-Odisha A/C No.CA 1585, Corporation Bank, Lodhi Road, New Delhi and after payment of NPV, the lessee was allowed to resume mining operation over the already broken up area of 6.884 ha upto one year vide order No.20258/Mines Dated 13.08.2010 of the Divisional Forest Officer, Bonai Forest Division. The provision under which the permission for mining was accorded vide order No.20258/Mines Dated 13.08.2010 is required to be clarified by the State.
- xxiv. The reply from the State Government on the observations by AC earlier was examined by the Committee and noted that the State Government has recommended the total forest area proposed for diversion.

**5. Decision of the Advisory Committee:** After thorough deliberation and discussion with CF (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee recommended the proposal for granting the 'in-principle' approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Anil Kumar Sharma, Power of Attorney of Late Chandni Prasad Sharma for non-forestry use of 67.352 ha forest land for Iron & Manganese Ore Mining in village Raikela, Bahamba & Tensa under Bonai Sub-Division in Sundargarh District of Odisha subject to the General, Standard and following specific conditions:

- i. The State Govt. shall ensure that the following suggestions given by the Superintending Engineer, Rourkela Irrigation for protection of the adjoining nala shall be implemented:
  - a) Embankment on both side of the Nalla to be ensured for preventing pollution of streams.
  - b) Vegetation improvement on both side of the stream needs to be ensured (50 m. on both side.
  - c) Artificial trenches (Canals) surrounding overburden dumping to be ensured for avoiding erosion of overburden to the streams.
  - d) Water quality need to be checked regularly by the concerned authority.
- ii. The State Govt. shall ensure that the temple in the area proposed for diversion shall be kept untouched as the temple area is not included in the mining plan.
- iii. As reported by the State Govt 6.884 ha forest area within the mining lease was broken up without prior approval of the Central Government under FCA, 1980. Also the DFO has reported that an area 0.05 ha of PRF land was also broken up for which an offence case was booked. Therefore, for utilization of forest land (i.e. 6.884 ha) for which NPV was paid without prior approval under FCA, 1980 will be treated as a case of violation and shall be dealt as per para 1.21(ii)a of the Handbook of guidelines for the payment of due penal NPV. Further, for the additional area broken up by the UA for mining activities as reported by the State Govt. the NPV and penal NPV shall be charged accordingly.



- iv. The CA area has been provided over 67.052 ha NFL; therefore, the State Govt. shall ensure that the equivalent non-forest land to the extent of the forest land being diverted will be provided.

### Agenda No. 10

File No. 8-63/2011-FC (Vol-I)

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Odisha Coal & Power Ltd (OCPL) for non-forestry use of 342.870 ha of forest land for development of Dip Side Manoharpur Coal Mining Project in Sundargarh District of Sundargarh Forest Division, Odisha (Online Proposal no. FP/OR/MIN/37631/2018)**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 14.11.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Odisha was not attended the meeting however, representative of the Nodal (FCA) from Govt. of Odisha was present and DDGF (central), MoEF&CC's RO at Bhubaneswar was also present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions of the Act, Rules and Guidelines relevant to the proposal and their significance.
3. Advisory Committee after through deliberation and discussion observed that:
  - i. The Government of Odisha vide their letter no. FE-DIV-FLD-0016-2023-3667 dated 27.02.2023 submitted above subject proposal seeking prior approval of Central Government under section 2 Forest (Conservation) Act, 1980.
  - ii. Manoharpur and Dip side of Manoharpur block are contiguous blocks having common boundary. These two coal blocks were allocated by Govt. of India, Ministry Coal in favour of OPGC. The Supreme Court of India through its judgment dated August 25, 2014 read with its order dated September 24, 2014 (collectively the "Supreme Court Judgment") had cancelled allotment of 204 coal blocks including the Manoharpur and Dipside Manoharpur coal blocks which were allotted to OPGC. Subsequent to the Supreme Court judgment, the Coal Mines (Special provisions) Ordinance 2014 and Coal Mines (Special provisions) Second Ordinance, 2014 (collectively the "Ordinance") were promulgated and the Coal Mines (Special Provisions) Rules, 2014 (the "Rules") were framed for auction and allotment of all blocks which were subject to cancellation pursuant to the Supreme Court judgment. Further, the Coal Mines (Special Provisions) Act, 2015 (the "Act") was enacted which replaced the ordinance.
  - iii. The net geological reserve of Manoharpur coal block is 252 Million Tonne (MT) and that of Dip side Manoharpur coal block is 726 MT Forest Clearance (Stage-I & II) for 276.655 ha (including 76.19 ha area which is to be treated as forest as per dictionary meaning) of Manoharpur Coal Block has been obtained from MOEF & CC vide letter F.No.8-63/2011-FC dated 20.08.2014 by the prior allottee (OPGC). Since, this 76.19 ha of land is Govt non forest land, the same has been acquired through OGLS Act, 1962. However, all the requirement of FC Act & conditions stipulated in Stage-I & II approval has been complied. The Forest Clearance was transferred to OCPL vide Letter

F.No.8-63/2011-FC dated 30.11.2015. Further, 86.527 ha of land falling outside the coal block, which includes 57.078 ha of forest land were acquired by OPGC for pit head infrastructures & coal stockyard etc. under the head MGR The entire non-forest land was transferred in favour of OCPL by IIDCO, Govt. of Odisha and the entire forest land were transferred in favour of OCPL vide MoEF& CC, Regional Office Bhubaneswar Letter No.5-ORA155/2012-BHU, dated 17/10/2017.

- iv. The DFO, Sundargarh Forest Division has reported that the total forest land diverted & transferred in favour of OCPL thus comes to 257.543 ha (200.465 ha + 57 078 ha). Further, OCPL has already applied 15.701 ha of left out forest land for Manoharpur coal block, the proposal of which has been forwarded from State Govt. to MOEF & CC and in the mean-time it has got Stage-I approval also. Forest Land is required for Coal mining external overburden dumping, construction of evacuation facilities & allied infrastructure.
- v. Apart from the land already acquired for Manoharpur Coal mine project by the user agency, the total land planned to develop Dip-side Manoharpur Coal block is 780.440 ha (Inside block: 684.620 ha+ Outside block: 95.82 ha), which is proposed to be acquired. Therefore, this diversion proposal has been submitted by the User Agency covering forest land of 342.870 ha (Inside block: 278.730 ha + Outside block: 64.140 ha) for use in non-forestry purpose under the provisions of Sec-2 of the Forest Conservation Act, 1980. The blocks are connected by road to the state capital Bhubaneswar through State Highway-10 and National Highway-55, with a total distance of around 400 km. approx. The nearest railhead is Hemgir on Mumbai-Howrah Broad Gauge of South Eastern Railway at a distance of about 25kms. Jharsuguda railway station on Jharsuguda-Sambalpur-Bhubaneswar rail line of East Coast Railway is situated at a distance of about 45 km. approx. The nearest port at Bay of Bengal is Paradip and situated at a distance of about 600 km. from the block. The Jharsuguda Airport, is the nearest airport from the block (Approx. 45 KM).
- vi. The area proposed for diversion falls in Sundergarh Forest Division of Odisha and the UA has applied this area for 44 years. The legal status of the Forest land is RF (176.59 ha) and Revenue Forest (166.28 ha). The density of vegetation of Reserve Forest (176.50 ha) is 0.4 Revenue Forest (166.28 ha) is 0.3 and Eco-Value Class-III.
- vii. The total forest land of 342.870 ha (inside block 278.730 ha + outside block 64.140 ha) has been applied for diversion. The total forest land, Govt. non-forest land and Private land involved in the Dip side Manoharpur coal block is 780.440 ha. Out of which 684.620 ha is inside block area and 95.82 ha in outside block. In the Mining lease area of 684.62 ha the forest area is 278.73 ha. Further, for outside of the Coal Block, additional area of 95.82 ha proposed, out of which the forest area is 64.14 ha. Cumulatively for both inside and outside of the proposed Coal Block, the forest area requirement is (278.73+64.14) =342.87 ha.
- viii. The total forest land located in the safety zone area of the Mining lease is 4.15 ha.
- ix. As reported by the DFO, Sundargarh Forest Division, plantation over an area of 448.942 ha (non-forest Govt. land 245.318 ha + DLC land 93.691 ha and 109.933 ha) has been identified in village Bendrichua, Etma, Laxmanapa,

Fateimunda, Kesrijima, Kunjanala of Tahasil Hemgiri, Lephripada, Badagaon, Balisankara and in villages Bailma, Karuabahal, Khatrubahal, Tunumura, Kandeimunda, Kutra under Tahasil Kutra and Balisankara. The land schedule authenticated by the concerned Tahasildars and countersigned by the DFO, Sundargarh Forest Division has been provided.

- x. The DFO, Sundargarh Forest Division has reported that as per DSS analysis, the effective area suitable for plantation is 76 ha out of identified 245.318 ha non-forest Govt. land and 103 ha DLC land out of identified 109.933 ha. Accordingly, the CA Scheme has been prepared by the DFO, Sundargarh Forest Division over 76 ha of non-forest Govt. land and 103 ha DLC land at the current wage rate ₹333/per mandays of 10 years' maintenance with required SMC measure over total area of 448.942 ha identified for CA (as per onetime cost norm). The plantation scheme has been provided. The area will be restocked by planting adequate no. of seedlings of Gamar, Asan, Jamun, Tamarind, Simuli, Jack fruit etc. as per site requirement.
- xi. The CA scheme with provision for AR plantation @1000 seedlings per ha over 76 ha of non-forest Govt. land and 103 ha DLC land has been prepared which accommodate only 1,79,000 seedlings. The balance  $(342.87 - 4.15 = 338.69 \text{ ha } 1000 \text{ seedlings/ha} = 338690 \text{ nos. } 179000 \text{ nos.} = 159690 \text{ or say } 160000)$  160000 seedlings will be accommodated in 160 ha degraded forest land identified for Addl. CA in Kondakamberu URL of Malkanagiri Forest Division with a provision for AR plantation @1000 seedlings per ha. As per DSS analysis the area found to be NF 88 & OF = 71. As reported by DFO, the identified area will be restocked by planting adequate no. of seedlings of Asan, Gamar Jamun, Pipal, Neem, Tamarind, Amla & Mahul etc. The execution and protection of the plantation will be done by local people (VSSS) with monitoring by DFO, Malkangir.
- xii. The State has reported that site suitability certificate for raising CA over non-forest Govt. land and DLC land and Addl. CA land have been furnished by DFO, Sundargarh and DFO, Malkangir have been provided respectively.
- xiii. The certificate under Forest Rights Act (FRA), 2006, the Lol holder has applied to Collector, Sundargarh for issue of certificate under FRA, 2006 and the Collector, Sundargarh instructed BDO Hemgiri to process the FRA certificate vide his Letter No.887 Dt.27.02.2020. The User Agency has submitted an undertaking duly countersigned by the DFO, Sundargarh Forest Division to submit the certificate under FRA, 2006 as soon as it is obtained from the competent authority.
- xiv. Environmental Clearance will be required for the project for which User Agency has applied for EC to MOEF & CC, New Delhi and ToR was issued on Dt.19.04.2020 based on Mining Plan. Expert Appraisal Committee (EAC) has raised few observations including obtaining of Forest Clearance.
- xv. As per the Site Inspection Report of the DFO, Sundargarh Forest Division (127 nos. in village Kathaphala and 63 nos. in village Paramanandpur), the project involves displacement of 190 families out of which 127 Scheduled Tribes, 4 Scheduled Castes and 59 other category families. The User Agency has submitted an undertaking duly countersigned by the DFO, Sundargarh Forest Division that the approved R&R Plan will be submitted prior to final approval of the diversion proposal over 342.87 ha. The socio-economic survey for preparation and finalization of R&R plan for the project. displaced families/ project affected families is under progress

- xvi. As reported by the PCCF &HOFF, Odisha the Cost-Benefit Ratio is 1:221.514. The State has recommended the Regional Wildlife Management Plan and Site Specific Wildlife Conservation Plan.
- xvii. The Mining plan including Mining closer plan has been approved by the Ministry of Coal, Government of India vide L.No.34011/15/2018-CPAM dated 26.09.2019. Subsequently one corrigendum has been made vide L.No.34011/15/2018-CPAM dated 01.10.2019, further following change made in Part-I that Mining Plan Revision-2 to Mining Plan Revision-3 being mentioned as Mining Plan (Revision-3) for Manoharpur and Manoharpur Dip Side Coal Block in IB valley of Sundargarh District of OCPL The period of Mining lease is for 30 years. The Mining operation has started as per the mining plan (Rev-III) on 01.11.2018 and life of the mine is estimated as 44 years @16MTA production. Schedule year of production has fixed to 2019-20 and proposed year of achieving production is fixed to 2022-23.
- xviii. Status of compliance of conditions stipulated in the Stage-II approval accorded by MOEF & CC vide letter F.No.8-63/2011-FC dated 20.08.2014 for the diversion of 276.655 ha forest land and the status of compliance report of Stage-I approval for diversion of 15.701 ha forest land for Manoharpur coal block has submitted by the State Government.
- xix. There was a discrepancy in the area proposed forest for diversion. As per proposal submitted the area is 342.870 ha whereas the software-calculated area as per DSS analysis is found to be 334.069 ha. Similarly, it was mentioned that the project boundary area of dip-side is 1848.379 ha (Lease area 1781.591 ha) and its software-calculated area is found to be 1812.49 ha. The same has been rectified by the State.
- xx. The State authorities recommended the proposal for diversion of 342.87 ha of forest land under FCA, 1980.
- xxi. As per the proposal 64.14 ha area has been proposed for Allied Infrastructure out of which 51.64 ha is for OB dump. The justification for proposing these non-site specific activities on forest land was asked and no satisfactory reply has been received from the State Govt.
- xxii. The proposal was also inspected by the Regional office Bhubaneswar and the AC has considered the SIR and noted that:
- a) The mining operation will start in the Kanhupahad RF (10.52 Ha) block after 12<sup>th</sup> year of commencement of mining operation and mining in the Hunadarkhola RF block comprising an area of 166.06 Ha will commence after 25<sup>th</sup> years of mining operation.
  - b) The forest land proposed for dumping is 51.64 Ha, which is a non-site specific activity and the same cannot be considered on the forest land.
- xxiii. As the UA has applied 342.870 ha forest land. Out of this proposed FL 10.52 ha will be used after 12 years and 166.06 ha will be used after 25<sup>th</sup> year and 51.64 ha will be used for dumping. In view of this scenario a huge patch of forest land sought for diversion does not seem to be utilized on urgent basis and in near future.
4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with CF (FCA), GoO and DDGF (Central), RO Bhubaneswar the Advisory Committee deferred the proposal with observations that as huge patch of the forest land i.e. 51.64 ha is proposed to be used for dumping which is a non-site specific activity, a detailed review is required from the state side.

**Agenda No. 11****File No. 8-14/2016-FC**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Balasore Alloys Ltd for non-forestry use of 64.119 ha of Sabik Kisam Forest land as on 25.10.1980 within mining lease area of 64.463 ha, for Chromite mining in our Kaliapani Chromite Mines in Jajpur district of Odisha Regarding issuing of Stage-II approval (Online Proposal no. FP/OR/MIN/11934/2015)**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 14.11.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Odisha was not attended the meeting however, representative of the Nodal (FCA) from Govt. of Odisha was present and DDGF (central), MoEF&CC's RO at Bhubaneswar was also present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. Advisory Committee after through deliberation and discussion observed that:
  - i. The Government of Odisha vide their letter No. 10F (Cons) 381/2015-12027/F&E dated 29.06.2016 submitted the above subject proposal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
  - ii. The Ministry vide letter dated 18.11.2016 has already been accorded 'in-principle' approval subject to the following penal condition at S. No. (ix) and (x):
    - a) The User agency shall pay NPV at the rate 20 per cent for each year since the violation of Forest (Conservation) Act 1980 has commenced.
    - b) User agency shall raise penal CA equivalent to the land utilised in violation of the provision of Forest (Conservation) Act 1980;
  - iii. Further, the Ministry's vide letter dated 25.07.2017 has amended the above penal condition as per the detailed given below:
    - a) A committee under that chairmanship of Sh. Tejender Singh PCCF, Regional Office, Bhopal with members Sh. Kanwarjeet Singh APPCCF RO Nagpur, Sh. Reddy APCCP RO Chennai, Sh. Sanjay Deshmukh Member FAC and Sh. Deepak Kumar Sinha IG (FC) MoEF&CC is formed to decide a policy frame work and quantum of penalty to be imposed in deliberate and unavoidable violations of provisions of FCA 1980.
    - b) Since the User agency has violated the provisions of FC Act and Rules made thereof, the quantum of penalty shall be imposed' and realised as per the recommendations of the committee, constituted for this purpose by the FAC and accepted by the competent authority in the ministry.
  - iv. The Government of Odisha vide their letter No. 24978/9F (MG)-359/2016 dated 08.12.2022 submitted the compliance report of conditions stipulated in Stage-I approval dated 18.11.2016, after elapse of six years. However, the UA

has deposited the NVP in 2015 and now the differential amount of the NPV as per the new rate of NPV.

- v. After the examination of the said compliance report the Ministry noted that the UA has not deposited the Penal amount as imposed vide Ministry's letter dated 18.11.2016 and has also sought clarification from the State for submitting the compliance report in extraordinary delay.
- vi. The Government of Odisha vide letter no. 3091/9F(MG)-359/2016 dated 16.02.2023 furnished their reply on the observations contain in the Ministry's letter dated 14.01.2023. Detail of the same are as given below:
  - a) M/s- Balasore Alloys Ltd was 64.463 ha in non-forest land during grant of lease dated 15.7.2000. Subsequently, in pursuant to guidelines dated 10.3.2015 issued by Govt. of India, MoEF & CC the land schedule of the mining lease was verified by the Tahasildar, Sukinda and it was found that 64.119 ha of the ML comes under Forest land and 0.344 ha non-forest land out of the total 64.463 ha. As per guidelines dated 09.03.2016, the time period was extended up to 30.09.2016 for obtaining forest clearance over Sabik kisam forest land and subsequently vide guideline dated 30.09.2016 extended the time again up to 31.12.2016. In the mean-while Hon'ble High Court, Orissa vide its Interim Order dated 04.03.2016 granted order for maintaining status quo on mining operation. The interim order passed by the Hon'ble High Court, Orissa up to 20.06.2022 is enclosed for reference. Further the Deputy Director of Mines, Jajpur Road, Odisha has reported regarding mining operation from the period January, 2016 to till date vide letter No.318 dated 4.2.2023. In the mean-time Govt. of India, MoEF & CC have accorded Stage-I approval for diversion of 64.119 ha of Sabik Kisam Forest Land as on 25.10.1980, within the mining lease area of 64.463 ha. for Chromite mining in Kaliapani Chromite Mines At-Kaliapani Dist Jajpur, Odisha vide No.8-14/2016-FC dated 18.11.2016 with a number of conditions imposed therein. As per condition No. (ix) of Stage-I approval order, the User Agency shall pay NPV @ 20% for each year since the violation of FC Act, 1980 has commenced and condition No. (x), the User Agency shall raise penal CA equivalent to the land utilized in violation of the provision of FC Act, 1980. Subsequently, the condition No. (ix) & (x) of Stage-I approval order have been deleted vide letter dated 25.7.2017 of Govt. of India, MoEF & CC. It is reported by RCCF as per clause No.3 E of letter No.11-42/2017-FC dated 29.1.2018 of Govt. of India, MoEF & CC the violation of FC Act is not attributed to the User Agency, no penalty shall be imposed.
  - b) The User Agency has clarified that due to Covid -19 pandemic, transfer and mutation of CA land, financial crisis and the stay order of Hon'ble High Court, Orissa have caused the delay process to submit the compliance. The ML area of 64.463 ha has already been broken up after commencement of mining operation since September, 2000, and only 244 nos. of sound trees were found during tree enumeration. Moreover, Compensatory Afforestation land was re-visited by the Competent Authority and accordingly the Scheme has been revised as per present guidelines with respect to letter from PCCF(Nodal) vide

Memo No.,17224 dated 05.09.2022. The same land is found suitable for compensatory afforestation.

- vii. Further a meeting was also held under the chairmanship of the DGF&SS on 01.11.2023 wherein it has been noticed that the Stage-1 approval was issued vide Ministry's letter dated 18.11.2016 read with dated 25.07.2017 and the User Agency/State submitted the compliance report after a lapse of about 6 years and continued the mining without obtaining the Stage-II approval. Keeping this in view, the penal NPV is liable to be paid in the instant case as per the para 1.21 of the Handbook of guidelines dated 28.03.2019. The said MoM were circulated to the Government of Odisha for taken a view on the penalty. However, the reply the State was not received. The Committee stated that there is no need the comments of the State at this stage and the AC will decide the penalty clause.
  - viii. As per Hon'ble High Court Order dated 20.05.2022 the interim order of stay has not been extended after 17.12.2019. Thereafter Deputy Director, Mines, Jajpur vide letter dated 06.06.2022 has suspended all mining operations until further orders.
4. **Decision of the Advisory Committee:** After thorough deliberations and discussions with CF (FCA), GoO and DDGF (Central), RO Bhubaneswar, the Advisory Committee recommended that the State Government shall ensure that as per the original condition of Stage-I approval dated 18.11.2016, the amount of penal NPV will be deposited by the UA from 17.12.2019 to 06.06.2022 as under:
- a) The User agency shall pay NPV at the rate 20 per cent for each year since the violation of Forest (Conservation) Act 1980 has commenced.
  - b) User agency shall raise penal CA equivalent to the land utilised in violation of the provision of Forest (Conservation) Act 1980.

## Agenda No. 12

### Policy Issue No. 1

**File No. FC-11/84/2023-FC**

**Subject: Maintenance of Safety Zone; review of guidelines given under Para 7.9 of the Handbook of Forest (Conservation) Act, 1980 vis-à-vis approvals obtained under the Forest (Conservation) Act, 1980 – reg.**

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 14.11.2023. The Member Secretary briefed the Advisory Committee about the issue and development in the matter.
2. The Advisory Committee, after examination of the matter, observed as under:
  - i. A D.O letter dated 12.10.2023 of Secretary, Ministry of Steel, Government of India was received in the Ministry on 17.10.2023 wherein it has been mentioned that SAIL has submitted the proposals for the diversion of forest areas within the safety zone of Bolani, Kiriburu- Meghahatuburu, and Dhobil mines of SAIL. The Bolani mine is in Odisha and other two are in the State of Jharkhand. Further, it has been mentioned that the payment of NPV and CA in case of

forest land involved within the safety zone of above mines has been made by the SAIL. However, the process of approval is likely to take some more time. It has been requested to extend the deadline by at least one year from September 30, 2023, to September 30, 2024 for the diversion of forest areas within the safety zone of Bolani, Kiriburu, Meghahatuburu, and Dhobil mines of SAIL.

- ii. It has been mentioned that given the potential lengthy process involved in securing formal forest clearance for the aforementioned FC proposals, intervention is requested in extending the deadline from September 30, 2023, to September 30, 2024. Further, this extension is essential to ensure compliance with the Forest (Conservation) Act and to enable uninterrupted iron ore production from the aforementioned SAIL Mines.
- iii. The Committee noted that the policy issue regarding Maintenance of Safety Zone along the inner boundary of mining lease review of guidelines given under para 7.9 of the Handbook of Forest (Conservation) Act, 1980 vis-à-vis approvals obtained under the Forest (Conservation) Act, 1980 was discussed in Advisory Committee meeting held on 21.09.2022 wherein after detailed discussion and deliberation on the proposal with the Regional Officers and the Officers of Forest Conservation Division, the Advisory Committee recommended the following :
  - a) To enable various user agencies to align their forest land located in the safety zone with the relevant provisions of the guidelines issued by the Ministry, last opportunity may be considered by the Ministry by providing a window to the user agencies to deposit NPV by 31.03.2023 along with simple interest of 12% w.e.f. 1.04.2018 onwards till the deposit is made.
  - b) The user agency should submit proposal and obtain approval under the Forest (Conservation) Act, 1980 for diversion of forest area located in the safety zone by 30.09.2023.
  - c) In case of failure of compliance of recommendations, mentioned under (i) and (ii) above, the possession of forest land located in the safety zone will be considered as violation of the FC Act, 1980 and appropriate penalties will be imposed on defaulting user agencies.
  - d) IROs concerned will monitor the compliance in the matter and submit six monthly report to the Ministry.
- iv. Thereafter with the approval of the component authority the Ministry issued guideline no. FC- 11/151/2022-FC dated 07.11.2022 in accordance with the recommendation of Advisory Committee.
- v. The Member Secretary informed the committee that Ministry vide letter of even no. dated 06.11.2023 requested all the Regional offices of Ministry as well as Nodal Officer (FCA), All States/ Union territories Administration to submit the complete information w.r.t the proposals submitted in view of the guideline no. FC- 11/151/2022-FC dated 07.11.2022 regarding the diversion of forest land within the safety zone



and the proposals which are still to be submitted. Report in this regard is awaited.

- vi. The Committee noted that given the justification regarding the process involved in securing approval under FCA,1980 the time period given for obtaining approval vide guideline dated 07.11.2022 can be considered for extension.

3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and officials of the Forest Conservation Division, recommended that in such cases where the proposal for the diversion of forest areas within the safety zone has been submitted by 30.09.2023 the time period for obtaining approval under FCA,1980 may be extended further till 30.09.2024. In cases where the proposal for the diversion of forest land within the safety zone has not been submitted by 30.09.2023, the User agency shall deposit one-time penal NPV + Normal NPV (with interest if applicable w.e.f. 31.03.2023) and obtain the approval under FCA,1980 for the forest areas within the safety zone latest by 30.09.2024. Further, in case the required compliance is not done even till 30.09.2024, approval under FCA, 1980 in such case shall be considered deemed to be in abeyance.

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**(Confirmed through email)**

Dr. Naveen Chandra Bisht  
(non-official Member)

**(Not present)**

Shri S. D. Vora  
(non-official Member)

**(Not present)**

Shri Manoj Pant  
(non-official Member)

**(Not present)**

Dr. Mehraj A. Shaikh  
Deputy Commissioner (NRM)  
(Member)

**(Confirmed through email)**

Shri Bivash Ranjan  
Additional Director General of Forests(WL)  
(Member)

**(Confirmed)**

Shri S. P. Yadav  
Additional Director General of Forests(FC)  
(Member)

**(Confirmed)**

Shri Ramesh Kumar Pandey  
Inspector General of Forests  
(Member Secretary)

**(Approved)**

Shri C. P. Goyal  
(Director General of Forests and Special Secretary)

(Chairperson)