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*Through e-mail*

OFFICE OF THE REGIONAL CHIEF CONSERVATOR OF FORESTS, BHUBANESWAR CIRCLE  
STATE SILVICULTURE GARDEN, At/Po- GHATIKIA, BHUBANESWAR - 751029.  
PHONE / FAX - 0674-2951174, 2951175 E-MAIL- [rccf.bhubaneswar@odisha.gov.in](mailto:rccf.bhubaneswar@odisha.gov.in)

Memo No. 3853 / 4F-49/2022  
Dated, BBSR, the 4 th November, 2022

To

The Principal Chief Conservator of Forests,  
Forest Diversion & Nodal Officer, FC Act,  
O/o the PCCF & HoFF, Odisha, Bhubaneswar.

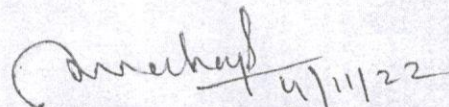
Sub: Diversion of 1.463 ha of Revenue Forest land in favour of IDCO, Bhubaneswar for construction of Fortune Tower in Jaydev Vihar under Bhubaneswar Tahasil of Khordha District. (Proposal No. FP/OR/Others/44078/2020)

Ref: (i) Your Memo No.16561 dt.28.08.2022.  
(ii) Memo No.5792 dt.01.11.2022 of DFO, Chandaka (WL) Division to your address.

In inviting a reference to the above cited correspondence on the captioned subject, it is inform you that the Divisional Forest Officer, Chandaka(WL) Division has furnished Point No. 1 & 2 as sought by the Government of India, Ministry of Environment, Forest & Climate Change, IRO, Bhubaneswar Letter F.No.5-ORB514/2020-BHU dated.23.08.2022 for diversion of 1 463 ha of Revenue forest land to this office.

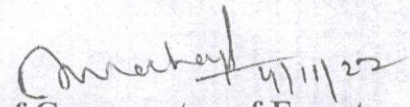
The required Compliance report of the user agency duly forwarded by DFO, Chandaka(WL) Division is 3(Three) sets enclosed herewith for your kind perusal and further needful action at your end.

Encl: - As above

  
Regional Chief Conservator of Forests,  
Bhubaneswar Circle.

Memo No. 3854 /dt.04.11.2022

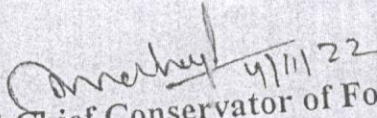
Copy forwarded to the DFO, Chandaka (WL) Division for information with reference to his memo no.5791 dt.01.11.2022.

  
Regional Chief Conservator of Forests,  
Bhubaneswar Circle.



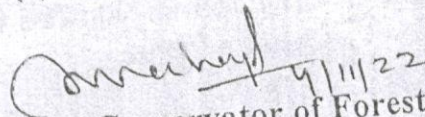
Memo No. 3855 /dt.04.11.2022

Copy forwarded to the Chief General Manager (Env.), IDCO for information and necessary action with reference to Memo No.5793 dt.01.11.2022 of DFO, Chandaka (WL) Division.

  
Regional Chief Conservator of Forests,  
Bhubaneswar Circle.

Memo No. 3856 /dt.04.11.2022

Copy forwarded to the Director of Estates & Ex-Officio, Addl. Secretary to Government, GA & PG Department, Government of Odisha for information and necessary action with reference to Memo No.5793(1) dt.01.11.2022 of DFO, Chandaka (WL) Division.

  
Regional Chief Conservator of Forests,  
Bhubaneswar Circle.



OFFICE OF THE DIVISIONAL FOREST OFFICER & WILDLIFE WARDEN  
CHANDAKA WILDLIFE DIVISION, GAJA VIHAR  
BARAMUNDA BHUBANESWAR-751003

Ph. (0674) 2355400, Email - [dfo.chandakawl@odisha.gov.in](mailto:dfo.chandakawl@odisha.gov.in)

Letter No. **5791**/4F (F.C. Act & Lease) - 31/2022

Dated, Bhubaneswar the **01<sup>st</sup> November, 2022**

To

The Regional Chief Conservator of Forests  
Bhubaneswar Circle, Bhubaneswar

Sub:

**Proposal for Diversion of 1.463 ha. Revenue forest land in favour of IDCO for construction of Fortune Tower in Jayadev Vihar under Bhubaneswar Tahasil of Khordha District. (Proposal No. FP/OR/Others/44078/2020)**

Ref:

P-57

(i) Memo. No. 16561 dtd. 24.08.2022 of the Conservator of Forests (Nodal)

P-77

(ii) This office memo. No. 4574 dtd. 25.08.2022 & 4861 dtd. 13.09.2022

P-781

With reference to your above cited memo. on the captioned subject; the compliance to point No. 1 & 2 as sought by the Government of India, Ministry of Environment, Forest & Climate Change, IRO, Bhubaneswar is furnished below:

1. The Chief General Manager (Env.), IDCO, Odisha had intimated that the correct KML file of the project land uploaded in Parivesh portal vide his letter No. 23004 dtd. 08.09.2022. **(Copy enclosed)**
2. The Director of Estates & Ex-Officio, Addl. Secretary to Government, GA & PG Department, Government of Odisha had submitted the compliance of point No.2 vide his letter No. 30281 dtd. 27.10.2022. **(Copy enclosed)**

This is for favour of information & necessary action.

**Encl: As above**

*[Signature]*  
Divisional Forest Officer  
Chandaka Wildlife Division  
Bhubaneswar

Memo No. **5792**/dt. **01.11.2022**/

Copy forwarded to the Conservator of Forests (Nodal) O/o the Principal Chief Conservator of Forests & HoFF, Odisha favour of information and necessary action with reference to your memo. No. 16560 dtd. 24.08.2022.


*[Signature]*  
Divisional Forest Officer  
Chandaka Wildlife Division  
Bhubaneswar



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Memo No. 5793/dt. 01.11.2022/

Copy forwarded to the Chief General Manager (Env.), IDCO, Odisha favour of information and necessary action with reference to his letter No. 23004 dtd. 08.09.2022 & this office memo. No. 4863 dtd. 13.09.2022.

  
Divisional Forest Officer  
Chandaka Wildlife Division  
Bhubaneswar

Memo No. 5793<sup>(1)</sup>/dt. 01.11.2022/

Copy forwarded to the Director of Estates & Ex-Officio, Addl. Secretary to Government, GA & PG Department, Government of Odisha for favour of information and necessary action with reference to his letter No. 30281 dtd. 27.10.2022.

  
Divisional Forest Officer  
Chandaka Wildlife Division  
Bhubaneswar

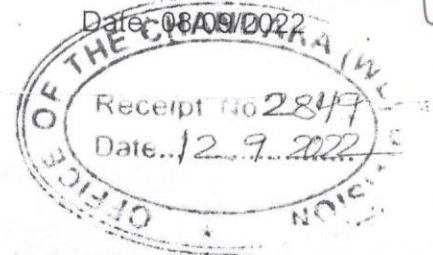
022  
Ashok Kumar Mishra  
Chief General Manager (Env.)

No.HO-DCF/93/FC-08



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23007



To

✓ The Divisional Forest Officer  
Chandaka (WL) Division, Gaja Vihar  
Baramunda, Bhubaneswar-751003

**Sub:- Proposal for diversion of 1.463 hact. of Revenue Forest Land in favour of IDCO for construction of Fortune Tower in the village Jaydev Vihar under Bhubaneswar Tahasil of Khordha District. (Proposal No.FP/OR/others/44078/2020)**

Ref:- Your letter No.4573, dt.25/08/2022.

Sir,

In view of the observations raised by MoEF, GoI in compliance to point No.1, it is to inform you that, the correct KML file of the Project Land of Fortune Tower has been uploaded in Parivesh Portal in the Form-A.

This is for your favour of information & necessary action.

Yours faithfully,

✓ Chief General Manager (Env.)

Memo No. \_\_\_\_\_ / Date: 08/09/2022

Copy to the Conservator of Forests (Nodal), O/o the PCCF & HoFF, Odisha for favour of information & necessary action, with reference to the memo No.4575, dt.25/08/2022 of the Divisional Forest Officer, Chandaka (WL) Division.

Chief General Manager (Env.)

Memo No. \_\_\_\_\_ / Date: 08/09/2022

Copy to the Chief General Manager (Land), IDCO, Bhubaneswar for information & necessary action, with reference to the letter No.4573, dt.25/08/2022 of the Divisional Forest Officer, Chandaka (WL) Division.

Chief General Manager (Env.)

**Odisha Industrial Infrastructure Development Corporation**

(A Government of Odisha Undertaking)

IDCO, IDCO Towers, Janpath, Bhubaneswar – 751022, Odisha, INDIA

+91- 0674-2541525, 2540820 | Fax: 2542956 / 2541982

cgmenv@idco.in | www.idco.in





Government of Odisha  
General Administration & Public Grievance Department

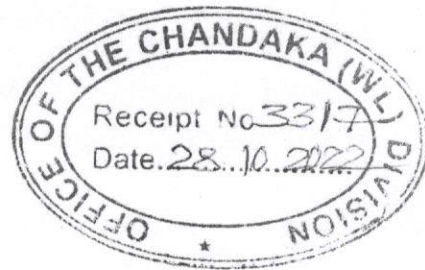
File 30281 / Dated: 27/10/2022  
GAD-CA4-MISC-0017-2022

From

Shri Sushanta Kumar Mohanty, IAS  
Director of Estates & Ex-officio  
Addl. Secretary to Government

To

The Divisional Forest Officer  
Chandaka Wildlife Division  
Bhubaneswar



**Sub: Proposal for diversion of 1.463 he. Revenue forest land in favour of IDCO for construction of Fortune Tower in Jayadev Vihar under Bhubaneswar Tahasil of Khordha District (Proposal No. FP/OR/Others/44078/2020).**

**Ref: Letter no. 4860/4F(F.C Act & Lese) dtd. 13.09.2022.**

Sir,

In inviting a reference to the subject cited above, I am to say that the Deputy General Inspector of Forest (C ) in letter No. 5-ORB 514/2022-BHU dtd. 23.08.2022 has requested to furnish the name and designation of the officials responsible for violation along with detail action report of the State Government in connection with the forest diversion proposal for diversion of 1.463 he. Revenue forest land in favour of IDCO for construction of Fortune Tower in Jayadev Vihar under Bhubaneswar Tahasil of Khordha District (Proposal No. FP/OR/Others/44078/2020).

In this connection, it is important to say that the matter was before the Hon'ble National Green Tribunal, Eastern Bench , Kolkata in OA No. 29/2019 in the matter of Subash Ch. Mohapatra vrs. State and others. The Hon'ble Tribunal after hearing and on consideration of the issues involved in the case relating to Mz-Jayadev Vihar has been pleased to dispose of the matter on 26.04.2022 with the following orders :

*"16. In this view of the matter, we dispose of this Original Application with a direction to the State Government to expedite the process of obtaining Forest Clearance under the Forest (Conservation) Act, 1980, following due process of law. The said exercise shall be completed for all the Government/Private Institutions within a period of four months from the date of this judgment.*

*17. The District Magistrates & Collectors along with the concerned Divisional Forest Officers of the different Districts where Revenue Forest Land has been identified for taking up Compensatory Afforestation may identify and*

demarcate encroachment free Revenue Forest area for each proposal in accordance with law within a period of two months.

18. The State Government or the Ministry of Environment, Forests and Climate Change, as the case may be, may also take the Net Present Value (NPV) or Penal Net Present Value (PNPV) while 15 granting clearance under the Forest (Conservation) Act, 1980 in accordance with law.

19. An Action Taken Report in this regard shall be submitted before the Tribunal on or before 30.09.2022 by the State Government."

As the matter has been judicially scrutinized by the competent tribunal, it is therefore requested to take necessary action for approval of the forest diversion proposal filed by IDCO.

Yours faithfully,

Encl: Copy of the order dtd. 26.04.2022 passed  
By Hon'ble NGT Eastern Zone Bench, Kolkata  
In OA No. 29/2019/EZ

Director of Estates & Ex-officio  
Addl. Secretary to Government

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH,  
KOLKATA**

.....  
**ORIGINAL APPLICATION No. 29/2019/EZ**

**IN THE MATTER OF:**

**Subash Mohapatra,  
S/o Jalandhar Mohapatra,  
Aged about 45 years,  
R/o Khandual Vihar, P.O.-Sarakantar,  
P.S.-Khandagiri, Bhubaneswar,  
Khurdha – 751019,**

**....Applicant(s)**

**Versus**

- 1. State of Odisha,  
Through Principal Secretary,  
Govt. of Odisha,  
Secretariat Buidling, Bhubaneswar,  
Pin – 751001,**
- 2. Secretary,  
Forest and Environment Department,  
Govt. of Odisha,  
Secretariat Buidling, Bhubaneswar,  
Pin – 751001,**
- 3. Secretary,  
Revenue and Disaster Management Department,  
Govt. of Odisha,  
Secretariat Buidling, Bhubaneswar,  
Pin – 751001,**
- 4. The Vice Chairman,  
Bhubaneswar Development Authority,  
Akash Shova Building, Sachivalaya Marg,**



**Bhubaneswar – 751001,**

**5. District Collector, Khurdha,  
At/Po: Khurdha, District Khurdha,  
Odisha – 752055,**

**6. Divisional Forest Officer,  
Chandaka Wildlife Division,  
Gajobihar, Bermunda, Bhubaneswar,  
Odisha – 751003,**

**7. Union of India,  
Through Secretary,  
Ministry of Environment, Forests and Climate Change,  
Indira Paryavaran Bhawan, Jorbagh,  
New Delhi – 110003,**

**....Respondent(s)**

**COUNSEL FOR APPLICANT:**

**Mr. Sankar Prasad Pani, Advocate**

**COUNSEL FOR RESPONDENTS :**

**Mr. Subir Palit, Advocate a/w Mr. Janmejaya Katikia, AGA for  
R-1,2,3,5&6,  
Mr. Debasish Ghosh, Advocate for R-7,**

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

**HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)**

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**Reserved On:- 8<sup>th</sup> April, 2022  
Pronounce On:- 26<sup>th</sup> April, 2022**

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1. Whether the Judgment is allowed to be published on  
the net? **Yes**

2. Whether the Judgment is allowed to be published in the  
NGT Reporter? **Yes**

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**JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

Heard the learned Counsel for the parties and perused the documents on record.

2. The grievance of the Applicant in this Original Application is with regard to the illegal and unauthorised use of 568.039 acres of Revenue Forest Land (Jungle-II Kisam) in Khata No. 1427, Jaidev Vihar Mouja, Bhubaneswar Tahasil, District-Khurda, for non-forestry purposes without obtaining any clearance from the Forest Department as required under Forest (Conservation) Act, 1980. It is stated that a complaint has been filed in this regard by the Applicant and the Forest and Environment Department, Govt. of Odisha, has sought for an enquiry and action taken report from the Revenue and Disaster Management Department in General Administration and the Divisional Forest Officer, Chandaka, was asked to submit a factual report in respect of the allegations made and they also directed the District Collector to submit a report regarding the allegations made. But the CAG, General and Social had submitted the report mentioning about the encroachment made in the forest land and inaction on the part of the authorities.

3. At the time of admission, the Tribunal directed the District Collector, Khurdha, and Divisional Forest Officer, Chandaka Wildlife Division, to consider the allegations made in the Original Application and conduct an inspection of the area in question and ascertain the genuineness of the allegations made in the Original



Application and that if there is any infraction on any of the provisions of the statutes, they would be at liberty to take action in this regard. The District Collector and Divisional Forest Officer were also directed to submit an Action Taken Report in this regard within two months.

4. A report under a covering letter dated 09.11.2020 has been submitted before the Tribunal. The Tribunal in its order dated 05.01.2021 perused this report and made the following observations:-

*“3. Briefly stated, the report clearly indicates that huge tracks of forest land have been diverted for non-forest activities by various institutions without obtaining necessary clearances under the Forest (Conservation) Act, 1980. 194.848 acres of forest land has actively been leased out to 44 Central and State Government, Central and State Power Undertakings and private institutions falling under Kisam Jungle II against which the General Administration and Public Grievance Department, Government of Odisha had informed the user agencies to file proposals for diversion of forest land for non-forestry use and to obtain necessary clearances from the MoEF&CC. Out of 44 institutions, clearance has been accorded by the MoEF&CC for 3 institutions for areas measuring 0.486 acres, 0.742 acres and 20 acres vide letters dated 14.11.2014, 31.07.2016 and 02.05.2019, respectively. The proposal for diversion of 6.734 acres of land submitted by M/s. Tech Mahindra Limited is said to be under process at the Eastern Regional Office, Bhubaneswar, MoEF&CC. Another area of 242.209 acres (Kisam Jungle II) is under encroachment by inhabitants in Salia Sahi slum area. Status report in respect of the progress made against action in respect of the above as per the Committee is required to be filed by the General*

*Administration & Public Grievance Department, Government of Odisha, to the Tribunal but no such report is forthcoming.*

*4. In view of the acknowledged encroachment of forest land and, diversion of forest land having been undertaken without obtaining the mandatory clearance under the Forest (Conservation) Act, 1980, we are of the firm view that no further activity shall be taken up without first complying with the requirements of law. If there are infractions, on the part of the state machinery in permitting violation of the stringent provisions of the Forest (Conservation) Act, 1980, the MoEF&CC shall be at liberty to take appropriate action under Section 3(a) and (b) of the Forest (Conservation) Act, 1980 read with Rule 9 of the Forest (Conservation) Rules, 2003 against those responsible for permitting such infractions.”*

5. Thereafter, on being satisfied that there was acknowledged encroachment on forest land and diversion of forest land without obtaining mandatory Forest Clearance under the Forest (Conservation) Act, 1980, this Tribunal directed that no further activity shall be taken up without first complying with the requirements of law.

6. A rejoinder affidavit dated 09.09.2020 has been filed on behalf of the Applicant, pointing out that out of 44 Institutions/Hotels, only 2 Institutions with the total area of 9.48 acres have been granted Forest Clearance.

7. In para 21 of the affidavit dated 16.01.2020 filed on behalf of the Respondent No.1, it is stated that in respect of forest land measuring 0.486 acres pertaining to Revenue Plot No. 54(Part),



under Khata No. 1427, Mouza-Jaydev Vihar; a compliance report from the Chairman, Centre for Youth and Social Development (CYSD) regarding change of land use pattern of the aforesaid forest kisan land by the Ministry of Environment, Forests and Climate Change has been received.

8. In para 22 of the affidavit, it is further stated that Registrar, Xavier Institute of Management, Bhubaneswar (XIMB) has intimated vide letter No. R2020 dated 09.01.2020 that the Stage-I Clearance in respect of forest land measuring 8.094 hectares of Mouza-Chandrasekharapur has been received from the Ministry of Environment, Forest and Climate Change. List of 44 institutes has been filed as Annexure R-1/3 (at page nos. 68-73 to the affidavit). However, nothing was stated with regard to the other 42 institutes as to whether Forest Clearance as required under the Forest (Conservation) Act, 1980 had been taken/granted or not and, therefore, the Tribunal directed the State Respondents to file a fresh affidavit showing status of all the 42 Institutions in a tabular form indicating as to whether Forest Clearance had been granted by the Ministry of Environment, Forests and Climate Change or not and if not, what is the status of the applications. The State Respondents were also required to submit clarification with regard to the affidavit of the Ministry of Environment, Forests and Climate Change wherein it was stated that despite request letters having been sent on 21.08.2019 and 28.07.2021 to the Additional Chief Secretary, Govt. of Odisha, no documents had been provided by the State Government to the Ministry seeking clearance for diversion of forest

land or otherwise as required under the Forest (Conservation) Act, 1980.

9. In pursuance of the directions of the Tribunal dated 03.03.2022, an affidavit dated 04.04.2022 has been filed by the Respondent No.1, stating therein that in two cases, namely, M/s Hotel Rashmi Plaza and M/s Swami Resort(s) Pvt. Ltd., the lessee have approached the Hon'ble High Court and the Hon'ble High Court vide its order dated 13.09.2007 passed in W.P. (C) No. 982/2007 (State of Odisha & Anr. Vs. Rashmi Ranjan Routary), has held that restrictive provisions of Section 2 of the Forest (Conservation) Act, 1980, is not applicable. SLPC No. 1339/2008 filed by the State of Odisha challenging the order of the Hon'ble High Court has also been dismissed by the Hon'ble Supreme Court vide its order dated 25.01.2008. Copy of the orders have been placed on record through affidavit as annexures.

10. It is stated that in the matter of M/s Swami Resort(s) Pvt. Ltd., the Hon'ble Odisha High Court vide its judgment dated 21.10.2021 passed in W.P.(C) No. 7736/2011, directed the State Respondents to change the Kisam of the land from Jungle-II to Homestead and prepare the Record of Rights accordingly. Copy of the order of Hon'ble High Court has been placed on record as Annexure-B to the affidavit. In the case of eight applications, it is stated that the Land Schedules were identified for allotment for different purposes but the land patches were neither allotted nor possession were handed over and the applicants of the same were not in possession over the



land and, therefore, there is no contravention of the provisions of the Forest (Conservation) Act, 1980. The list of these eight cases is as under:-

<b>SL. NO.</b>	<b>NAME OF THE ALLOTTEE</b>	<b>VILLAGE</b>	<b>AREA</b>
1,	<i>M/s Oswal Chemical and Fertilizer Ltd. for Corporate Office</i>	<i>Jayadev Vihar</i>	<i>Ac. 3.895 dec.</i>
2	<i>Aditya Aluminium Project (Hindolo) Industries Ltd.</i>	<i>Jayadev Vihar</i>	<i>Ac. 3.000 dec.</i>
3	<i>Bhubaneswar Club</i>	<i>Jayadev Vihar</i>	<i>Ac. 5.000 dec.</i>
4	<i>TACT for Establishment of Computer Education Complex.</i>	<i>Jayadev Vihar</i>	<i>Ac. 0.200 dec.</i>
5	<i>M/s Speciality Hotels India Ltd. for Hotel and Catering Institute.</i>	<i>Jayadev Vihar</i>	<i>Ac. 4.000 dec.</i>
6	<i>Hotel Keshari Plaza</i>	<i>Jayadev Vihar</i>	<i>Ac. 2.000 dec.</i>
7	<i>Jaganath Hotel and Resorted, Kharvel Nagar, Keshari Talkes Complex, BBSR</i>	<i>Jayadev Vihar</i>	<i>Ac. 2.000 dec.</i>
8	<i>Right Media (Pvt. Ltd.) establishment of Convention Complex Direction Sarmed. Used as</i>	<i>Jayadev Vihar</i>	<i>Ac. 5.000 dec.</i>

11. So far as the balance 32 cases are concerned, it is stated that of these 14 cases are Central and State Government Departments/Organisations and 18 are Private Organisations. The

list of Government Organisations and the Private Organisations  
read as under (page 218 to 221 of the paper book):-

**Government Organisations**

<b>Sl. No.</b>	<b>Name of the Allottee</b>	<b>Purpose</b>	<b>Village</b>	<b>Area</b>
1.	Fortune Tower (IDCO)	Institutional	Jayadev Vihar	Ac. 3.614 dec.
2.	East Coast Railway	Residential Colony	Jayadev Vihar	Ac. 32.141 dec.
3.	Indian Medical Research Centre	IMRC	Jayadev Vihar	Ac. 20.000 dec.
4.	Gopabandhu Academy of Administration	Training Centre	Jayadev Vihar	Ac. 11.144 dec.
5.	ODISI Research Centre	ODISI Research Centre	Jayadev Vihar	Ac. 5.034 dec.
6.	Women's Polytechnic	Government Polytechnic	Jayadev Vihar	Ac. 15.000
7.	Employees Insurance Corporation (ESI)	Hospital	Jayadev Vihar	Ac. 4.854 dec.
8.	Life Insurance Corporation	Housing Scheme	Jayadev Vihar	Ac. 10.000 dec.
9.	Education Deptt. for establishment of English Language Teaching Institute.	Language Teaching Institute	Jayadev Vihar	Ac. 2.000 dec.
10.	NACLO	Office building	Jayadev Vihar	Ac. 5.463



				<i>dec.</i>
11.	<i>Government of Odisha Telecommunication Department</i>	<i>Establishment of Telephone Exchange</i>	<i>Jayadev Vihar</i>	<i>Ac. 1.706 dec.</i>
12.	<i>Orissa Remote Sensing Application Centre (ORSAC)</i>	<i>Office</i>	<i>Jayadev Vihar</i>	<i>Ac. 5.000 dec.</i>
13.	<i>Deptt. of Tele Communication for Construction of Administration Building.</i>	<i>Administrative e-Building</i>	<i>Jayadev Vihar</i>	<i>Ac. 0.818 dec.</i>
14.	<i>Forest Deptt.</i>	<i>Institutional</i>	<i>Jayadev Vihar</i>	<i>Ac. 1.021</i>

**Private Organisations**

<b>Sl. No.</b>	<b>Name of the Allottee</b>	<b>Purpose</b>	<b>Village</b>	<b>Area</b>
1.	<i>East India Hotel (Hotel Oberoi)</i>	<i>Hotel</i>	<i>Jayadev Vihar</i>	<i>Ac. 12.000 dec.</i>
2.	<i>Jamsed pur, NISWAS</i>	<i>Jamased pur, NIWAS</i>	<i>Jayadev Vihar</i>	<i>Ac. 3.000 dec.</i>
3.	<i>Ferro Alloys Corporation Ltd.</i>	<i>Institution</i>	<i>Jayadev Vihar</i>	<i>Ac. 1.000 dec.</i>
4.	<i>Sudarshan Art &amp; Craft</i>	<i>Craft Centre</i>	<i>Jayadev Vihar</i>	<i>Ac. 2.008 dec.</i>
5.	<i>Kalinga Hospital Pvt. Ltd.</i>	<i>Hospital</i>	<i>Jayadev Vihar</i>	<i>Ac. 10.000 dec.</i>
6.	<i>Hotel Pranam now Hotel Suryans</i>	<i>Hotel</i>	<i>Jayadev Vihar</i>	<i>Ac. 0.413 dec.</i>
7.	<i>Stock</i>	<i>Stock</i>	<i>Jayadev</i>	<i>Ac. 1.000</i>

	<i>Exchange Assn Ltd.</i>	<i>Exchange</i>	<i>Vihar</i>	<i>dec.</i>
8.	<i>Hotel Swosti Plaza</i>	<i>Hotel</i>	<i>Jayadev Vihar</i>	<i>Ac. 0.773 dec.</i>
9.	<i>Sandy Resorts Pvt. Ltd.</i>	<i>Hotel</i>	<i>Jayadev Vihar</i>	<i>Ac. 2.404 dec.</i>
10.	<i>Satyam Computer Used as Software Industries (Now Tech Mahendra)</i>	<i>Satyam Computer</i>	<i>Jayadev Vihar</i>	<i>Ac. 6.734 dec.</i>
11.	<i>Aditya Aluminium Project (Hindolo Industries Ltd.)</i>	<i>Institution</i>	<i>Jayadev Vihar</i>	<i>Ac. 3.000 dec.</i>
12.	<i>Loyola Education Society</i>	<i>School</i>	<i>Jayadev Vihar</i>	<i>Ac. 12.000 dec.</i>
13.	<i>Hotel Mayfair &amp; Resorts Pvt. Ltd.</i>	<i>Hotel</i>	<i>Jayadev Vihar</i>	<i>Ac. 10.237 dec.</i>
14.	<i>Santa Memorial Rehabilitation Centre</i>	<i>Spinal Cord Physiotherapy Centre</i>	<i>Jayadev Vihar</i>	<i>Ac. 1.992 dec.</i>
15.	<i>Jagannath Projects Pvt. Ltd.</i>	<i>Hotel</i>	<i>Jayadev Vihar</i>	<i>Ac. 0.612 dec.</i>
16.	<i>Small Industrial Development Bank (SIDBI)</i>	<i>Office Building</i>	<i>Jayadev Vihar</i>	<i>Ac. 0.500 dec.</i>



17.	<i>Vocational Rehabilitation Centre for Phsical Orthopaedic Training Institute</i>	<i>Vocational Rehabilitation Centre for Phsical Orthopaedic Training Institute</i>	<i>Jayadev Vihar</i>	<i>Ac. 1.000 dec.</i>
18.	<i>Medirad Tech India Ltd. (Hemalata Cancer Hospital)</i>	<i>Used as Cancer Hospital</i>	<i>Jayadev Vihar</i>	<i>Ac. 1.397 dec.</i>

12. It is further stated that out of the above 32 organisations, the following Government/Private Organisations have already filed proposals for diversion of forest land before the competent authorities of the Forest Department. These organizations are:-

- i. IDCO (Fortune Tower)
- ii. Tech. Mahindra
- iii. Hotel Mayfair and Resorts Pvt. Ltd.

13. It is further stated that due to COVID-19 pandemic, it had become difficult to complete the Ward Sabha for issuance of certificate under the Forest Rights Act, 2006 for compliance of the provisions of the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Right) Acts, 2006. Now the restrictions have been withdrawn by the Central Government, the activity in this regard will be competed immediately as per requirement for filing of forest diversion proposal.

14. It is also stated that for expeditious filing of forest diversion proposal by the user agency/departments, the Government in Revenue and Disaster Management Department has identified suitable patches of degraded revenue forest land in different Districts of the State for purposes of Compensatory Afforestation.

15. Annexure-C (at page no. 242 of the paper book) is a letter dated 18.02.2022 issued by the Additional Chief Secretary, Govt. of Odisha, wherein it is stated that 26496.008 acres of feasible Degraded Revenue Forest land has been identified in 18 Districts for purposes of Compensatory Afforestation. The Government has also been approved the proposal on utilization of the above identified land for Compensatory Afforestation and in the case of forest diversion the proposal is being initiated by the Government Departments while executing different Government funded developmental projects. The list of Districts in which land has been identified is as under:-

<b>Sl. No.</b>	<b>Name of the District</b>	<b>Details DRFs furnished (in Acre)</b>
1.	Angul	213.10
2.	Balangir	2548.76
3.	Balasore	1100.40
4.	Cuttack	996.69
5.	Dhenkanal	1038.60
6.	Ganjam	449.136
7.	Jagatsinghpur	841.50
8.	Jajpur	1365.14
9.	Jharsuguda	515.780



10.	<i>Keonjhar</i>	<i>10798.00</i>
11.	<i>Malkangiri</i>	<i>246.81</i>
12.	<i>Mayurbhanj</i>	<i>1298.08</i>
13.	<i>Nabarangpur</i>	<i>367.39</i>
14.	<i>Nuapada</i>	<i>234.07</i>
15.	<i>Sambalpur</i>	<i>1004.99</i>
16.	<i>Subarnapur</i>	<i>302.548</i>
17.	<i>Sundargarh</i>	<i>3080.74</i>
18.	<i>Nayagarh</i>	<i>543.41</i>
	<b>Total</b>	<b>26496.008</b>

16. In this view of the matter, we dispose of this Original Application with a direction to the State Government to expedite the process of obtaining Forest Clearance under the Forest (Conservation) Act, 1980, following due process of law. The said exercise shall be completed for all the Government/Private Institutions within a period of four months from the date of this judgment.

17. The District Magistrates & Collectors along with the concerned Divisional Forest Officers of the different Districts where Revenue Forest Land has been identified for taking up Compensatory Afforestation may identify and demarcate encroachment free Revenue Forest area for each proposal in accordance with law within a period of two months.

18. The State Government or the Ministry of Environment, Forests and Climate Change, as the case may be, may also take the Net Present Value (NPV) or Penal Net Present Value (PNPV) while

granting clearance under the Forest (Conservation) Act, 1980 in accordance with law.

19. An Action Taken Report in this regard shall be submitted before the Tribunal on or before **30.09.2022** by the State Government.

20. There shall be no order as to costs.

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**B. AMIT STHALEKAR , JM**

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**SAIBAL DASGUPTA, EM**

**Kolkata,  
April 26<sup>th</sup>, 2022,  
Original Application No. 29/2019/EZ  
AK**

**NGT**