

Government of Maharashtra

By Speed Post

No. FLD-2019/C.R.310/F-10
Revenue and Forest Department,
Mantralaya, Mumbai- 400 032.
Date:- 08.11.2024

To,
The Secretary,
Ministry of Environment, Forests & Climate Change,
Government of India,
New Delhi.

Sub.:Forest Land - Chandrapur

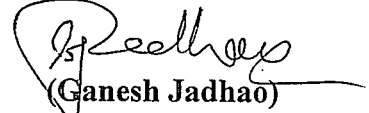
Diversion of 80.77 ha Forest Land for Renewal of Mining lease under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Durgapur Open Cast Mine Project in Compartment No. 400 and 401 of Chandrapur Forest Division, Chandrapur District of Maharashtra.

- Ref:** 1. Your Office Letter Dated 02.08.2024.
2. APCCF & Nodal Officer Letter No. Desk-17/FCA-S1/ PID-6704 /Chandrapur /1671, Dt.22.10.2024.

Sir,

Ministry of Environment, Forest and Climate Change (Forest Conservation Division), Government of India has sought information with respect to proposal for diversion of 80.77 ha Forest Land for Renewal of Mining lease under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Durgapur Open Cast Mine Project in Compartment No. 400 and 401 of Chandrapur Forest Division, Chandrapur District of Maharashtra, vide letter under reference No.1.

2. Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur has submitted compliance report to the Government of Maharashtra vide letter under reference no.2, Compliance Report submitted by the APCCF & Nodal Officer is self-explanatory and attached herewith for further necessary action in the matter.


(Ganesh Jadhao)

Under Secretary to
the Government of Maharashtra
Under Secretary
Revenue and Forests Department
Hutatma Rajguru Chowk
Madam Cama Road, Mantralaya
Mumbai 400 032

Encl : As above.

Copy to:

- 1) Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur.
- 2) Additional Principal Chief Conservator of Forests and Nodal Officer, Nagpur.
- 3) Chief Conservator of Forests (T), Chandrapur.
- 4) Divisional Forest Officer, Chandrapur



**Office of the Principal Chief Conservator of Forests (Head of Forests Force),
Maharashtra State, Nagpur**

Additional Principal Chief Conservator of Forests & Nodal Officer. 1st Floor, B Wing
VanBhavan, Ramgiri Road, Civil Lines, Nagpur- 440 001
Tel.No.: 0712- 2556916 , E-mail: apccfnodal@mahaforest.gov.in

No.Desk-17/ FCA- S1/PID-6704/Chandrapur/167/
Nagpur - 440 001, Date: 22/10/2024

To,

**The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralya, Mumbai – 400032**

Sub:- Diversion of 80.77 ha. Forest Land for Renewal of mining lease under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Durgapur Open Cast Mine Project in Compartment No. 400 and 401 of Chandrapur Forest Division, Chandrapur District of Maharashtra.

- Ref:-**
1. The Government of India, Ministry of Environment, Forests and Climate Change, (Forest Conservation Division), New Delhi letter dated 02/08/2024.
 2. The Chief Conservator of Forest (T), Chandrapur letter no. Desk-3(1)/Land/C.No. 48 /2024-25/1016, dated 07/10/2024.

Sir,

The Government of India, Ministry of Environment, Forest and Climate Change, (Forest Conservation Division) New Delhi vide letter under reference No.1 had sought compliance on 22 points. Accordingly, the Conservator of Forests (T.), Chandrapur vide letter under reference No.2 has submitted compliance report for the same as follows:-

Sr. No	Query	Compliance
i	Recommendation of the Nodal officer, Govt. of Maharashtra in Part-IV has not been submitted with the proposal.	The copy of the Recommendation of the Nodal Officer, Govt. of Maharashtra in Part –IV attached herewith on Page No.1
ii	The State Govt. in Part-II form mentioned the canopy density of the proposed forest land for renewal of lease as Nil whereas good vegetation cover is visible through satellite imagery in the proposed land. Also the CCF in its site inspection report has mentioned that 45 no. of threes are marked for felling. This needs clarification and the factual position needs submission.	The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:- As per the Site Inspection Report dated 24/12/2018 canopy density was mentioned as 0.1 (Tree cutting involved in this proposal under Safety Zone Area) having Eco-value Class-III. Also, mining was stopped since 30/10/2013. Due to the natural growth of bushes around this area green vegetation cover is visible in the satellite imagery. This is verified during the latest Site Inspections for the Wildlife Clearance of 80.77 ha. Forest land on 27/03/2024 by the DFO, Chandrapur

		and on 08/05/2024 by the CCF, Chandrapur respectively. The copy of the Site Inspection Report Page No. 2 to 15b and copy of the latest Joint Inspection Report attached herewith on Page No. 16 to 17
iii	The mining plan for 80.77 ha. forest land for renewal submitted with the proposal is of year 2007. Therefore, the validity and the relevance of the same shall be examined and revised and updated mining plan along with progressive mine closure plan shall be submitted accordingly. The state shall also ensure that the land use plan / component wise breakup of the area in the proposal is commensurate with the approved mining plan. A comparative analysis of the same shall also be submitted	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The User Agency has submitted the updated mining plan and progressive mine closure plan. Due to the revision of the mining plan, land is pattern is not affected and the proposed 80.77 ha. Forest land. Copy of the approval of the revised project report and mine closure plan is attached herewith on Page No.18 to 21</p> <p>Revised project/Updated Mining Plan is attached herewith as separate booklet.</p>
iv	Total area of the mining lease has not been found updated in the Part-I of the application form of the proposal.	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The User Agency has submitted the total area of the project is 1597.50 ha. Which is inclusive of 379.35 ha. Forest land. It is to inform that, all of this 379.35 ha. has proper clearance under Forest Conservation Act, 1980 and as per the order of Revenue and Forest Department, Maharashtra State.</p>
v	The State Govt. shall submit the status of Mine lease validity along with the relevant details.	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The User Agency has submitted the clarification issued by the Ministry of Coal dated 11/12/2019 about applicability of provisions of MMDR Act, 1957 along with MC Rules, 1960 over the land / rights acquired under CBA (A&D) Act, 1957. The copy of Ministry of clarification on mining lease attached herewith on Page No.22 to 23</p>
vi	Proposal for 80.77 ha. of forest land has been approved by the MoEF & CC, New Delhi vide letter No. 8-123/2003-FC,	The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance

	<p>dated 08.11.2005 for 8 years i.e. till 2013. In this regard, date on which the mining was stopped in the 80.77 ha. Forest land along with present status of land needs submission.</p>	<p>report as follows:-</p> <p>The User Agency has submitted mining activities on 80.77 ha. Forest land was stopped on 30/10/2013. During the Site Inspection over the year it is confirmed that no mining activities is carried out in the proposed forest land. Also the user agency was submitted the renewal of Forest Clearance proposal on dated 01/02/2013 which is well within the expiry of previous forest clearance. The proposed 80.77 ha. Forest land was jointly inspected by DFO, Chandrapur on 27/03/2024 and by the CCF, Chandrapur on 08/05/2024. No mining or non-forestry activities happening in the proposed forest land. Copy of the Site Inspection Report of the DFO, Chandrapur attached herewith on Page No.14to15 and Copy of the Joint Inspection Report of the CCF, Chandrapur Circle, Chandrapur attached herewith on Page No. 16 to 17</p>
vii	<p>Cost benefit analysis has been carried out on the old NPV rates. The same needs to be revisited and required to be submitted as per the format prescribed in the consolidated Handbook of Guidelines issued by the Ministry on dated 29.12.2023.</p>	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The User Agency submitted revised Cost Benefit Analysis considering the latest NPV rates and as per the consolidated Handbook of Guidelines issued by the Ministry on dated 29.12.2023. Copy attached herewith on Page No.24 to 26</p>
viii	<p>The details of mineral evacuation plan along with supporting maps / KML file and involvement of forest land, if any, shall be intimated. The State shall also clarify how the requirement of electricity & water will be met by the user agency.</p>	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The coal produced from this project is being directly supply to the Chandrapur Super Thermal Power Station (MAHAGENCO) which is a Government of Maharashtra Company. The User Agency has submitted the mineral evacuation plan along with maps & KML file. Copy of the Map showing mineral evacuation plan and NOC from CGWA attached herewith on Page No. 27 to</p>

		31 and KML file is enclosed herewith a separate Pen drive
ix	The user agency has informed that the 80.77 ha. Forest land in the instant proposal will be utilized for dumping of overburden removed from the approved forest area of 121.58 ha. Forest land. However, reason behind such non-site-specific utilization of proposed forest land under renewal has not been given. Further, instead of just furnishing mining, complete component details of the proposed forest land shall be updated in the Part-I form along with component wise KML file / maps needs submission.	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The User Agency has submitted 80.77 ha. Forest land is required for mining operation extraction of coal. As per there updated mining plan the proposed 80.77 ha. Forest land will not be used for dumping of overburden removed from the 121.58 ha. Forest land. A map showing the component-wise breakup of forest land is attached herewith on Page No 32 and KML file is attached in a separate Pen drive</p>
x	Complete & updated compliance report of the approval granted by the Ministry vide its letter No. 8-123/2003-FC, dated 08/11/2005 has not been submitted with the proposal. The same requires submission.	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>Updated and complete compliance report of the approval vide MoEF letter No. 8-123/2003-FC, dated 08/11/2005. Copy of the same attached herewith on Page No. 33 to 34</p>
xi	It is observed that the user agency is obtaining the approvals under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 of the forest land within the lease in piecemeal manner. The State Govt. may offer their comments in this regard.	<p>At present 379.35 ha. Forest land is located within the boundary of Durgapur Open Cast Project. This Forest land was acquired vide to different CBA(A&D) Act, 1957 acquisition in the years 1979 & 2010. There different forest clearances were obtained for the first acquisition till 2005-06 as 40.46 ha., 172.54 ha.(reduced to 136.54ha.),80.77 ha.</p> <p>121.58 ha. Forest land was recently acquired on 2010 as part of expansion of Durgapur Open Cast Project Stage-II forest clearance obtained for the same in 22/12/2021. Due to the progressive and site specific nature forest clearance were obtained by the user agency as per the requirement of mining plan.</p>
xii	It has been reported by the State Govt. that the user agency has obtained forest clearance vide various letter references of the Ministry and each of them is having different forest area within the Durgapur	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The User Agency has submitted a tabular</p>

	<p>Mine. In this regard, a tabular data along with Map / KML file showing the total Mining lease area, Forest and approved, validity of approvals granted under Van Adhiniyam, 1980 vis-à-vis validity of lease, Land surrendered & reclaimed under each approval shall be submitted.</p>	<p>data depicting approved of forest land, validity land surrendered and reclaimed with their compliance report. The copy of the forest clearance and a map showing total mine lease area with the forest land patches KML file attached herewith on Page no 35 to 46 and KML file is attached herewith in a separate Pen Drive</p> <p>Land surrendered by the User Agency is also attached herewith on Page No.90 to 94</p> <p>All the above forest land were acquired vide CBA(A&D) Act, 1957. Copy of CBA Notification attached herewith on Page No. 95 to 108</p>
xiii	<p>The State Govt. shall inform whether the approval of safety zone has been obtained or otherwise.</p>	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>Safety zone of 2.63 ha. area was approved during the initial diversion of 80.77 ha. Vide MoEF letter 8-123/2003-FC, dated 08/11/2005. The safety zone was maintained as green belt till date. Details of safety Zones regeneration and fencing payment is attached herewith on Page No.47 to 49</p>
xiv	<p>The user agency has not uploaded the component wise KML file along with KML file of the safety zone of the forest land proposed for renewal.</p>	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The User Agency has submitted component wise Map & KML File along with KML file of the safety zone of the forest land proposed for renewal in Pen Drive.</p>
xv	<p>KML file of 162 ha. degraded forest land earlier proposed for Compensatory afforestation (CA) shall be submitted.</p>	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The User Agency has submitted KML File submitted in Pen Drive.</p>
xvi	<p>As per the DSS, the proposed forest land for diversion is located at a distance of 1.89 km. from the Tadoba-Indravati Tiger Reserve. Further, the proposed forest land is located at a distance of 5.68 km. from the Tadoba-Indravati Tiger Corridor. The comments of the CWLW in this regard</p>	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The proposed 80.77 ha. is falling in the Tadoba-Indravati Tiger Corridor. CWLW has given comments vide letter No. 5236,</p>

	shall be submitted.	<p>dated 14/02/2024 in which he directed that recommendation of SBWL and NBWL is necessary for diversion of 80.77 ha. Forest land. Copy of the letter from PCCF is attached herewith on Page No. 52 to 55.</p> <p>The User Agency has submitted Wildlife Clearance Proposal No. 463196, dated 27/02/2024. SBWL meeting held on 12th August, 2024 recommended the proposal which is communicated vide Mantralaya Mumbai letter No. WLP-08.24/C.R. 159/F-1, dated 26/08/2024. Copy of the same attached herewith on Page No. 54 to 56</p>
xvii	The user agency has reported that the 40.46 ha. area was already handed over by the Govt. of Maharashtra vide order No. FLD/3679/1453-F3, dated 23.05.1980. However, the legal status of land, details of the land along with KML file has not been given. A detailed report in this regard shall be submitted.	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The 40.46 ha. Reserved Forest land is located in Comptt. No. 401 of Chandrapur Forest Division. Legal status of the forest land is still maintained as forest land till date. User agency has submitted the order of the Under Secretary to Government, Revenue and Forest Department, Maharashtra State dated 23/05/1980 along with payment of Rs. 5.72 Lac towards value of land, crops and cost of afforestation. Copy of the same attached herewith on Page No. 57 to 60</p>
xviii	The KML file of earlier approved CA along with the status of the CA plantation and status of uploading of CA details on e-Green watch portal shall be submitted.	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>An area measuring 162.00 ha. Protected Forest of Paili Bhatadi village bearing Survey No. 98, Chandrapur Range was used for CA plantation. Plantation carried out in the years 2005-06 and 2006-07. The survival rate of the plantation is more than 30%. Google map showing CA land attached herewith on Page No. 61</p> <p>CA details of the same was uploaded in e-green watch portal. Copy of the same attached herewith on Page No.62 to 63</p>


xix	<p>The DFO has written that no violation is there since area is yet to be broken, however since it is a case of renewal the statement of DFO does not seem coherent. This needs clarification.</p>	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The proposal is for Renewal of Forest Clearance of 80.77 ha. Forest land. The total area was broken up during the diversion period 08/11/2005 to 07/11/2013. The same was mentioned in the Part-II submitted by DFO, Chandrapur office dated 19/03/2018. However, it was inadvertently mentioned in the Certificate of No Violation i.e., "as the work is yet to start". Copy of the Part-II dated 19/03/2018 submitted along with the proposal is attached herewith as Page No. 2 to 3 Revised Certificate on No Violation is attached herewith on Page No. 64</p>
xx	<p>The mine is in proximity of buffer of Tadoba-Tiger Reserve. Buffer of the TATR reserve is a legal entity and remains part of the ESZ. The status of ESZ and of tiger corridor shall be submitted.</p>	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>This project is not falling in Eco-sensitive Zone and Buffer Zone of Tadoba-Andhari Tiger Reserve. Further the area was already broken up during the previous Forest Clearance period 08/11/2005 to 07/11/2013. Eco-sensitive Zone is not affected due to this diversion. However, the proposed forest land 80.77 ha. in Comptt. No. 400 & 401 is falling in the tiger corridor. The User Agency has submitted Wildlife Clearance proposal as directed by PCCF (Wildlife), Maharashtra State vide Proposal No. WL/MH/MIN/QRY/463196/2024 on 27/02/2024. SBWL meeting held on 12th August, 2024 recommended the proposal which is communicated vide Mantralaya Mumbai letter No. WLP-08.24/C.R. 159/F-1, dated 268/08/2024. Copy of the same attached herewith on Page No. 54 to 56</p>
xxi	<p>The details of the reclamation of mine and area handed over along with the status of vegetation on reclaimed area shall be submitted.</p>	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>The User Agency has submitted that, 36.00</p>

		ha. land area had been biologically reclaimed in this project. As per the latest EMP compliance report 13,41,924/- plantations have been planted in the back filled areas external OB dumps, plain lands, which covers 366.24 ha. of the total mine lease area. Copy of the EC compliance report dated 30/06/2024 attached herewith on Page No. 65 to 94
xxii	The details of the non-forest land involved in the mine shall be submitted.	<p>The DFO, Chandrapur and CCF (T), Chandrapur vide letter dated 26.09.2024 & 07.10.2024 has submitted compliance report as follows:-</p> <p>Non forest land required for the project had been acquired vide different acquisitions. User agency has submitted details of land acquisition which is attached herewith on Page No.95 to 125.</p>

This is for your information and further needful action.

Encl: As above (2 Copy)

Your sincerely,



(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy for information:

1. The Chief Conservator of Forest(T), Chandrapur.
2. The Divisional Forest Officer, Chandrapur Forest Division, Chandrapur
3. Area General Manager, WCL, Chandrapur, Area Chandrapur.