

**OFFICE OF THE DIVISIONAL FOREST OFFICER; ANGUL DIVISION: ANGUL.**

Memo No. 2249 /DRP/2023/Dated. 15.03.2024

To

The Regional Chief Conservator of Forests,  
Angul Circle, Angul.

Sub: - Proposal for seeking prior approval of the Central government under Section- 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Mahanadi Coal Field Limited, for non-forestry use of 193.845 ha forest land within Mining Lease area over 1265.00 Ha. of Balram Open Cast Expansion (15 MTY) Coal Block of MCL under Angul Forest Division of Angul District, Odisha.

**: - Submission of compliance report.**

Ref: -  
1. Proposal No. FP/OR/MIN/59166/2020.  
2. State Sl. No. OR-025/2021 dt. 05.04.2021.  
3. File No. 8-143/1989-FC(Vol) dt. 31.10.2023 of GoI, MoEF & CC.  
4. Memo No. 22987 dt. 03.11.2023 of OSD-cum-SS to Govt.  
5. This office memo No. 863 dt. 25.01.2024.  
6. Letter No. 422 dt. 08.02.2024 of G.M, Hingula Area.

With reference to the above cited memo No. on the captioned subject, it is to inform that the proposal seeking prior approval of the Central government under Section- 2 (ii) of the Forest (Conservation) Act, 1980, in favor of Mahanadi Coal Field Limited is submitted herewith. The request pertains to the non-forestry use of 193.845 hectares of forest land within the Mining Lease area spanning over 1265.00 hectares of the Balram Open Cast Expansion (15 MTY) Coal Block of MCL under the jurisdiction of the Angul Forest Division in Angul District, Odisha which is under process for Stage-I approval.

Upon careful scrutiny of the diversion proposal by the Deputy Inspector General of Forests, Govt. of India, Ministry of Environment, Forest and Climate Change, Department (Forest Conservation Division), certain shortcomings were identified and documented in file No. 8-143/1989-FC(Vol) dated 31.10.2023. These observations were subsequently forwarded by the OSD-cum-Special Secretary to the Government of Odisha, Forest Environment & Climate Change Department, as per the memo No. 22987 dt. 03.11.2023.

In response to the aforementioned observations, the user agency, G.M. Hingula Area, was duly notified to submit a point-wise compliance report along with all relevant supporting documents. This directive was issued through our office letter No. 7131 dated 07.11.2023.

Now, the User Agency i.e. G.M. Hingula Area has submitted the point wise compliance report, as outlined in their Letter No. 418 dt. 27.12.2023. The details of the submitted report are provided below for your perusal.

In context of observation point No. i **The User Agency has not provided the details of the past-approved proposal in the Form-A Part-I under column B (1) online.**

Reply by UA

In the compliance to this observation, the G.M. Hingula Area has explained that the details of the past-approved proposal in Form-A Part-I under Column B (1) show "No records Found." However, the information is available in the Form-A Part-I under Additional Information as "Kalinga Forest clearance.pdf." The necessary details have been attached as **Annexure I**.

The screenshot shows the PARIVESH portal interface. At the top, it says "PARIVESH परिवेश" and "Ministry of Environment, Forest and Climate Change, Government of India". Below that, it says "FORM-A Form for seeking prior approval of Central Govt. under section-2 of the Forest (Conservation) Act, 1980 for diversion of fresh Forest Area. PART-I". There is a table with columns for "Division", "Forest Land", and "Non Forest Land". The "Forest Land" column shows "103.84 (ha)" and the "Non Forest Land" column shows "85.201 (ha)".

In context of observation point No. ii

**KML file of the earlier diverted area i.e. 85.201 ha and CA land provided in respect of the previous approval.**

Reply by UA

In the compliance to this observation, the UA i.e. G.M. Hingula Area has submitted the KML file of the earlier diverted area (85.201 ha) and CA land allotted. This information is provided in a pen-drive.

In context of observation point No. iii

**Status of the CA carried out in respect of the previous approval along with survival%, expenditure incurred and copy of the notification of the said land as protected forest as per the condition no. (ii) of approval letter dated 28.09.1990.**

Reply by UA

In the compliance to this observation, the UA i.e. G.M. Hingula Area has intimated that the status of the CA carried out in respect of the previous approval along with plot wise survival % is enclosed. The allotted land has been alienated in favour of forest department by the collector Sundergarh O/o no. 7199 dated 29.11.1995 and plantation has been raised over the entire area in 1994-95 and 1995-96 as per the memo no. 588 dated 29.01.1996 of DFO, Sundergarh.

DFO, Sundergarh Division has intimated vide his memo no. 622 dated 24.01.2024 to CF (Nodal) O/o PCCF & HoFF , Odisha Bhubaneswar that expenditure of Rs 2,29,586/- (Rupees Two Lakh Twenty-Nine Thousand Five Hundred eighty six only) has been incurred for the above purpose.

The CA land is yet to be notified as protected forest as per the condition no. (ii) of approval letter dated 28.09.1990. User Agency has submitted the undertaking regarding declaration of CA land as PF following due procedure before Stage - II

**The details is enclosed as Annexure - II**

In context of observation point No. iv

**As per the provisions of the FCA comprehensive guideline Chapter 7 under Para 7.8 (i) (d) "Any proposal for diversion of forest for mining involving any forest land in respect of which diversion has been approved earlier will invariably be submitted along with the present status of compliance of the conditions of all previous FCs duly certified by the concerned Regional Officer of the MoEF&CC". But in instant case dully verified compliance reports from concerned Regional Office, on the condition stipulated in Stage- II approval have not been received. The same may be submitted by the State.**

Reply by UA

In the compliance to this observation, the UA i.e. G.M. Hingula Area has submitted a letter from the Assistant Inspector General of Forests (MoEF & CC) to the Eastern Regional office, Bhubaneswar, and the Site Inspection Report (SIR) conducted by Sri A.T. Mishra, Dy. Director General of Forests. The compliance report for the earlier approved area is attached as Annexure III.

In context of observation point No. v

**The proposal is for expansion of earlier approved area of 85.201 ha vide Ministry's letter dated**

28.09.1990 (pg. 83-84/c). The State has provided the status of the reclaimed land. However, how much land out of 85.201 ha has been reclaimed it is not clear. Further, if the already diverted land has been de-coaled and reclaimed then why it has not been handed over to the SFD. If the land is in the possession of the UA then the State Government Shall ensure that NPV of the entire forest land within the lease area shall be deposited as per the Ministry's Guidelines dated 06.01.2022 read with the letter dated 22.03.2022.

Reply by UA

In the compliance to this observation, the UA i.e G.M. Hingula Area clarified that 13.42 Ha of the total 85.201 Ha Forest land has been biologically reclaimed. The UA has deposited the NPV amount of Rs 10,46,77,097/- only through UTR no. SBINR52024021502494266 dated 15.02.2024 for the earlier approved project of 85.201 Ha and further the UA has submitted the undertaking to deposit NPV for the Entire leasehold area.

The details in enclosed as Annexure IV.

In context of observation point No. vi

The State has accepted the identified degraded notified forest for CA as the user agency has given a proposal stating that within 10 years from grant of forest clearance, it will hand over non-forest afforested equivalent forest area proposed for diversion in MCL mines area of Odisha. The user agency has furnished an undertaking duly signed by the DFO, Angul wherein it was undertaken to hand over the exact extent of afforested non-forest land against the proposed forest land for diversion after 10 years of getting Stage- II approval of the applied project. However, the state has not given following certificate as per the MoEF&CC, Gol Stage-1 approval for Utkal-E Coal Block of M/s NALCO in Angul District dt. 12.03.2021:

- a. State Government issues a certificate that degraded forest land outside notified forests is not available for CA purpose, and
- b. Nodal officer certifies that no afforestation/ plantation has been taken up under any plan/ programme in the degraded notified forest areas proposed for CA in the last 10 years.

**In view of the above justification given by the UA the CA land on notified DFL may not be accepted. The clarification may be asked from the State.**

Reply by UA

In the compliance to this observation, the UA i.e G.M. Hingula Area has intimated that the forest diversion proposal for 193.845 Ha was submitted on the online portal on 03.12.2020. The Stage-I approval date for Utkal-E Coal Block of M/s NALCO in Angul District is 12.03.2021. CA land against 193.845 Ha diverted area was identified for the proposal before the submission of online proposal and also the Stage -I approval for the Utkal- E Coal Block of M/s NALCO in Angul District dated 12.03.2021.

A letter vide no. CIL/CH/4391 dated 05.02.2024 to DG forest and Special Secretary, MoEF&CC from Chairman Coal India Limited regarding the consideration of notified DFL identified in Dhenkanal District has been written referring the Ministry's guideline file no. FC-11/118/2021-FC dated 18.07.2022 as the proposal has been accepted by the Nodal Officer before the 28.06.2022.

With respect to the CA land identified in Dhenkanal division, a letter from DFO Dhenkanal stating that no plantation has been taken up in the identified DFL in Dolia and Anantapur RF during last 10 years (Letter No. 5728 dated 11.07.2023) had been submitted.

In addition to that, Balram OCP has already given a proposal stating that within 10 years from grant of forest clearance, Balram OCP will hand over non-forest afforested land equivalent to the forest area proposed for diversion i.e. 193.845 Ha. in MCL mines area of Odisha. Balram OCP has furnished an undertaking duly signed by the DFO, Angul wherein it was undertaken to hand over the exact extent of afforested non-forest land against the proposed forest land for diversion within 10 years of getting Stage- II approval of the applied project.

Further, the user agency has intimated that the details of the non-forest land to be handed over in favour of Forest Department before and after Stage-II as follows.

Before Stage- II	20.8 ha.
After Stage-II	173.045 ha.
Year	Area
1 <sup>st</sup>	10.0
2 <sup>nd</sup>	10.0

3 <sup>rd</sup>	10.0
4 <sup>th</sup>	14.0
5 <sup>th</sup>	14.0
6 <sup>th</sup>	17.2
7 <sup>th</sup>	20.0
8 <sup>th</sup>	25.0
9 <sup>th</sup>	25.0
10 <sup>th</sup>	27.845
<b>Total</b>	<b>193.845</b>

The details are enclosed as Annexure V.

In context of observation point No. vii

**KML file of proposed forest land has been checked on DSS. As per DSS report the KML file of land use (component wise breakup) including safety zone is not available on PARIVESH. The same may be uploaded.**

Reply by UA

In the compliance to this observation, condition the UA i.e. G.M. Hingula Area uploaded the bifurcation of component-wise use of 193.845 Ha Forest land in PDF format on PARIVESH. The component wise break-up is as follows:

S. No	Component	Area (Ha)
1.	Quarry Excavation	186.765
2.	Safety Zone	1.851
3.	Infrastructure Zone	5.229
	Total	193.845

The KML file of the above component wise breakup of use of Forest land is enclosed in a pen-drive.

In context of observation point No. viii

**The status of the safety zone as per the FCA comprehensive guideline Chapter 7 under Para 7.9 in respect of the proposal approved earlier may be provided**

Reply by UA

In the compliance to this observation, the UA i.e. G.M. Hingula Area clarified that the safety zone was not mentioned in the earlier Forest Clearance, and a 7.5 m width safety zone is proposed in the total mining lease area. The Land schedule is attached as **Annexure VI**.

In context of observation point No. ix

The name of the proposal from Kalinga OCP to Balram OCP has been changed in 2006 without approval of the Central Government. The justification may be provided.

Reply by UA

In the compliance to this observation, the UA i.e. G.M. Hingula Area explained that the name change was approved by the Board of Directors through an office order, with no change in ownership. The relevant document is attached as Annexure-VII.

Hence, the compliance reports and accompanying pen drive received from the user agency. The submission includes four sets, each provided for your information and necessary action.

Encl: -

As above.

  
Divisional Forest Officer  
Angul Division

Memo No. 2250 / Dated. 15.03.2024

Copy forwarded to the Divisional Forest Officer, Dhenkanal Division for information and necessary action.

  
Divisional Forest Officer  
Angul Division

Memo No. 2251 / Dated. 15.03.2024

Copy forwarded to the Principal Chief Conservator of Forests, Forest Diversion & Nodal Officer FC Act O/O the PCCF Odisha, Bhubaneswar for favour of kind information and necessary action with reference to Memo No. 22987 dt. 03.11.2023 of OSD-cum-Special Secretary to Government.

  
Divisional Forest Officer  
Angul Division

Memo No. 2252 / Dated. 15.03.2024

Copy forwarded to the General Manager, Hingula Area, At/PO- Danara Talcher, Angul-759148 for information and necessary action with reference to your letter No. under reference (6).

  
Divisional Forest Officer  
Angul Division