

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

IN

APPEAL NO. 20/2023/EZ

NTPC Ltd. Pakri Barwadih Coal Mining ProjectApplicant

Versus

State of Jharkhand & Ors.

.....Respondent(s)

**COUNTER AFFIDAVIT ON BEHALF OF THE MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE,
REGIONAL OFFICE, RANCHI (RESPONDENT NO.2 & 4)**

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MOST RESPECTFULLY SHEWETH:

1. I, Shashi Shankar, Son of Late Vishnu Shankar Pathak, aged about 42 years, working as Assistant Inspector General of Forests (AIGF) in the Regional Office at Ranchi to the Government of India Ministry of Environment, Forest and Climate Change (MoEF&CC), having office located at 2nd Floor, Headquarter-Jharkhand State Housing Board, Harmu Chowk, Ranchi-834002, Jharkhand, do hereby solemnly affirm and state as follows: -
2. That, at present, I am working and posted as Assistant Inspector General of Forests (AIGF) in the Regional office at Ranchi to the Government of India Ministry of Environment, Forest and Climate Change (MoEF&CC) and as such, I am fully conversant with the facts and circumstances of the case from records maintained in the office. I have read and understood the contents of the application thereof and as such authorized and competent to swear the present affidavit.



12 FEB 2024

732
Date: 12 FEB 2024

STATEMENT OF FACTS:

3. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court.
4. It is humbly submitted that the Pakri Barwadih Coal Mine Project of the Applicant i.e. M/s National Thermal Power Corporation Ltd. (NTPC) Ltd. located in villages Barkagaon, Itij, Chiruadih, Urub, Chepa, Kalan, Nagri, Jugra, Sinduari, Churchu, Carahara, Sonbarsa, PakriBarwadih, Chepa-Khurd, Deora-Kalan, Lakura, Langatu, Keri, Dadikalan, Tehsil Barkagaon, District Hazaribagh, Jharkhand was granted Environmental Clearance on 19.05.2006 of a production capacity of 15 MTPA in a total lease area of 3319.42 ha under the provisions of Section 12 of the Environmental Impact Assessment Notification, 2006 subject to the compliance of the terms and conditions.

Photocopy of the Environmental Clearance
dated 19.05.2009 is annexed as "Annexure I"

5. It is humbly submitted that prior approval from the Central Government under Section 2 of the FC Act, 1980 is mandatory for carrying out any non-forestry activity in the forest land.
6. The Government of Jharkhand vide letter no. 3/VanBhumi-72/2009/2458/VP dated 06.08.2009 submitted the proposal under Section 2 of the Forest Conservation Act, 1980 to the MoEF&CC for diversion of 1026.438 ha of forest land for coal mining in Pakri Barwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand.
7. The said proposal was placed before the Forest Advisory Committee ("FAC" for short) as formed under Section 3 of the FC Act, 1980. Based on the recommendations of the FAC and as per the decision of the competent authority, the Ministry on 11.05.2010 accorded Stage-I approval vide its letter No. 8-56/2009-FC for diversion of 1026.438 ha of forest land for coal mining in Pakri Barwadih Project in favour of M/s NTPC



Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand subject to certain conditions.

Photocopy of the Stage I Approval dated
11.05.2010 is annexed as "Annexure II"

8. Thereafter, the State Government submitted its compliance report on the conditions stipulated in the Stage I Approval. Based on the compliance report, the Ministry on 17.09.2010 granted Stage II Approval for diversion of 1026.438 ha of forest land for coal mining in Pakri Barwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand with certain conditions.

Photocopy of the Stage II Approval dated
17.09.2010 is annexed as "Annexure III"

9. The condition No. 7 of Stage I Approval and condition No. 8 of Stage II Approval is as under:

"The user agency will take up programme for at least 50 m green belt along the sides of the pakwa nallah and dumuhani nallah from the initial years under the supervision of the state forest department".

10. It is humbly submitted that NTPC submitted a representation dated 09.10.2018 to the Ministry requesting for amendment in condition no. 8 of StageII/final approval dated 17.09.2010 and condition no. 7 of Stage-I approval dated 11.05.2010 which states that *"The user agency will take up programme for at least 50 m green belt along the sides of the Pakwa nallah and Dumhani nallah from the initial years under the supervision of the state forest department"*.
11. The Ministry vide its letter dated 29.01.2019 requested the State Government to furnish comments on the said representation and provide documents as available with the State Government related to the instant proposal.
12. The Regional Office, Ranchi of this Ministry vide their letter no. 5-JHA104/2009-BHU/3277 dated 09.07.2019 informed that Hon'ble NGT vide its order dated 18.02.2019 in OA No. 182/2016(EZ), constituted a committee to inspect the Pakri Barwadih Coal Mining Project of M/s NTPC Ltd. and to verify as to whether the conditions of the Forest Clearance (FC) and Environmental Clearance (EC) are complied with by the M/s NTPC and the inspection was carried out by the committee



on 15.03.2019. During the inspection, it was observed that some of the condition of FC approval (Stage-I and Stage-II) were still partially complied/or where the project proponent has to take actions for complete compliance. Ministry vide its letter dated 03.09.2019 and subsequent letter dated 23.02.2022 requested the RO, Ranchi to take appropriate action in this matter as per provisions of Ministry's guidelines given under para 1.21 (iii) of Handbook of Forest (Conservation) Act, 1980.

13. NTPC vide their representation dated 18.01.2022 again requested the Ministry for amendment in condition no. 8 of Stage-II/ final approval dated 17.09.2010 and condition no. 7 of Stage-I approval dated 11.05.2010 with the justification that Dumuhani nallah is flowing across the mining leases and it will be re-aligned for which approval of Water Resource Department, Government of Jharkhand has been obtained. In this regard, Ministry vide its letter dated 23.02.2022 requested the State Government to provide additional information/comments on the said representation of NTPC.

14. The Government of Jharkhand vide letter no. vanbhumi75/2009-1915 V.P. dated 08.07.2022 advertizing PCCF, Government of Jharkhand's letter no. 893 dated 22.10.2020, letter no. 490 dated 13.06.2022 and letter no. 507 dated 16.06.2022 submitted their reply in response to Ministry's letter dated 29.01.2019 and 23.02.2022 wherein the following has been submitted:

i.) The area has been inspected by the DFO Hazaribagh and it has been reported in his report that a 50 m green belt could be developed along Khorra nallah which is an important rivulet providing water security to people living downstream. Likewise, in the Eastern extremity of mining area a 50 m green belt can be developed along the riverside. However, Dumuhani Nallah which is running in the midst of the mining area which is also the quarry area has been found to be diverted by the user agency.

ii.) The State Government has further informed that the user agency has violated the provisions of condition no 8 of the Stage-II approval as the user agency at its own diverted the Dumhani nallah without prior approval of the Central Government under the Forest (Conservation) Act, 1980. State Government has further informed that despite standing directions of the CCF to abide by the condition no. 8 of approval till a time amendment in the same is granted by the Central Government, the user agency



has violated the provisions of said condition. The land used in violation of the conditions of approval has been reported to be 37.20 ha by undertaking mining over a stretch of 3.1 km without prior approval of the Central Government.

iii. The State Government has also mentioned that Ministry of Water Resources, Government of India has granted approval for diversion of Dumhani nallah.

iv. However, examination of conclusion of the report of the Ministry of Water Resource, Government of India revealed that shifting of alignment of Khora and Pakwa Nala have been studied by comparing the alignment during 1928 and 1978 surveys. Results indicate that there is no major shift in the alignment and location of Khora and Pakwa Nallah. No mention of shifting of Dumhani Nala is mentioned in the said report.

15. Thereafter the proposal was considered by the Advisory Committee(earlier titled as Forest Advisory Committee or FAC) ("AC" for short) in its meeting held on 09.12.2022 and the AC observed that since the lease area of the user agency is transacted by various nallah, the issue related to impact assessment on hydrological regimes by shifting of nallah needs to be considered holistically and accordingly, the Committee recommended that a Sub-Committee of the AC may be reconstituted to ascertain and report on the following:

- i) Assessment of hydrological regimes of the area and impact of ongoing mining operations of the user agency in general and Dumuhani Nallah in particular and changes brought in by the User Agency and its impact on the ecology of the area.
- ii) Efficacy of mitigation measures, if any, undertaken by the user agency in their lease area.
- iii) Holistic assessment of 1787 ha of forest land involved in the mining lease of the user agency, its present status and legitimacy of future use proposed by the user agency.

16. That, on the basis of the recommendations of the AC, and approval of the same by the competent authority of the MoEF&CC, New Delhi, Ministry vide letter dated 28.12.2022 and 07.03.2023 constituted a sub-committee to visit the area.



17. The Regional Office, Ranchi vide their letter dated FP/JH/Min/38798/2019/1014 dated 03.04.2023 submitted a report of Sub-Committee of AC and observed that:

a.) Prima-facie the three watersheds (Khorra, Pakwa and Dumuhani) have been subject to extreme diversion by locals for their livelihood amelioration well before the mining activities begun in the region.

b.) The technical expert member of the committee has suggested that the green belt development can be notified for Khorra Nalla instead of Dumuhani Nalla (a tributary of Khorra Nalla).

c.) The hydrological expert member of the committee, after taking into consideration the holistic approach, has concluded with the recommendation of (i) diversion of the Dumuhani Nalla (a tributary of Khorra Nalla) for coal mining and (ii) restoration and conservation of the Khorra Nalla (west) and Pakwa Nalla (east) watersheds on priority basis under supervision of the forest department and expert hydrologists/agencies and develop their watershed status as per the Survey of India toposheet no. 73 E/I.

Further the following was recommended by the subcommittee: -

- i) A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & Geology may be constituted under chairpersonship of DFO who shall continuously study the area for assessing the impact of on-going mining on various environmental/ecological parameter and shall submit finding report to IRO annually.
- ii) User agency shall generate drone survey Data on spatial and seasonal status of Khorra Nalla & Pakwa Nalla watersheds for having first-hand information on the current status of the Khorra and Pakwa Nalla watershed parallel to the ongoing mining activities. The data hence collected shall help user agency to design and develop green belt under supervision of Forest Department. For this purpose, a reputed institute, preferably located in the State, may be engaged for data collection, processing and interpretation in effective and exclusive manner. The institute can also be requested to study the entire region of 10 km from the lease boundaries for temporal land use and its changes.
- iii) Study of river-aquifer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site. The study may help in delineation



of groundwater potential zones, ground water variation in these zones and may help in water budgeting to the surrounding.

18. The proposal in connection with modification in condition of Stage-II approval along with the report of the Sub-Committee was considered by the AC in its meeting held on 25.04.2023 wherein the Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO Ranchi. After going through the facts of the proposal and submissions made by the Regional Officer, RO Ranchi, the Committee recommended to modify the condition no. 8 in Stage-II approval as under: "The user agency shall restore and conserve the Khorra Nalla (west) and Pakwa Nalla (east) watersheds on priority basis under supervision of the forest department and expert hydrologists/agencies and develop their watershed status as per the Survey of India toposheet no. 73 E/I. A greenbelt of 100 meters on either side of both Khorra Nala and Pakwa Nalla shall be maintained".

The Committee further observed that in total disregard to the conditions of approval the user agency has mined out the area and changed the course of the Dumuhani nala which was actually required to be protected and maintained as green belt. Keeping this in view the Committee recommended that the penalty shall be imposed for violation committed over the forest area (1026.438 ha) without approval equal to five times the normal NPV plus simple interest of 12 % from the date of actual violation committed till the deposition of penalty shall be imposed.

19. The above stated recommendations of the AC was conveyed to the State Government vide letter dated 25.05.2023.

Photocopy of the Ministry's letter dated 25.05.2023 is annexed as "Annexure IV"

20. It is most respectfully submitted that the Hon'ble Tribunal vide order dated 24.05.2023 in Original Application No. 158/2023/PB (Anup Kumar Vs. State of Jharkhand) had constituted a Joint committee comprising of State PCB, Regional Officer MoEF&CC Ranchi, Divisional Forest Officer Hazaribagh and CPCB and further directed the State PCB to act as the nodal agency for the coordination and compliance of the order. The Hon'ble NGT directed the Joint committee to visit the site, collect relevant information and submit factual report within two months through e-mail.



21. That it is humbly submitted that Hon'ble Tribunal in Original Application No. 158/2023/PB (Anup Kumar Vs. State of Jharkhand) transferred the record of this matter to Eastern Zone Bench, Kolkata as Original Application No. 63/2023/EZ (Anup Kumar Vs. State of Jharkhand) for further proceedings in the matter and disposed off Original Application No. 158/2023/PB.

22. That it is most respectfully submitted that in compliance of the above order, the committee conducted the site inspection on 24.07.2023. The recommendations of the above committee are as follows- "Recommendation-

i) The committee has observed that the mining operation was carried out in violation of the condition no. 07 of stage -I FC and condition no. 08 of the stage-II FC dated 17.09.2010. So, the penalty as decided by the Competent Authority should be deposited in time.

ii) That the mining operation is being carried out by NTPC within 1026.438 hectares of forest land transferred by the Ministry of Environment, Forest and Climate Change, Government of India under certain conditions. Mining hence should be done only in confirmation to the conditions as stipulated by the competent Authoritie(s) and not in abruption."

23. It is humbly submitted that the Ministry received a DO letter No. 11/25/2023-Th.1 dated 30.10.2023 from the Secretary, Ministry of Power. The Ministry vide letter dated 10.11.2023 forwarded the said letter to the State Government and sought updated status on the compliance of the Stage I Approval along with the report on the court matter in the instant case. The reply of which is still awaited.

Photocopy of the letter dated 10.11.2023 is annexed as "Annexure V".

24. Thereafter, the Ministry received a representation from the appellant dated 09.11.2023 which was deliberated in a meeting held on 17.01.2024 under the Chairmanship of DGF&SS, along with the representatives of the State Forest Department, representatives of the Regional Office, Ranchi of the Ministry and the User Agency.

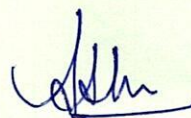
25. In the said meeting, it was decided that since the conditions have been stipulated in the approval as per the recommendations of the Advisory Committee, therefore the State



Government shall submit a point wise report/comments on the representation of the User Agency along with its recommendations and thereafter the matter would be placed before the Advisory Committee for appropriate decision in the matter. It was also decided that the status regarding the matter may accordingly be apprised to the Hon'ble NGT in ongoing cases related to matter. The minutes of the meeting was conveyed to the State Government vide OM dated 22.01.2024. The Ministry has not received the reply from the State Government as yet.

Photocopy of the OM dated 22.01.2024 is annexed as "Annexure-VI"

26. That in view of the forgoing submissions, this reply affidavit being filed by the Respondent No. 2 & 4 be admitted and accepted by this Hon'ble Tribunal.
27. That this answering respondent craves leave of this Hon'ble Tribunal to file additional information if any, till pendent lite.
28. In view of the forgoing submissions, the Hon'ble Tribunal may please to pass such or further order as it may deem fit and proper in the given circumstances in this case.



DEPONENT

शशि शंकर / Shashi Shankar
सहायक महानिरीक्षक वन (क) / AIGF (C)
भारत सरकार / Govt of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, राँची
Regional Office, Ranchi

Identified by
me - Adv. Rajen Rayan
Cno - 8/125/2024
Signature identified
by the Advocate



VERIFICATION

Verified at Ranchi on the ...12th day of February 2024 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.

Shashi

DEPONENT

शशि शंकर / Shashi Shankar
सहायक महानिरीक्षक वन (के.) / AIGF (C)
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, राँची
Regional Office, Ranchi

Identified by
me Adv. Rajendra Raj

Eno.- D/1185/2021

Signature is identified
by the Advocate



No.J-11015/692/2007-IA.II(M)
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan,
C.G.O.Complex,
New Delhi -110510.

Dated: 19th May 2009

To
Shri A.B.Haldar
Additional General Manager (CM),
M/s National Thermal Power Corporation Ltd.,
Engineering Office Complex,
A-8A, Sector 24, NOIDA - 201301

Sub: Pakri Barwadih Coal Mine Project (15 MTPA) of M/s National Thermal Power Corporation Ltd. (NTPC) Ltd. located in villages Barkagaon, Itij, Chirudih, Urub, Chepa, Kalan, Nagri, Jugra, Sinduari, Churchu, Carahara, Sonbarsa, Pakri-Barwadih, Chepa-Khurd, Deora-Kalan, Lakura, Langatu, Keri, Dadikalan, Tehsil Barkagaon, District Hazaribagh, Jharkand - environmental clearance - reg.

Sir,

This has reference to letter No. CC/CM&CW/MoEF/01 dated 27.06.2007 along with application for environmental clearance and subsequent letters dated 16.08.2007, 14.03.2008, and 17.03.2009 on the above-mentioned subject. The Ministry of Environment & Forests has considered your application. It has been noted that the project is for **opening a new coal mine - Pakri-Barwadih Opencast Coal mine Project of 15 million tonnes per annum (MTPA) rated capacity** for its linked Thermal Power Station. The existing project consists of Phase-I of 39 years and comprises of opencast operations only and would be restricted to the explored lease area of **3319.42** ha. Of this area, 643.9 ha is forestland, 1950.51 ha is agricultural land, 159.64 ha is barren and wasteland, 435 ha is grazing land, 101.22 ha is human settlements and 29.15 ha includes roads and seasonal nala. In addition, an area of 68.58 ha is being acquired outside the ML at a distance of 2 km from the ML for township comprising 150 dwellings. There are no National Parks, Wildlife Sanctuary, Biosphere Reserves found in the 10 km buffer zone. Barkagaon Reserve Forest is situated within the core zone and in the buffer zone. Forestry clearance has been applied for. There are endangered fauna such as Sloth Bear reported in the study area. Elephant has not been reported from the area. A monolith found within the core zone is not a centrally protected monument. Ghagri nadi flows south of the ML at a distance of 1.5 km from west to east. Hahro nadi flows at a distance of 1.5km south of ML from SW to northern direction. It is proposed to modify the natural drainage by diversion and realignment of the nalas and by construction of an embankment. Of the total mining lease area, 25 ha is for topsoil dump, 632 ha is for external OB dump, 1785 ha is quarry area, 31 ha is for roads, 18 ha is for infrastructure and 797 ha is undisturbed area. The project involves R&R of 17 villages. A land of 141.70 ha is being acquired as R&R site in villages Dhenga and Lakura on the eastern side of the Block. Detailed R&R has been prepared for Phase-I consisting of 7 villages and involving a total 2221 PAPs:- Chirudih (10), Itiz (125), Nagadi (125), Arhara (202), Pakri-Barwadih (634), Dadikalan (665), Chepakalan (460). An area outside the mining area where infrastructure will be located also involves an R&R of a total 1068 land oustees which would also be completed in Phase-I. The balance 10 villages - Sinduari, Sonbarsa, Churchu, Jugra, Chepakhurd, Keri, Langatu, Deoriakhurd, Urub, Barkagaon are to be taken up for R&R in subsequent phases and are under survey.

Mining will be opencast by mechanised method involving shovel-dumper and involves drilling and blasting. **Rated capacity of the mine is 15 (MTPA).** Mineral transportation of coal from the mine to CHP would be by closed conveyors and by rail link to the linked TPP. Railway siding would be provided with Silo Loading System. Ultimate working depth of the mine would be 300m below ground level (bgl). Water table in the study area during pre-monsoon is in a range of 4.24m -14.64 m and in a range of 1.52- 8.54m during post-monsoon. Peak water requirement is 4576 m³/d of

which 526 m³/d is for domestic consumption to be met from ground water, and the of the remaining 4050 m³/d, 3400 m³/d would be from mine pit water and 550 m³/d from recycled water. An estimated 2118 Mm³ of OB will be generated over the life of mine (39 years) of which 1238 Mm³ would be from western quarry (first 25 years) and 860 Mm³ would be from eastern quarry (25th – 39th year). Of the 1238 Mm³ of OB from the western quarry, 595 Mm³ of OB would be dumped externally in two external OB dumps (A and B) and 643 Mm³ would be stored in external dump C. Max. height of the 3 dumps would be 90m. The entire OB of 860 Mm³ from eastern quarry would be backfilled over an area of 665 ha and reclaimed into grazing land (223 ha) and agricultural land (442 ha) at the post mining stage. Ultimate working depth is 300m. Life of mine at the rated capacity of 15 MTPA is 39 years. Public Hearing was held on 16.04.2007. Mining Plan has been approved for 15 MTPA on 25.08.2006. **Capital cost of the project is Rs. 4500 crores.**

2. The Ministry of Environment & Forests hereby accords environmental clearance for the above mentioned **Pakri Barwadih Coal mine Project of M/s NTPC Limited of a production capacity of 15 MTPA in a total lease area of 3319.42 ha** under the provisions of Section 12 of the Environmental Impact Assessment Notification, 2006 and subsequent amendments thereto and under MOEF Circulars there under subject to the compliance of the terms and conditions mentioned below:

A. Specific Conditions

- (i) The environmental clearance is restricted to Phase-1 of 39 years of opencast operations involving 3319.42 ha of ML area only for which exploration has been completed.
- (ii) No mining operations shall be undertaken in the forestland within the ML until clearance has been obtained under the provisions of FC Act, 1980.
- (iii) The monolith found within the core zone shall not be disturbed by the mining operations and a minimum 500m distance along with thick green belt would be maintained between the eastern quarry and the monolith. A road would be created upto the monolith a park created around it so that the monolith could be visited.
- (iv) Mining shall be carried out as per statuette from the streams/nailahs flowing within the lease. Embankment to be constructed shall be based on peak flow data and shall be at least 3m above the HFL. The slope of the embankment shall be at least 2:1 towards the ML and shall be stabilised with plantation. The CWPRS would be engaged for the design and study of realignment of the drains/nailahs flowing across the ML and creation of embankment, and also obtain approval of the State Government for diversion of the nailahs.
- (v) Topsoil should be stacked properly with proper slope at earmarked site(s) and should not be kept active and shall be used for reclamation and development of green belt.
- (vi) OB should be stacked at earmarked three external OB dumpsite within ML area of a maximum height of 90m. A minimum of 500m shall be maintained and thick green belt developed between the habitation and OB dumps particularly that of Barkhagaon. The option of raising the level of grazing land created after backfilling the quarry by 10m or so shall be examined so to reduce the overall OD dump height. Slope stability tests may be undertaken and the feasibility of backfilling depending on the type of cost effective technology available at that stage shall be re-examined. The ultimate slope of the dump shall not exceed 28°. Monitoring and management of reclaimed dumpsite should continue until the vegetation becomes self-sustaining. Compliance status should be submitted to the Ministry of Environment & Forests and its Regional office located at Bhubaneswar on yearly basis.
- (vii) Catch drains and siltation ponds of appropriate size should be constructed to arrest silt and sediment flows from soil, OB and mineral dumps. The water so collected should be utilised

for watering the mine area, roads, green belt development, etc. The drains should be regularly desilted and maintained properly.

Garland drains (size, gradient and length) and sump capacity should be designed keeping 50% safety margin over and above the peak sudden rainfall and maximum discharge in the area adjoining the mine site. Sump capacity should also provide adequate retention period to allow proper settling of silt material.

- (viii) Dimension of the retaining wall at the toe of the dumps and OB benches within the mine to check run-off and siltation should be based on the rainfall data.
- (ix) The main haul road of 6 km within the core zone shall be metalled. A 3-tier avenue plantation shall be developed along the main approach roads and haul roads. Mineral transportation from CHP to Railway siding shall be by closed belt conveyor of a length of 7km. The railway siding shall be provided with Silo Rapid Loading System.
- (x) Drills should be wet operated only.
- (xi) Controlled blasting should be practiced with use of delay detonators. The mitigative measures for control of ground vibrations and to arrest the fly rocks and boulders should be implemented.
- (xii) No additional groundwater (bore well) shall be used for mining operations. Additional water if any required for the project shall be used from recycled water or mine discharge water or rainwater collected in rainwater harvesting pits within the CML.
- (xiii) Regular monitoring of groundwater level and quality should be carried out by establishing a network of existing wells and construction of new piezometers. The monitoring for quantity should be done four times a year in pre-monsoon (May), monsoon (August), post-monsoon (November) and winter (January) seasons and for quality in May. Data thus collected should be submitted to the Ministry of Environment & Forests and to the Central Pollution Control Board quarterly within one month of monitoring. Rainwater structures shall be erected in the core and buffer zone, in case monitoring indicates a decline in water table.
- (xiv) The project authorities should meet water requirement of nearby village(s) in case the village wells go dry due to dewatering of mine.
- (xv) Sewage treatment plant of adequate capacity shall be installed in the colony. ETP should also be provided for workshop and CHP wastewater. Treated wastewater meeting prescribed norms only shall be recycled for mining operations to the extent possible and permitted to be discharged in to the natural water courses only if it meets the prescribed standards.
- (xvi) The total area that shall be brought under afforestation at the time of mine closure shall not be less than 1199 ha which includes reclaimed topsoil soil dump area (25 ha), external OB dump (632 ha), backfilled area (524 ha), along ML boundary, embankment and undisturbed area, along roads and infrastructure, green belt (18 ha), and in township outside the lease by planting native species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha.
- (xvii) A Progressive Mine Closure Plan shall be implemented by reclamation of 524 ha, of the total quarry area of 1785 ha, which shall be backfilled and afforested by planting native plant species in consultation with the local DFO/Agriculture Department. The density of the trees should be around 2500 plants per ha. Of the total reclaimed backfilled area, 223 ha shall be grazing land and 442 ha shall be agricultural land for utilisation of the villagers.
Of the balance 1261 ha of quarry area, an area of 596 ha of degraded area/void being converted into a water reservoir shall be gently sloped and the upper benches of

the reservoir shall be terraced and stabilised with plantation and the remaining 665 ha is for public use for Phase-2 of the project.

- (xviii) Besides carrying out regular periodic health check up of their workers, 10% of the workers identified from workforce engaged in active mining operations shall be subjected to health check up for occupational diseases and hearing impairment, if any, through an agency such as NIOH, Ahmedabad within a period of one year and the results reported to this Ministry and to DGMS.
- (xix) A detailed R&R Plan for the life of the project comprising land losers, homestead losers and land and homestead losers, including tribals to be displaced from the project area shall be prepared and implemented in a stipulated time-frame. Phase-I of the R&R comprising of 2221 PAPs shall be implemented within one year. The compensation shall be not less than that specified in the National R&R Policy. Provision shall also be made in the R&R Plan to take care of the land less labourers and the tribals. The total expenditure on R&R shall not be less than Rs. 700 crores, which includes land acquisition (Rs. 30 crores) and R&R (350 crores). Alternate livelihood and skill development programmes and schemes shall be implemented as part of R&R and CSR.
- (xx) The project authorities shall carry out a pre-mining socio-economic survey based on the UNDP Human Development Report and monitor the socio-economic status once every three years and maintain records thereof and report in their Annual Report, the socio-economic impact of R&R and CSR activities.
- (xxi) For monitoring land use pattern and for post mining land use, a time series of land use maps, based on satellite imagery (on a scale of 1: 5000) of the core zone and buffer zone, from the start of the project until end of mine life shall be prepared once in 3 years (for any one particular season which is consistent in the time series), and the report submitted to MOEF and its Regional office at Bhubaneswar.
- (xxii) A Final Mine Closure Plan along with details of Corpus Fund should be submitted to the Ministry of Environment & Forests 5 years in advance of final mine closure for approval.

B. General Conditions

- (i) No change in mining technology and scope of working shall be made without prior approval of the Ministry of Environment and Forests.
- (ii) No change in the calendar plan including excavation, quantum of mineral coal and waste shall be made.
- (iii) Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for monitoring SPM, RPM, SO₂, NO_x and heavy metals such as Hg, Pb, Cr, As, etc. Location of the stations shall be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets in consultation with the State Pollution Control Board.
- (iv) Fugitive dust emissions (SPM and RSPM and heavy metals such as Hg, Pb, Cr., As, etc) from all the sources shall be controlled regularly monitored and data recorded properly. Water spraying arrangement on haul roads, wagon loading, dump trucks (loading and unloading) points shall be provided and properly maintained.
- (v) Data on ambient air quality (SPM, RSPM, SO₂, NO_x and heavy metals such as Hg, Pb, Cr, As, etc) shall be regularly submitted to the Ministry including its Regional Office at Bhopal and to the State Pollution Control Board and the Central Pollution Control Board once in six months.

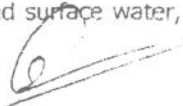
- (vi) Adequate measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in blasting and drilling operations, operation of HEMM, etc shall be provided with ear plugs/muffs.
- (vii) Industrial wastewater (workshop and wastewater from the mine) shall be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th May 1993 and 31st December 1993 or as amended from time to time before discharge. Oil and grease trap shall be installed before discharge of workshop effluents.
- (viii) Vehicular emissions shall be kept under control and regularly monitored.
- (ix) Environmental laboratory shall be established with adequate number and type of pollution monitoring and analysis equipment in consultation with the State Pollution Control Board.
- (x) Personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety and health aspects.
Occupational health surveillance programme of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and to take corrective measures, if needed.
- (xi) A separate environmental management cell with suitable qualified personnel shall be set up under the control of a Senior Executive, who will report directly to the Head of the company.
- (xii) The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year-wise expenditure shall be reported to this Ministry and its Regional Office at Bhopal.
- (xiii) The Regional Office of this Ministry located at Bhopal shall monitor compliance of the stipulated conditions. The Project authorities shall extend full cooperation to the office(s) of the Regional Office by furnishing the requisite data/ information/monitoring reports.
- (xiv) A copy of the will be marked to concerned Panchayat/ local NGO, if any, from whom any suggestion/representation has been received while processing the proposal.
- (xv) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industry Centre and Collector's Office/Tehsildar's Office for 30 days.
- (xvi) The Project authorities shall advertise at least in two local newspapers widely circulated around the project, one of which shall be in the vernacular language of the locality concerned within seven days of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution control Board and may also be seen at the website of the ministry of Environment & Forests at <http://envfor.nic.in>. The compliance status shall also be uploaded by the project authorities in their website and regularly updated at least once in six months so as to bring the same in the public domain. The data shall also be displayed at the entrance of the project premises and mines office and in corporate office.

3. The Ministry or any other competent authority may stipulate any further condition for environmental protection.

4. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract the provisions of the Environment (Protection) Act, 1986.

5. The above conditions will be enforced *inter-alia*, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and Rules. The proponent shall ensure to provide for the costs incurred for taking up

remedial measures in case of soil contamination, contamination of groundwater and surface water, and occupational and other diseases due to the mining operations.


(Dr. T. Chandini)
Director

Copy to:

1. Secretary, Ministry of Coal, New Delhi.
2. Secretary, Department of Environment & Forests, Government of Jharkand, Secretariat, Ranchi.
3. Chief Conservator of Forests, Regional office (EZ), Ministry of Environment & Forests, A-31, Chandrashekarpur, Bhubaneswar - 751023.
4. Chairman, Jharkand State Pollution Control Board, T.A. Division Building (Ground Floor), H.E.C., Dhurwa, Ranchi - 834004.
5. Chairman, Central Pollution Control Board, CBD-cum-Office Complex, East Arjun Nagar, New Delhi - 110032.
6. Member-Secretary, Central Ground Water Authority, Ministry of Water Resources, Curzon Road Barracks, A-2, W-3 Kasturba Gandhi Marg, New Delhi.
7. District Collector, Hazaribagh, Government of Jharkand.
8. Monitoring File 9. Guard File 10. Record File

F. No. 8-56/2009 - FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110510
Dated: 11th May, 2010

To

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.

Sub: Diversion of 1026.438 ha of forest land for coal mining from Pakribarwadih Project in favour of M/s. NTPC in Hazaribagh West Forest Division in Hazaribagh district of Jharkhand.

Sir,

I am directed to refer to the State Government's letter no. 3/VanBhumi-75/2009/2458/VP dated 06.08.2009 on the subject mentioned above seeking prior approval of the Central Government under section-2 of the Forest (Conservation) Act, 1980, and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under section-3 of the said Act.

After careful examination of the proposal of the State Government, the Central Government hereby conveys the recommendations of the Forest Advisory Committee for diversion of 1026.438 ha of forest land for coal mining from Pakribarwadih Project in favour of M/s NTPC in Hazaribagh West Forest Division in Hazaribagh district of Jharkhand subject to fulfillment of the following conditions:

1. (i) The Compensatory Afforestation (CA) will be raised and maintained over double the degraded forest land i.e. $1026.438 \times 2 = 2053$ ha at the cost of User Agency.
- (ii) The User Agency will submit the details of area identified for Compensatory Afforestation on SOI toposheet of 1:50,000 scale.
- (iii) The User Agency shall transfer the cost (incorporating the current wage structure) of raising and maintaining Compensatory Afforestation to the Adhoc CAMPA through State Forest Department.
2. The State Government shall charge the Net Present Value of the forest area diverted under this proposal from the User Agency as per the Judgement of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
3. The User Agency shall furnish an undertaking to pay the additional NPV, if so

determined, as per the final decision of Hon'ble Supreme Court of India.

4. All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA in account number CA 1587 of Corporation Bank, Block-11, CGO Complex, Phase-1, Lodhi Road, New Delhi - 110 510.
5. The following activities shall be undertaken by the User Agency under supervision of the State Forest Department at the project cost:
 - * (i) Proper mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.
 - * (ii) Planting of adequate drought hardy plant species and sowing of seeds to arrest soil erosion.
 - * (iii) Construction of check dams, retention/toe walls to arrest sliding down of the excavated material along the contour.
6. The User Agency will ensure the dumping of OB as per the plan and will submit the duly approved phased Reclamation plan along with the compliance report.
- * 7. The user agency will take up programme for at least 50 m greenbelt along the sides of the Pakwa nallah and Dumuhani nallah from the initial years under the supervision of the State Forest department.
- * 8. The coal evacuation will be done through high speed conveyer of 20 meter width running at a height sufficient to allow all tall wild animals including elephants. The installation of such system will be undertaken under the supervision of the CWLW of the State.
9. The User agency will undertake comprehensive soil conservation measures at the project cost.
- * 10. The period of diversion under this approval shall be twenty (20) years or coterminous with the mining lease subject to possession of valid lease by User Agency under the MMDR Act, 1957.
11. The State Govt. to review the proposed rehabilitation policy to reconsider the R&R issues of landless people in the light of the R&R policy of Orissa with respect to landless and also compare with the draft R&R of the Govt. of India. The revised R&R package should be submitted along with compliance report.
- * 12. The user agency will assist the State Government in conservation and preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State.
- * 13. The forest land shall not be used for any purpose other than that specified in the proposal.

- 14. No labour camps shall be set up inside the forest area.
- 15. The user agency shall provide fuel wood preferably alternate fuel to the labourers working at the site to avoid damage / felling of trees.
- 16. The user agency will obtain Environmental clearance and any other clearances required for such project before the final approval.
17. The user agency will obtain the clearance under the provisions of ST&OTFD (Recognition of Forest Rights) Act, 2006 before the final approval and will submit certificate towards the settlement of all claims and rights over the proposed forest land under the Act, along with the compliance report, as per the advisory dated 03.08.2009 issued by MoEF.
- * 18. Any other condition that the CCF (Central), Regional Office, Bhubaneswar, may impose from time to time for protection and improvement of flora and fauna in the forest area, shall also be applicable.
19. The forest land thus diverted shall be non-transferable. Whenever the forest land is not required, it shall be surrendered to the State Forest Department under intimation to this Ministry.

After receipt of the compliance report on fulfillment of the conditions mentioned above, the Central Government shall consider the handing over of forest land for non-forest purposes under section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Jharkhand, Ranchi.
2. The Nodal Officer (FCA), O/o the PCCF, Government of Jharkhand, Ranchi.
3. The Chief conservator of Forest (Central), Eastern Regional Office, Bhubaneswar.
- ✓ 4. User Agency for information.
5. Monitoring cell.
6. Guard File.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

F. No. 8-56/2009-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510.
Dated: 17th September, 2010

To

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.

Sub:- Diversion of 1026.438 ha of forest land for coal mining from Pakribarwadih Project in favour of M/s. NTPC in Hazaribagh West Forest Division in Hazaribagh district of Jharkhand.

Sir,

I am directed to refer to the State Govt. letter no. 3/VanBhumi-75/2009/2458/VP dated 06.08.2009 on the subject cited above seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted under section-3 of the said Act, in-principle approval was granted vide this Ministry's letter of even number dated 11.05.2010 subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter no. dated 16.08.2010, approval of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 1026.438 ha of forest land for coal mining from Pakribarwadih Project in favour of M/s. NTPC in Hazaribagh West Forest Division in Hazaribagh district of Jharkhand subject to fulfillment of the following conditions:

1. Legal status of forest land shall remain unchanged.
2.
 - a Compensatory afforestation shall be raised and maintained by the State Forest Department at the project cost.
 - b Fencing, protection and regeneration of the safety zone area shall be done at the project cost. Besides this, afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone, shall also be done at the project cost.
 - c Wherever possible and technically feasible, the User Agency shall undertake afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.

MM

Further
... ..

3. Following activities shall be undertaken by the User Agency under the supervision of the State Forest Department at the project cost:
 - (i) Proper mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.
 - (ii) Planting of adequate drought hardy plant species and sowing of seeds to arrest soil erosion.
 - (iii) Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour.
 - (iv) The areas shall be reclaimed keeping in view the international practice of stabilizing the dumps by grading / benching so that angles of repose (normally less than 28 at any given place) are maintained.
 - (v) The top soil management plan should be strictly adhered to.
4. The forest land shall not be used for any purpose other than that specified in the proposal.
5. The User Agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of Hon'ble Supreme Court of India.
6. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986.
7. The user agency will make arrangement for free supply of coal to labourers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.
8. The user agency will take up programme for at least 50 m greenbelt along the sides of the Pakwa nallah and Dumuhani nallah from the initial years under the supervision of the State Forest department.
9. The coal evacuation will be done through high speed conveyer of 20 meter width running at a height sufficient to allow all tall wild animals including elephants. The installation of such system will be undertaken under the supervision of the CWLW of the State.
10. The State Govt. to implement the rehabilitation policy of the State with respect to landless as submitted with the compliance report.
11. The user agency will assist the State Government in conservation and preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State.
12. The forest land shall not be used for any purpose other than that specified in the

proposal.

13. No labour camps shall be set up inside the forest area.
14. The user agency shall provide fuel wood preferably alternate fuel to the labourers working at the site to avoid damage / felling of trees.
15. The period of permission for lease under the Forest (Conservation) Act, 1980 will be for 20 years or co-terminus with the mining lease subject to possession of valid lease by User Agency under the MMDR Act, 1957.
16. Demarcation of mining lease area will be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward & back bearings and distance from pillar to pillar.
17. Mining / reclamation schedule shall be implemented by the user agency at their cost as per Environmental Management Plan / phased reclamation programme. The annual report about the progress of reclamation should be submitted to the CCF (Central), Bhubaneswar.
18. The user agency shall also take up study on soil erosion / soil flow from the over-burden areas with the help of GIS in consultation with the forest department.
19. The user agency shall take up the de-silting of the village tanks within five km area from the mine lease boundary as a Corporate's social responsibility so as to mitigate the impact of siltation of such tanks if any.
20. Any other condition that the Chief Conservator of Forests (Central), Regional Office, Bhubaneswar may impose from time to time in the interest of conservation, protection or development of forests.

Yours faithfully,

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests Government of Jharkhand, Ranchi.
2. The Nodal Officer, Office of the PCCF, Government of Jharkhand, Ranchi.
3. The Chief Conservator of Forest, Regional Office, Bhubaneswar.
4. User Agency for information.
5. Monitoring cell of the FC section
6. Guard file.

(C.D. Singh)

Sr. Assistant Inspector General of Forests

I/44677/2023

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003

Dated: 25th May, 2023

To,

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi

Subject: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand - Modification in condition of Stage-II approval and violation of FC Act - regarding.

Madam/Sir,

I am directed to refer to the State Government of Jharkhand's letter no. vanbhumi-75/2009-1915 V.P. dated 08.07.2022 requesting for modification of condition no. 8 of Stage-II approval dated 17.09.2010 issued under Section 2 (ii) of Forest (Conservation) Act, 1980. The said condition at Sr no. 8 of the approval dated 17.09.2010 is as under:

"The user agency will take up program for at least 50 m green belt along the sides of the Pakwa nallah and Dumhani nallah from the initial years under the supervision of the state forest department".

2. The request of the State Government was considered by the Advisory Committee in its meeting held on 25.04.2023. After careful examination of the request of the State Government, on the basis of the recommendations of the Advisory Committee, and its acceptance by the competent authority in this Ministry, the Central Government hereby accords its approval to modify the condition no. 8 of the Stage-II approval dated 17.09.2010 as under:

"The user agency shall restore and conserve the Khorra Nalla (west) and Pakwa Nalla (east) watersheds on priority basis under supervision of the forest department and expert hydrologists/agencies and develop their watershed status as per the Survey of India toposheet no. 73 E/I. A greenbelt of 100 meters on either side of both Khorra Nala and Pakwa Nalla shall be maintained".

3. Further, in total disregard to the conditions of approval, the user agency has mined out the area and changed the course of the Dumuhani nala which was actually required to be protected and maintained as green belt. In view of this, it has been decided that the penalty shall be imposed for violation committed over the forest area (1026.438 ha) without approval equal to five times the normal NPV

I/44677/2023

plus simple interest of 12 % from the date of actual violation committed till the deposition of penalty.

4. The remaining conditions stipulated in approval dated 17.09.2010 for instant proposal shall remain the same.

5. This issues with the approval of competent authority.

Yours faithfully,

Signed by

Suneet Bhardwaj

Date: 25-05-2023 15:00:30

Sd/-

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to:

1. Principal Chief Conservation of Forests, Government of Jharkhand, Ranchi
2. Regional Officer, Integrated Regional Office (Eastern Zone), Ranchi
3. Nodal Officer, O/o the PCCF, Govt.of Jharkhand, Ranchi
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road
New Delhi-110 003.

Dated: November, 2023

To,

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.

Subject: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand.

Madam/Sir,

I am directed to enclosed herewith a copy of D.O. letter No. 11/25/2023-Th.1 dated 30.10.2023 (**copy enclosed**) on above subject as received from the Secretary, Ministry of Power proposing a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&CC) & Ministry of Coal for amicable resolution of the issue.

In this regard, the State Government is requested to furnish the updated status of the proposal and status of the compliance of the conditions stipulated in the Stage-1 approval, along with the report/comments on the court matter in the instant case for further necessary action.

Yours faithfully,

Signed by
Suneet Bhardwaj

Sd/-
(Suneet Bhardwaj)
Assistant Inspector General of Forests

Date: 10-11-2023 10:32:29

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Jharkhand, Ranchi;
2. The DDG (Central), Regional Office, MoEF&CC, Ranchi;
3. The Addl. PCCF—cum-Nodal Officer (FCA), Department of Forest, Government of Jharkhand, Ranchi;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.

1054658/2023/FC

पंकज अग्रवाल, भा.प्र.से.
सचिव
Pankaj Agarwal, I.A.S.
Secretary



सत्यमेव जयते
ONE EARTH - ONE FAMILY - ONE FUTURE



सत्यमेव जयते

भारत सरकार
विद्युत मंत्रालय
श्रम शक्ति भवन, नई दिल्ली-110001

Government of India
Ministry of Power
Shram Shakti Bhawan, New Delhi - 110001
Tele : 23710271/23711316
Fax : 23721487
E-mail : secy-power@nic.in
October 30, 2023

DO No.: 11/25/2023-TH

O/o IGF(FC/ROHQ/PE/IFS (RKP))

Dy. No.: 1046745

Date: 01/11/23

O/p Secretary(LN)

Dy. No.: 1046745

Date: 31/10/23

Dear Ms Nandan,

As you may be aware that, NTPC Ltd. was allocated Pakri Barwadih Coal Mining Project (PBCMP) located in North Karanpura Coalfields, Jharkhand. Stage-I and Stage-II forest clearance was granted by MoEF&CC on 11.05.2010 & 19.09.2010 respectively. PBCMP is an operational mine which has produced 47.75 million tonnes of coal till Mar'23 and is expected to reach its peak rated capacity of 15 million tonnes in FY 23-24 which is also the coal production target set by the Ministry for this fiscal. PBCMP is a basket mine which supplies to around 20 Thermal Power Plants that are critical to power supply scenario in the country.

2. NTPC vide letter dated 17.10.2023 (copy enclosed) has informed that MoEF&CC had issued an amendment in 2023 along with the imposition of penal NPV (5 times the normal NPV) for the entire forest area (1026.438 Ha) diverted for the project along with maintaining a greenbelt of 100m (against requested 15m) on either side of 'Pakwa Nala' and 'Khorra Nala'. However, 'Dumuhani Nala' needs to be diverted for expansion of mine to enhance coal production. NTPC represented through Forest department, Govt. of Jharkhand, for review of decision of Forest Advisory Committee (FAC). However, DFO, Hazaribagh issued a demand notice for payment of Rs 857.52 Cr as per the recommendations. Further, Forest clearance Stage-II of Parkri Barwadih (North West) Project has also been linked with the payment of said penalty. A brief on the issue is enclosed.

3. Subsequently, NTPC filed an appeal before Hon'ble NGT, Eastern Bench against the demand of the penalty. Hon'ble NGT in its first hearing dated 01.08.2023 has ordered interim stay on the operation of DFO, Hazaribagh demand notice dated 14.06.2023. The stay has been extended vide subsequent orders and matter is scheduled for hearing on 23.11.2023.

4. In view of the above, may I propose a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&CC) & Ministry of Coal for amicable resolution of the issue. Your kind convenience is solicited for the proposed meeting.

Regards,

Yours sincerely

Encl: As Above

Secy- O.T.

Please push up.

AS (TK)
IG (FC)AIG (SR)
31/10/23

(Pankaj Agarwal)

Ms. Leena Nandan
Secretary,
Ministry of Environment, Forest and Climate Change
Jor Bagh, New Delhi



TO (PMK)

OAC (RS)

Pankaj 01/11/23

आज्ञादीकृत
अभूत महोत्सव

8-56/2009-FCpt

/63248/2024

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

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003
Dated: 22nd January, 2024

OFFICE MEMORANDUM

Subject: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand - regarding.

I am directed to enclose herewith a copy of Minutes of the meeting held on 17.01.2024 under the Chairmanship of DGF&SS, MoEF&CC, New Delhi regarding the proposal for diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand for information and further necessary action in the matter.

Encl: As Above


(Suneet Bhardwaj)
Assistant Inspector General of Forests

To,

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Jharkhand, Ranchi;
2. The Dy. DGF (Central), Regional Office, MoEF&CC, Ranchi;
3. The Nodal Officer (FCA), Department of Forest, Government of Jharkhand, Ranchi;
4. User Agency i.e. M/s NTPC Ltd;
5. PPS to DGF &SS/ADG (FC)/IGF (FC), MoEF&CC, New Delhi.

I/63223/2024

Minutes of Meeting held under the chairmanship of DGF&SS, MoEF&CC on 17.01.2024 regarding the proposal for diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribagh West Forest Division in Hazaribag District of Jharkhand.

A meeting was held under the chairmanship of DGF&SS, MoEF&CC on 17.01.2024 in MoEF&CC at Indira Paryavaran Bhawan New Delhi, regarding the representation dated 09.11.2023 received from the user agency i.e. M.s NTPC Limited.

The IGF(FC) gave a detailed background of the matter and explained that the user agency(NTPC) carried out illegal mining in Dumuhani nalah in total disregard to the conditions of approval and changed the course of Dumuhani nala which was actually *required to be protected and maintained as green belt. Keeping this in view and based upon the recommendations of the Advisory Committee, the penalty has been imposed for violation committed over the forest area (1026.438 ha).*

The User Agency in its representation has requested to reconsider the conditions imposed by the Ministry vide letter dated 25.05.2023 and the following relaxations have been sought:

- a. Waival of penal NPV imposed on the NTPC for Pakri-Barwadih coal mining project.
- b. Delinking of Stage-II forest clearance of Pakri Barwadih (North-West) with the deposition of penal NPV of PBCMP.
- c. Permit to maintaining of green belt of 15 m along Pakwa and Khora Nala in line with the regulation no. 149 of Coal Mines regulation, 2017.

The representatives of the User Agency gave a detailed presentation on the subject. The matter was deliberated in detail with the PCCF (HoFF), Nodal Officer State of Jharkhand, DDGF Regional Office Ranchi and the User Agency.

It was observed that the Secretary, Ministry of Power vide their DO letter dated 30.10.2023 proposed a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&CC) and Ministry of Coal for amicable resolution of the issue. The Ministry vide letter dated 10.11.2023 requested the State Government to furnish the updated status of the proposal and status of the compliance of the conditions stipulated in the Stage-I approval along with the report/comments on the court matter in the instant case. The reply from the State Government in this regard is still awaited, which is required for taking further necessary action in the matter.

After detailed deliberations in the matter, it was decided that since the conditions have been stipulated in the approval as per the recommendations of the Advisory Committee, therefore the State Government shall submit a point wise report/comments on the representation of the User Agency along with its recommendations and thereafter the matter would be placed before the Advisory Committee for appropriate decision in the matter. It was also decided that the status regarding the matter may accordingly be apprised to the Hon'ble NGT in ongoing cases related to matter.

The meeting ended with a vote of thanks to the Chair.

List of Officers present in the meeting

- a) Ministry of Environment, Forest and Climate Change (MoEF&CC)
 - i. Sh. Jitendra Kumar, DGF&SS, MoEF&CC
 - ii. Sh. S.P. Yadav- ADGF (FC)
 - iii. Sh. A.T. Mishra - Dy. DGF, Regional Office, MoEF&CC, Ranchi

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- iv. Sh. Ramesh Kumar Pandey- IGF (FC)
- v. Sh. Suneet Bhardwaj, AIGF (FC)
- vi. Sh. Pamposh Mohan Koul, T.O (Forestry)
- b) Representatives from State Forest Department
 - i. Dr. Sanjay Srivastava, PCCF & HoFF, Jharkhand
 - ii. Sh. Shashikar Samanta, PCCF & Nodal Officer(FCA), Jharkhand
- c) Representative from User Agency i.e. M/s NTPC Ltd.
 - i. Sh. Shivam Srivastava, Director(Fuel)
 - ii. Dr. Vijay Prakash, Executive Director (Env. Eng.)
 - iii. Sh. Birendra Kumar, Addl. General Manager (Env.)
 - iv. Sh. Sumeet Kumar, Deputy General Manager
 - v. Sh. Raju Nallabheem, Deputy General Manager.