

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE, KOLKATA**

IN

ORIGINAL APPLICATION NO. 63/2023/EZ

IN THE MATTER OF:

ANUP KUMAR

.....APPLICANT

VERSUS

STATE OF JHARKHAND & ORS.

.....RESPONDENT(S)

**COUNTER AFFIDAVIT ON BEHALF OF THE GOVERNMENT OF
INDIA, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE
CHANGE (RESPONDENT NO. 2)**

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MOST RESPECTFULLY SHOWETH:

1. I, Shashi Shankar, Son of Late Vishnu Shankar Pathak, aged about 42 years, working as Deputy Inspector General of Forests (DIGF) 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 Deputy Inspector General of Forests (DIGF) 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.

STATEMENT OF FACTS:

3. It is humbly submitted that '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, Pakri- Barwadih, Chepa-Khurd, Deora-Kalan, Lakura, Langatu, Keri, Dadikalan, Tehsil Barkagaon, District Hazaribagh, Jharkand 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")

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."

9. It is humbly submitted that NTPC submitted a representation dated 09.10.2018 to the Ministry requesting 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 as stated above.

10. 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.

11. 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.

12. 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.

13. The Government of Jharkhand vide letter no. vanbhumi- 75/2009-1915 V.P. dated 08.07.2022 adverting 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.

14 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.

15. 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.

16. 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:

a. A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & amp; 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.

b. UA 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 mid 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.

 c. Study of river-aquafer 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.



17. 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.

18. 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”)



19. 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 co-ordination 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.

20. 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 (instant matter) for further proceedings in the matter and disposed off Original Application No. 158/2023/PB.

21. 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-

"Recommendations-

(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.”

22. 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. (True copy of the letter dated 10.11.2023 is annexed as “**Annexure-V**”).

23. 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.

24. 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. Thereafter, the Ministry sent a second reminder letter on 12.02.2024. The

Ministry has not received the reply from the State Government as yet.



Photocopy of the OM dated 22.01.2024 and reminder letter dated 12.02.2024 are annexed as "Annexure-VI and Annexure-VII" respectively.)

25. That in view of the forgoing submissions, this reply affidavit being filed by the Respondent No. 2 be admitted and accepted by this Hon'ble Tribunal.

26. That this answering respondent craves leave of this Hon'ble Tribunal to file additional information if any, till pendent lite.

27. 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
उप महाप्रदेशीय कम (डी.) / DIGF (C)
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Mo Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, रांची
Regional Office, Ranchi

Identified by me
Mr. Rajen Rayen Raj
Gen No. P/185/2021
Signature identified
by the Advocate



NOTARY PUBLIC, RANCHI

VERIFICATION

Verified at Ranchi on the 15th day of March, 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.


DEPONENT

शशि शंकर / Shashi Shankar
उप महाप्रदेशीय कम (डी.) / DIGF (C)
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
Mo Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, राँची
Regional Office, Ranchi

Identified by me
Adv. Rajeev Ranjan Raj
Gr. No- D/1185/2021

Signature identified
by the Advocate



15-3-24
NOTARY PUBLIC, RANCHI



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

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.

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 owners 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 650 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

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.

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/nallahs 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 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/nalas flowing across the ML and creation of embankment, and also obtain approval of the State Government for diversion of the nalas

(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.

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 provided adequate retention period to allow proper settling of silt material.

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.

Regular monitoring of groundwater level and quality should be carried out by establishing a network of existing wells and construction of new peizometers. 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.

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.

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.

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 decoladed area/void being converted into a water reservoir shall be gently sloped and the 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 landuse 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, Chandrashekarapur, 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

(Dr.T.Chandini)
Director



609298/2022/FC

8-56/2009-FCpt

C Annexure- II

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&OTED (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



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Annexure- III

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.

AM



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 NIPV, 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



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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



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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



File No. 8-56/2009-FC (Computer No. 174738)

1054658/2023/FC
1/57367/2023

Annexure- V

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: 10 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

Copy to:

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

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

File No. 8-56/2009-FCpt (Computer No. 174738)

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



भारत सरकार
सत्यमेव जयते



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

O/o IGF(FC/ROHQ/PEAFS (RKP))

Dy. No. 1046745

Date 01/11/23

DO No.: 11/25/2023-TH

O/o 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 Mar23 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 Pakri 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

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

AS (TK)
IG(FC)

ACC(SB)
21/10/23

(Pankaj Agarwal)

OACCBS)

31/10/23

TO (PMK)

01/11/23

आज्ञादीक
अमरी महोदय

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)

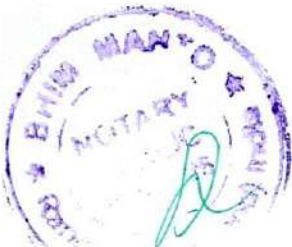
Assistant Inspector General of Forests

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



I/63223/2024

- 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.



REMINDER-II

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

**Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003
Dated: 12 February, 2024**

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 –reg.**

Madam/Sir,

This is in reference to Ministry's letter of even no. dated 10.11.2023 and subsequent Reminder dated 22.01.2024 (**copy enclosed**) wherein the information regarding the Pakribarwadih Project of M/s NTPC was sought from the State Government. However, the same is still awaited.

In this regard, the State Government is again requested to submit the requisite details as sought in the above referred letter.

Signed by Amit Anand

Yours sincerely,

Date: 12-02-2024 10:57:47

Encl: As Above

(Amit Anand)

Assistant Inspector General of Forests

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/CMD NTPC;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi for uploading on PARIVESH portal.



8-56/2009-FCpt

/63247/2024

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

REMINDER

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

To,

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

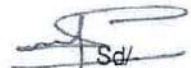
Subject: Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand - regarding.

Madam/Sir,

I am directed to refer to the Ministry's letter of even no. dated 10.11.2023 wherein the information regarding the Pakribarwadih Project of M/s NTPC was sought from the State (Copy enclosed). However the same is still awaited. In this regard, as discussed in the meeting held on 17.01.2024 the State Govt. is again requested to submit the requisite details along with point-wise reply/comments on the representation submitted by the User agency (copy enclosed) for further necessary action in the matter.

Encl: As Above

Yours sincerely,


(Sd/)
(Suneet Bhardwaj)

Assistant Inspector General of Forests

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.



8-56/2009-FCpt

I/57367/2023

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

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

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.



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



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

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

DO No.: 11/25/2023-Tn.

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 Pakri 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

Pankaj Agarwal
30.10.23
(Pankaj Agarwal)

Encl: As Above

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

AS (TK)
IG (FC)

AVC (SB)
21/10/23

OACCBS

Pankaj 01/11/23

आजादी का
अमृत महोत्सव



TO (PMK)
01/11/23

Issues related to Amendment in Stage-I&II FC condition for Pakri Barwadih and Pakri Barwadih (North-West) Coal mines of NTPC

Background:

- Ministry of Coal (MoC), GoI allocated Pakri Barwadih Coal Mining Project (PBCMP) located in North Karanpura Coalfields to NTPC in 2004. The Mining Plan was approved by the MoC in 2006. The Environment Clearance (EC) was granted by the MoEF&CC in 2009. Stage-I and Stage-II Forest Clearance were also accorded in 11.05.2010 and 19.09.2010 respectively.
- Environment Management Plan (EMP) of the block was prepared, based on the EIA study, and approved Mining Plan (2006). As per the EMP, three nalas viz. Western Nala (Khora/Khorrah), Central Nala (Dumuhani) and Eastern Nala (Pakwa) traverse through Pakri Barwadih coal mining block and outfall into Haharo river near Barkagaon village.
- Based on the recommendations of MoEF&CC, as part of EC condition, Central Water and Power Research Station (CWPRS) was engaged to carry out nala diversion study. CWPRS submitted its report in Feb' 2011.
- As per the report, DUMUHANI NALA (Central Nala) is to be diverted with progression of mining activity and its flow is to be diverted into PAKWA NALLAH (in eastern boundary of the mine) and Khorrah Nallah (in western boundary of the mine) and NTPC is required to develop green belt along Pakwa Nallah and Khorrah Nala. Further, as per the EC condition, NOC was also obtained from water resources dept., GoJH for diversion/realignment of Dumuhani Nala in 2013.
- However, in condition no. 7 of Stage- I FC (granted on 11.05.2010) and condition no. 8 of Stage- II FC (granted on 17.09.2010), in place of Khorrah Nala, the name of Dumuhani Nala (Which is flowing through the central part of the mine) has been mentioned inadvertently.

Representation by NTPC:

- NTPC requested MoEF&CC for amendment of condition no. 8 of stage-II and condition no. 7 of stage-I of Forest Clearance for replacement of the term "Dumuhani Nala" for "Khorrah Nala" of Pakri Barwadih in 2018.
- 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 Ha) diverted for the project along with maintaining a greenbelt of 100m on either side of nala. DFO had raised the demand of Rs. 857 crores to NTPC towards penal NPV.

Issues to be considered:

a) Pakri-Barwadih:

- i. The area pertaining to the violation may be changed from 1026.438 Ha (total area diverted for Pakri-Barwadih Coal Mining Project) to 37.20 Ha (alleged violated forest area) and the stretch of the alleged violation may be changed from 31 KM to 3.1 KM.
- ii. As per FAC, the penal NPV on 1026.438 Ha comes out to be around Rs.857 Cr. However, Penal NPV as per clause no 1.21(III)(a) of the Forest handbook comes out to be Rs.1.83 Cr.

It is requested to review the penalty.

b) Development of Green Belt:

NTPC is developing a 50M green belt along Khora and Pakwa Nallah as per earlier approvals. However, FAC recommended developing a 100m green belt along the sides of Khora and Pakwa Nallah.

It is requested to allow a change in the width of the green belt development from 50 m to 15 m in line with regulation no. 149 of Coal Mines Regulation, 2017.



c) Pakri-Barwadih (North-West):

Stage-I forest Clearance for Diversion of 331.19Ha forest land in favour of NTPC for Pakri-Barwadih (North-West)

- i. FAC Recommended Stage-I approval.
- ii. Stage-II approval is linked with the deposition of Penal NPV for 1026.438Ha complete forest area diverted for Pakri-Barwadih.

It is requested to de-link the Stage-II forest clearance of PB-NW.

Present Status:

- NTPC represented the case before MoP and the State Forest Department, Govt. of Jharkhand for review of decision of FAC. Consequently, MoP directed NTPC to represent against FAC decision taken in the meeting held on 25.04.2023 at appropriate level in MoEF&CC and share the outcome with MoP, whereas DFO, Hazaribagh vide its Communication dated 14.06.2023 issued a demand notice for payment of Rs 857.52 Cr as per FAC recommendations.
- As NTPC had no other option, they approached NGT Kolkata on 17.07.2023; 03 hearings held till date. Hon'ble NGT in its first hearing dated 01.08.2023 has ordered Interim stay on the operation of DFO, Hazaribagh's demand notice dated 14.06.2023. The stay has been extended vide subsequent orders dated 14.09.2023 and 17.10.2023.
- The matter is scheduled for hearing on 23.11.2023.





शिवम श्रीवास्तव
निदेशक (ईंधन)
SHIVAM SRIVASTAVA
Director (Fuel)

Ref. No. 01/DIR(FUEL)/2023/7

एनटीपीसी लिमिटेड
(भारत सरकार का उपन)

NTPC Limited
(A Government of India Enterprise)

केन्द्रीय कार्यालय/Corporate Centre

Date: 17.10.2023

To,
The Joint Secretary (Thermal)
Ministry of Power,
Government of India,
Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110001.

Sub:- Resolution through mutual consultation of NGT Kolkata appeal no 20/2023, dated 18.07.2023 (NTPC PBCMP vs State of Jharkhand & Others)- reg.

Dear Sir,

Ministry of Coal (MoC), GoI allocated Pakri Barwadih Coal Mining Project (PBCMP) to NTPC Ltd in 2004, Mining plan was approved in 2006, The Environment clearance was issued in 2009. Stage-I and Stage-II forest clearance was granted by MoEF & CC in 11.05.2010 & 19.09.2010.

NTPC requested MoEF&CC for amendment of condition no. 8 of stage-II and condition no. 7 of stage-I of Forest Clearance for replacement of the term "Dumuhani Nala" for "Khorrah Nala" of Pakri Barwadih in 2018. Diversion of Dhumani Nala is required for expansion of mine to enhance coal production. The above requests were reiterated through multiple letters and raised during various review meetings of the ministry.

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 (1026Ha) diverted for the project along with maintaining a greenbelt of 100m on either side of nala.

NTPC represented the case before MoP and the State Forest Department (Govt. of Jharkhand) for review of decision of FAC vide its letter dated 18.05.2023, 02.06.2023, however, DFO, Hazaribagh vide its Communication dated 14.06.2023 issued a demand notice for payment of Rs 857.52 Cr as per FAC recommendations. Further NTPC requested MoEF & CC vide its letter dated 24.07.2023 & 03.08.2023 for review of penalties.

As NTPC had no other option, NTPC approached NGT Kolkata for relief on the issue on 17.07.2023. Three hearings were held till date.

In view of above, Ministry of Power intervention is requested to take up the matter with MoEF & CC for resolution of the issue through mutual consultation.

Thanking you,

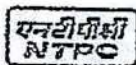
Yours faithfully,

S. Srivastava
(Shivam Srivastava)

Director (Fuel) & Nominated Owner of Mines

Corporate Identification Number : L40101DL1975GO1007966

एनटीपीसी भवन, कोर-7, पांचवां तल, स्कोप कॉम्प्लेक्स, 7, इंस्टीट्यूशनल एरिया, लोदी रोड, नई दिल्ली-110 003 टेल. : 011-24380650, 24361012, फैक्स / Fax : 011-24368417
NTPC Bhawan, Core-7, 5th Floor, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-110 003, E-mail : shivamsrivastava@ntpc.co.in, web site : www.ntpc.co.in



A Maharatna Company

एन टी सी लिमिटेड
(भारत सरकार का उपक्रम)

NTPC Limited

A Govt. of India Enterprise

पकरी बरवाडीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

For Pakri Barwadih (North West) Opencast Coal Mining Project, MDO has been appointed for start of mining operations and application for the Environment Clearance is being processed by SEIA, Jharkhand. The EIA/EMP and mining operations at Pakri Barwadih (North West) Coal Mining Project are not linked in any way with the existing Pakri Barwadih Coal Mining Project.

Please refer to our request letters dated 02.06.2023 & 21.06.2023 at various levels regarding the subject matter (Copies enclosed as Annexure-2 & 3 respectively). It is requested to kindly consider for Delinking of above condition of deposition of penal NPV and other penal levies as imposed in case of diversion of 1026.438 ha forest land for Pakri Barwadih Coal Mining Project for processing of stage-II clearance of Pakri Barwadih (North-West) CMP, So that compliance of stage 1 conditions of Pakri Barwadih (North West) CMP can be submitted to MoEF&CC for processing of Stage-II forest clearance and project can be started at the earliest to meet the country's coal requirement.

It is requested for your kind support for resolving the above issue.

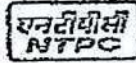
With Regards,

Yours Sincerely,

Neeraj Jalota,
General Manager,
(PB, PB-NW CMP),
NTPC Limited.

Encl: A/a





A Maharatna Company

एन टी पी सी लिमिटेड
(भारत सरकार का उपक्रम)

NTPC Limited

(A Govt. of India Enterprise)

पकरी बरवाडीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

Ref. No.: 1040/PBCMP/EMG/2023/ 163

Dated 24.07.2023

To,
The Director General of Forest,
Ministry of Environment, Forest & Climate Change (MoEF&CC),
New Delhi.

Through Proper Channel (DFO, Hazaribagh West forest division)

Sub: Diversion of 331.198 Ha of forest land for non-forestry use, in favour of NTPC Ltd., for Pakri Barwadih (North-West) Coal Mining Project- Delinking of condition of penal NPV of Pakri Barwadih CMP-reg

Ref-1: Stage-1 Forest clearance obtained vide File Ref No 8-56/2009-FC-(vol) dated 26th May 2023.

Ref-2: Ltr No RED(CM) Sedt/PBCMP/EMG/2023/475 Dated 02.06.2023 from NTPC.

Ref-3: Ltr No NTPC/PECMP/EMG/2023 dated 21.06.2023 from NTPC.

Respected Sir,

Application for the diversion of 331.198 ha of forest land for non-forestry use for Pakri Barwadih (North West) Opencast Coal Mining Project has been submitted to MoEF&CC through Parivesh portal. Vide reference Ltr No 8-56/2009-FC-(vol) dated 26th May 2023, Inprinciple / Stage-I approval is accorded for non-forestry use of 331.198 ha of forest land under Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s NTPC Limited for Pakri Barwadih (North West) Opencast Coal Mining Project in West forest division, district Hazaribagh, Jharkhand subject to fulfillment of certain conditions. (Copy enclosed as Annexure-1).

As per Condition No. X of Stage-I FC states that

Quote –

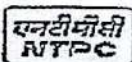
"A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval."

Un-Quote.

We would like to humbly submit that the diversion of 1026.438 ha forest land pertains to Pakri Barwadih Coal Mining and it is having a separate EIA/EMP and mining operations.

Pakri Barwadih Coal Mining Project, Site Office, Barkagaon, Hazaribagh – 825311
Registered Office : NTPC Bhawan, Scope Complex, 1 Institutional Area, Lodhi Road, New Delhi – 110 003





A Maharatna Enterprise

एन टी सी लिमिटेड
(भारत सरकार का उपक्रम)

NTPC Limited

A Govt. of India Enterprise

पकरी बरवाडीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

We would like to humbly submit that the diversion of 1026.438 ha forest land pertains to Pakri Barwadih Coal Mining and it is having a separate EIA/EMP and mining operations.

For Pakri Barwadih (North West) Opencast Coal Mining Project, MDO has been appointed for start of mining operations and application for the Environment Clearance is being processed by SEIA, Jharkhand. The EIA/EMP and mining operations at Pakri Barwadih (North West) Coal Mining Project are not linked in any way with the existing Pakri Barwadih Coal Mining Project.

Please refer to our request letters dated 02.06.2023, 21.06.2023, 24.07.2023 at various levels regarding the subject matter (Copies enclosed as Annexure-2,3 & 4 respectively). Also NGT vide its order dated 01.08.2023 issued "stay" on demand order dated 14.06.2023 from office of DFO, Hazaribagh West Forest division for paying the penal NPV of Rs 857,52,85,944.32 for Pakri Barwadih CMP. Copy enclosed as Annexure-5.

It is requested to kindly consider for Delinking of above condition of deposition of penal NPV and other penal levies as imposed in case of diversion of 1026.438 ha forest land for Pakri Barwadih Coal Mining Project for processing of stage-II clearance of Pakri Barwadih (North-West) CMP, So that compliance of stage 1 conditions of Pakri Barwadih (North West) CMP can be submitted to MoEF&CC for processing of Stage-II forest clearance and project can be started at the earliest to meet the country's coal requirement.

It is requested for your kind support for resolving the above issue.

With Regards.

Yours Sincerely,

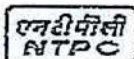

Neeraj Jaiswal, 03/08/23
General Manager,
(PB, PB-NW CMP),
NTPC Limited.

Encl: A/a

Pakri Barwadih Coal Mining Project, Sikri Site Office, Barkagaon, Hazaribagh - 825311
Registered Office : NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi - 110 003

12





पक्रि बरवाडीह कोयला खनन परियोजना
(पक्रि बरवाडीह कोयला खनन परियोजना)

NTPC Limited

A Govt. of India Enterprise

पक्रि बरवाडीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

Ref. No.: 1040/PBCMP/EMG/2023/165

Dated 03.08.2023

To,
The Director General of Forest,
Ministry of Environment, Forest & Climate Change (MoEF&CC),
New Delhi.

Through Proper Channel (DFO, Hazaribagh West forest division)

Sub: Diversion of 331.198 Ha of forest land for non-forestry use, in favour of NTPC Ltd., for Pakri Barwadih (North-West) Coal Mining Project- Delinking of condition of penal NPV of Pakri Barwadih CMP-reg

Ref-1: Stage-1 Forest clearance obtained vide File Ref No 8-56/2009-FC-(vol) dated 26th May 2023.

Ref-2: Ltr No RED(CM) Sect./PBCMP/EMG/2023/475 Dated 02.06.2023 from NTPC.

Ref-3- Ltr No NTPC/PBCMP/EMG/2023 dated 21.05.2023 from NTPC.

Ref-4-1040/PBCMP/EMG/2023/163 Dated 24.07.2023

Ref-5—Order dated 01.08.2023 of NGT (Appeal No 20/2023/EZ (I.A.No 34 /2023 / EZ)

Respected Sir,

Application for the diversion of 331.198 ha of forest land for non-forestry use for Pakri Barwadih (North West) Opencast Coal Mining Project has been submitted to MoEF&CC through Parivesh portal. Vide reference Ltr No 8-56/2009-FC-(vol) dated 26th May 2023, Inprinciple / Stage-I approval is accorded for non-forestry use of 331.198 ha of forest land under Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s NTPC Limited for Pakri Barwadih (North West) Opencast Coal Mining Project in West forest division, district Hazaribagh, Jharkhand subject to fulfillment of certain conditions. (Copy enclosed as Annexure-1).

As per Condition No. X of Stage- I FC states that:

Quote –

"A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval."

Un-Quote.

Pakri Barwadih Coal Mining Project, Sikri-Site Office, Barhagosa, Hazaribagh – 825311
Registered Office : NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi – 110 003





शिवम श्रीवास्तव
निदेशक (ईंधन)
SHIVAM SRIVASTAVA
Director (Fuel)

एनटीपीसी लिमिटेड
(कायदा तहत का उद्यम)

NTPC Limited
(A Government of India Enterprise)

कorporate कार्यालय/Corporate Centre

Ref. No. D(Fuel) Sectt/ Nov23/01

Dated: 09.11.2023

To,

The Director General of Forest & Special Secretary
Ministry of Environment, Forest & Climate Change (MoEF&CC),
Indira Paryavaran Bhawan, Jor Bagh
New Delhi.

Subject:

1. Reconsideration of penal NPV imposed while Stage -II FC amendment of Pakri Barwadih Coal Mining Project (1026.438 ha).
2. Delinking of Stage-II Forest Clearance of PB-North West (331.198ha) from the deposition of penal NPV of Pakri Barwadih CMP. Reg.

Ref.

1. FC Amendment Letter dated 25.05.2023 to PBCMP (1026.438 ha)
2. Stage-I Forest clearance granted to PB - NW Coal Mining Project.
3. NTPC request letters dated: 18.05.2023, 02.06.2023, 24.07.2023, 03.08.2023, 17.10.2023 for reconsideration of subject matter.
4. Secy (MoP) DO No. 11/25/2023-Th.I dated 30.10.2023

Dear Sir,

With reference to above subject it is to submit that Ministry of Coal (MoC), GoI allocated the Pakri barwadih Coal Mining Project (PBCMP) to NTPC Ltd in the year 2004. The environment clearance (EC) was granted on 19.05.2009 and the Stage-II forest clearance was granted to Pakri barwadih Coal Mining Project (PBCMP) (1026.438 Ha) vide MoEF ltr ref. no. F.No. 8-56/2009-FC on 17.09.2010. NTPC on 09.10.2018 requested MoEF & CC for amendment of Condition no. 8 of Stage-II FC accorded to PBCMP. Subsequently the matter was pursued at different levels.

FAC during its meeting dated 25.04.2023, recommended the amendment to Forest Clearance Condition no. 8 of Stage-II FC for Pakri-Barwadih Coal Mining Project (PBCMP) (1026.438 ha). However, a penalty was imposed with penal NPV (5 times the normal NPV on total Forest Land with 12% interest) of Rs 857.52 Crs on the entire forest land (1026.438 ha) along with a condition of maintaining 100m green belt (against requested 15m) along the Khorra Nalla (West) and Pakwa Nalla (East). (Annexure-I).

Also, Stage-I clearance for diversion of 331.198 ha of forest land was accorded for Pakri Barwadih Northwest Coal Mining Project (PB-NW CMP) (Annexure-II), but Stage-II FC clearance of PB-NW was interlinked with the deposition of Penal NPV of PBCMP, vide point no 4 & (X) of 4 of agenda-1 of FAC MoM 25.04.2023.

IGF (FC)
my

Corporate Identification Number : L40101DL1875GD1007966

एनटीपीसी लिमिटेड, बॉक्स ७, स्कोप कॉम्प्लेक्स, ७, इंस्टीटुशनल एरिया, लोदी रोड, नई दिल्ली-११० ००३ ई/टेल : ०११-२४३६००००, २४३६१०१२, ईमेल : ०११-२४३६८११७
NTPC Bhawan, Box-7, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-110 003, E-mail : shivam.srivastava@ntpc.co.in, web site : www.ntpc.co.in





शिवम श्रीवास्तव
निदेशक (ईंधन)
SHIVAM SRIVASTAVA
Director (Fuel)

एनटीपीसी लिमिटेड

(भारत सरकार का उपनिवेश)

NTPC Limited

(A Government of India Enterprise)

केंद्रीय कार्यालय/Corporate Centre

NTPC Ltd is committed to comply with all the statutory obligations and have always complied the stipulations made in the statutory clearances accorded with our mines. In this regard, we humbly submit to your good office to kindly reconsider the matter as below:

- 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.*

Submitted for kind consideration please.

Thanking You

Yours faithfully
S. S. Srivastava
(Shivam Srivastava)
Director (Fuel) & Nominated Owner of Mines

Enclosures: as above.

Corporate Identification Number : L40101DL1975GO1907966

इस दस्तावेज़ का, कोर-7, ब्लॉक 08, स्कोप कॉम्प्लेक्स, 7, संवर्धन इलाका, लोदी रोड, नई दिल्ली-110 003 टेलीफोन : 011-24360860, 24361012, ईमेल : 011-24368417
NTPC Bhushan, Core-7, 5th Floor, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-110 003, E-mail : shivamsrivastava@ntpc.co.in, web site : www.ntpc.co.in

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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 Nalla 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



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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



8-56/2009-FC-(vol)

1/44905/2023

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

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

Dated: 26th May, 2023

To,

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

Subject: Proposal for non-forestry use of 331.198 ha of forest land in favour of M/s NTPC Limited for Pakribarwadih (North West) Opencast Coal Mining Project in West Forest Division, District Hazaribagh, Jharkhand – regarding.

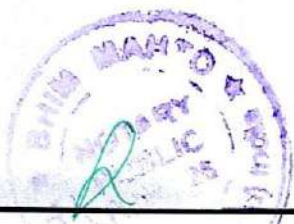
Madam/Sir,

I am directed to refer to the Government of Jharkhand's letter No. Van Bhumi-10/2021-1664/V.P. dated 14.06.2022 on the above subject 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 Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and its acceptance by the competent authority in this Ministry, ***In-principle/Stage-I approval*** of the Central Government is hereby accorded for non-forestry use of 331.198 ha of forest land under Section - 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s NTPC Limited for Pakribarwadih (North West) Opencast Coal Mining Project in West Forest Division, District Hazaribagh, Jharkhand) subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & Geology shall be constituted under chairpersonship of DFO concerned. The team shall continuously study the area for assessing the impact of on-going mining on various environmental/ecological parameter and submit findings/ report to IRO annually.
- iii. UA 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 Nallas watershed parallel to the ongoing mining activities. For this purpose, a reputed institute, preferably located in the State, may be engaged for data collection, processing and


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interpretation in effective and exclusive manner.

- iv. *Study of river-aquafer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site shall be conducted to facilitate the delineation of groundwater potential zones, ground water variation in these zones and help in water budgeting to the surroundings.*
- v. *Since the area is rich in species composition therefore Reclamation, Eco-restoration, and Conservation Plan shall be prepared by conducting proper study before initiating mining activities.*
- vi. *The Catchment Area Treatment Plan shall be prepared and implemented at the cost of the user agency for the treatment of all Nallahs/streams pertaining to instant mining lease/project area. The commensurate funds shall be deposited in National Authority prior to Stage-II approval.*
- vii. *An integrated soil and water conservation plan shall be prepared and implemented at the cost of the user agency for the entire landscape affected by the mining activities of the User agency in the region.*
- viii. *The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura. The cost estimate of Integrated Wildlife Management Plan (IWMP) submitted is based on the rate of 2010, while approval is being considered in 2023, hence rate revision has to be done based on the present rate.*
- ix. *As observed in the existing mine of NTPC Pakri Barwadih no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. The Khorra nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belt of 100 metres on the side of Khorra nallah & Pakwa Nalas that is facing the mining area, to prevent further sedimentation and choking.*
- x. *A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval.*
- xi. **Compensatory Afforestation:**
 - a. *The Compensatory afforestation over degraded forest land, double in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;*
 - b. *The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;*

[Signature]
26/05/23



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- c. The KML files of diverted area and the CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval.
- xii. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User in accordance with the MoEF&CC's guidelines dated 6.01.2022 read with guidelines dated 22.03.2022.
- xiii. **Safety Zone Management:** Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:
- User agency shall ensure demarcation of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the State Forest Department;
 - Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - Safety zone shall be maintained as green belt around mining lease and regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department;
 - 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 under the supervisions of the State Forest Department. The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files before Stage-II approval and afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department; and
 - The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms.
- xiv. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xv. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other modes will not be accepted as compliance of the Stage-I clearance;
- xvi. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- xvii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- xviii. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of

[Signature]
26/05/23



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1/44905/2023

NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

- xix. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xx. Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
- xxi. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concern Regional Officer, Integrated Regional Office may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
- xxii. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
- xxiii. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- 26/5/23 xxiv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxv. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xxvi. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- xxvii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xxviii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxix. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;



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I/44905/2023

- xxx. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
- xxxi. The user agency shall comply the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
- xxxii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

(Suneet Bhardwaj)

Assistant Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests and HoFF, Government of Jharkhand, Ranchi ;
2. The Regional Officer, Integrate Regional Office of the MoEF&CC, Ranchi;
3. The Nodal Officer (FCA), O/o PCCF, Government of Jharkhand, Ranchi;
4. User Agency ;and
5. Monitoring Cell, Forest Conservation Division, MoEF&CC, New Delhi





शिवम श्रीवास्तव
निदेशक (ईंधन)
SHIVAM SRIVASTAVA
Director (Fuel)

Ref. No.01/Dir(Fuel)

एन टी पी सी लिमिटेड
(भारत सरकार का उद्यम)

NTPC Limited
(A Government of India Enterprise)

केन्द्रीय कार्यालय/Corporate Centre

Date: 18.05.2023

To,
The Joint Secretary (Thermal and Coal, Distribution),
Ministry of Power,
Government of India,
Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110001.

Sub: 1. Proposal for non-forestry use of 331.198Ha of forest land in favour of NTPC Ltd for Pakri-Barwadih(North-West)
2. Modification in condition of Stage-II approval and violation of FC Act for Pakri Barwadih Coal Mining Project-reg.

Dear Sir,

Ministry of Coal (MoC), GoI allocated Pakri Barwadih Coal Mining Project (PBCMP) located in North Karanpura Coalfields to NTPC Ltd. vide allotment letter no. 13016/29/2003-CA dated 11.10.2004 and DO No. 13016/29/2003-CA (Part) dated 24.08.2005.

The Mining Plan was approved by Ministry of Coal vide letter no. 13016/29/2003 CA-I dated 25.08.2006 and subsequently Revised Mining Plan was approved by MoC vide letter no. 13016/29/2003-CA (Part) dated 07.03.2016.

The Environment Clearance (EC) was granted by the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide letter no. J-11015/692/2007-IA. II (M) dated 19.05.2009 and amendment dated 29.06.2016 and 14.08.2018. Stage-I and Stage-II Forest Clearance were accorded vide letter dated 11.05.2010 & 17.09.2010 respectively.

At present, 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. However, achievement of this target of 15 million tonnes is subject to the expansion of the existing pit on the eastern side which is being restricted due to *Dumuhani nallah* which could not be diverted due to condition no. 7 of Stage- I FC and condition no. 8 of Stage- II FC which states that:

Quote

"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."

Un-Quote.

Contd....2/-

Corporate Identification Number : L40101DL1975GO1007966

एन टी पी सी लिमिटेड, कोर-7, 5th Floor, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-110 003, India / Tel : 011-24360860, 24361012, फैक्स / Fax : 011-24366417
NTPC Bhawan, Core-7, 5th Floor, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-110 003, E-mail : shivamsrivastava@ntpc.co.in, web site : www.ntpc.co.in



: 2 :

NTPC, vide letter dated 09.10.2018, had requested Director General of Forest (FC) for making amendments to the abovementioned condition as per following:

- a. *Green belt development along the sides of Pakwa nallah and Khorra nallah instead of Pakwa nallah and Dumuhanl nallah since Dumuhanl nallah is passing through the block and needs to be diverted as per the CWPRS report (study was conducted in line with condition no. (iv) of the Environment Clearance).*
- b. *Change in the width of green belt development from 50 m to 15 m in line with regulation no. 149 of Coal Mines Regulation, 2017.*

The above requests were reiterated through multiple letters and raised during various review meetings of the ministry. A brief on this issue is enclosed as **annexure-1**.

Our request was considered for discussion during the FAC meeting on 25.04.2023 (**annexure-2**) and following decisions were made:

Agenda-1

a. At point no-4 & (X) of 4

Recommended the proposal for grant of Stage-I approval, subjected to deposition of penal NPV and other penal NPVs as imposed in case of diversion of 1023.438 ha forest land for Pakri-Barwdih. (**annexure-2**)

Agenda-2

a. At para-2 of the point no-4.

Quote –

"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 Nalla and Pakwa Nalla shall be maintained".

Un-Quote.

However, till date NTPC Ltd. have already done mining in area leaving 50 m from both the Nallas i.e. Khorra and Pakwa Nalla within the lease area as per condition no. 7 of **Stage- I FC** and condition no. 8 of **Stage- II FC** and approved Mining Plan. The increase of green belt width to 100 m will lead to loss of more than 16 million tonnes of coal out of 311.71 million tonnes of total mineable coal reserve of western quarry.

b. At para-3 of the point no-4.

Quote –

".....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."

Un-Quote.

Contd....3/-



: 3 :

It is pertinent to mention here that 1026.438 Ha is the total forest area which was diverted to PBCMP in favour of M/s NTPC Ltd whereas alleged violated forest area is 37.20 Ha as mentioned at point no 3.V.b of the FAC minutes (*annexure-3*) which is reproduced below:

Quote -

"Despite repeated cautions from the officials of the Forest Department, the user agency has violated the provisions of condition no 8 of the Stage-II approvals by diverting the Dumuhani nallah and carried out mining over a stretch of 31 km involving an area of 37.20 Ha of forest land without prior approval under the Forest (Conservation) Act, 1980"

Un-Quote.

Further, in the above referenced point, "3.1 Km" is the length of working stretch of the Dumuhani nallah.

We would like to submit that the penalty imposed by the committee on the area of 1026.438 ha shall be of the tune of 857 crores (approx.) which is exorbitantly high and will render our mining operations unviable.

It is pertinent to mention that violation are calculated as per clause no 1.21(iii)(a) of Chapter-1 of PART B of Forest Handbook, applicable in our case, is reproduced below:

Quote -

"(iii) Violation /noncompliance of any conditions imposed while granting approval under FC Act.

In such cases the penalty will be imposed on the recommendation of the APCCF Regional office in whose jurisdiction the alleged violation has occurred. The violation will be reported to REC/FAC and the committee will give time to comply the conditions within stipulated time.

- a. In case the offence is proved then the penalty shall be imposed for violation committed over forest area without approval, equal to twice the normal NPV.*
- b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above."*

Un-Quote.

The penalty as per clause (a) comes out to be 9.14 crores and clause (b) comes out to be Rs.1.83 Crores (calculation sheet as per the above clause is attached as *annexure-4*).

In view of the above, your kind intervention is requested for taking up the matter with MoEF & CC for following points:

- a. Delinking of stage-II clearance of Pakri Barwadih (North-West) with the deposition of penal NPV and other penal NPVs as imposed in case of diversion of 1023.438 ha forest land for Pakri-Barwadih.*
- b. Change in the width of green belt development from 50 m to 15 m in line with regulation no. 149 of Coal Mines Regulation, 2017*

Contd...4/-



: 4 :

- c. The area pertaining to violation may be changed to 37.20ha from 1026.438 Ha (total area diverted for Pakri Barwadih Coal Mining Project) to 37.20 Ha (alleged violated forest area) and Stretch of alleged violation area may be changed from 31 Km to 3.1 Km.
- d. Exorbitantly high penalty may be reviewed in line with clause no 1.21(iii)(a) of Chapter-1 of PART B of Forest Handbook.

Thanking you,

Yours faithfully,
S. Srivastava
(18.05.2023)
(Shivam Srivastava)

Director (Fuel) & Nominated Owner of Mines

Enclosed annexures:

Annexure-1: Brief on Dumuhanl nala

Annexure-2: Agenda No-1 of FAC MOM dated 25.04.2023

Annexure-3: Agenda No-2 of FAC MOM dated 25.04.2023

Annexure-4: Penalty Calculation sheet



Ref 1

BRIEF ON DUMUHANI NALA

- The drainage of the block area is controlled through a network of small streamlets with a general southward flow direction. Most of these streamlets are seasonal in nature. *Khora* nala drains the northwestern part of the lease area. *Khora* nala joins the *Lathorwa* nala which runs along the western boundary of the lease area to join the *Harharo* river (near *Barkagaon* village) about 1 km south of the lease area. The northern part of the lease area is drained by the *Dumuhani* nala, which runs southwards nearly through the center of the lease area to join *Lathorwa* nala just south of the lease area. The eastern part of the lease area is drained by the *Pakwa* nala, which joins the *Harharo* river (near *Barkagaon* village) south of the lease.
- The CWPRS report states that the *Dumuhani* nala originates at a small distance upstream of the northern boundary of the coal mining block and traverses towards the south. The mining activity will be carried out in such a way that the catchment area of the nala will go on reducing towards south.
- Water entering the nala from the upper catchment at the northern boundary of the coal mining block would be transferred through canals constructed near the northern boundary of the mining block to *Khora* & *Pakwa* nalas. For this purpose, the work of canal construction has been awarded to WAPCOS which is under completion.
- Precipitation falling within the mining block from the catchment area of *Dumuhani* nala would be pumped to *Khora* & *Pakwa* nala progressively. The water being collected in mine sump is progressively pumped into the *Khora* & *Pakwa* nalas after treatment.
- As per FC condition 50m green belt has to be developed along the *Dumuhani* nala. Had we considered the green belt on either side of the nala the effective width of the section consisting of the nala, embankment & green belt is 100 m. *A width of 100 m on the surface shall translate into a width of 225m in northern boundary to 600m in southern boundary (considering the pit slope of 37.5 deg) on pit floor at the ultimate pit depth of 300m.* This would have led to:
 - a. Loss of 58 million tonnes of reserves out of 311.71 million tonnes mineable reserve of western quarry. Which comes to 19% of the total reserve in the west quarry;
 - b. Discontinuity along the strike causing reduction of production targets;
 - c. Discontinuity of sump;
 - d. Creation of 2 separate pits leading to requirement of additional production and ancillary equipment;
 - e. Disruption of OB management along the timeline.

It is pertinent to mention that the plots of land falling under *Dumuhani* nala are under legal possession of NTPC.

Ref 1

PBCMP has made substantial progress since the start of mining operations and now the mining activity has reached very close to DUMUHANI NALA present in the central part of the coal block. For mine progression, substantial land would be required, however, it will be possible only after diversion of the DUMUHANI NALA.



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Minutes of the Meeting of Advisory Committee meeting dated 25.04.23**Agenda No. 1****E. No. 8-56/2009-FC (VoI)**

Subject: Proposal for non-forestry use of 331.198 ha of forest land in favour of M/s NTPC Limited for Pakribarwadih (North West) Opencast Coal Mining Project in West Forest Division, District Hazaribagh (Jharkhand) - regarding.

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 25.04.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. The AC after thorough deliberation and discussion observed that:
 - i. The Government of Jharkhand vide their letter No. Van Bhumi-10/2021-1664/V.P. dated 14.06.2022 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. Legal status of the forest land proposed for diversion is Protected Forest land and Jungle Jhadi land comprising of 306.36 ha and 24.82 ha, respectively. Density of the area has been reported to be 0.8 by the DCF concerned with 30,521 project affected trees.
 - ii. Compensatory afforestation has been proposed over an area of 683.863 ha of degraded forest land in Hazaribagh West Forest Division. CA scheme involving financial provision of ₹87,62,282/- has been submitted for a period of 10 years.
 - iii. The area proposed for diversion is adjoining the 1026.438 ha forest land already diverted in favour of the same user agency. A nallah namely Khorra Nallah separates the extant forest area of 331.198 ha from the 1026.438 ha of forest land approved in the past. As reported by the concerned DCF in his report the said nallah will be largely affected by the mining activities.
 - iv. The total area involved in the project is 485.161 ha, with 331.198 ha of forest land included in the present proposal, 133.27 ha of non-forest land and 20.6925 ha forest area proposed to be re-diverted from the 1026.438 ha of forest land already diverted by the Central Government vide order dated 17.09.2010 in favour of user agency.
 - v. As per Mining Plan approved in the past, the total lease area was 4625.84 ha comprising of 1124.08 ha of forest land and 806.82 ha of recorded forest land and 2694.9 ha of private non-forest land. Now, Mining Plan has been revised and as per revised Mining Plan, total project area is 4695 ha, comprising of 1787 ha of forest land and 2908 ha of non-forest land. Out of total forest area, with regards to the status of balance forest area of 428.582 ha, Nodal Officer informed the Committee that said area may be required by the user agency in future and is currently under the possession of the State Forest Department.
 - vi. The Hon'ble NGT vide order dated 18.02.2019 in OA No.

CHIEF SECRETARY
HARIDWAR
Uttarakhand

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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 meticulously complied with by the M/s NTPC. During inspection, it was observed that some of the conditions of FC approval (Stage-I and Stage-II) were still partially complied/ or where the project proponent has to take actions for complete compliance.

- vii. IRO in its inspection report, adverted to the violation committed by the user agency in respect of contiguous forest area of 1026.438 ha and recommended that extant proposal should only be considered after the penalty of Rs. 81,89,82,060 / - (Rupees Eighty One Crore Eighty Nine Lakh Eighty Two Thousand and Sixty only) is realized from user agency for violating the FC conditions and creating *fait-accompli* situation.
- viii. The proposal was earlier considered by the Advisory Committee (AC) 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 nallahs and therefore, the issue related to impact assessment on hydrological regimes by shifting of nallah needs to be considered holistically and accordingly, the Committee recommended that Sub-Committee of the AC may be reconstituted to ascertain and report on the following:
 - a. 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.
 - b. Efficacy of mitigation measures, if any, undertaken by the user agency in their lease area.
 - c. 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.
- ix. 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. The Integrated Regional Office, Ranchi vide their letter dated FP/JH/Mir/38798/2019/1014 dated 03.04.2023 submitted a report of Sub-Committee which recommended that: -
 - a. A team of specialists from field of soil Engg, agriculture Engg, Hydrology, GIS & amp; 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.
 - b. UA 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 Nana watershed parallel to the ongoing mining activities. The data hence collected shall help user agency to design and develop green belt under super vision 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.



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- c. 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.
- x. The AC observed that the present forest patch of 331.198 Ha of forest land proposed for diversion is part of larger forest landscape in the area and is source to many perennial streams. It was noted that the area doesn't have any perennial river and the water availability is enhanced only by the forests of the area. Hence, a Catchment Area Treatment plan should be prepared and adhered to.
- xi. The AC observed that as the present area of diversion is adjacent to an existing mine and more mines would come up in future leading to cluster mining in the area. Since, the cluster mining would involve activities like breaking of land and removal of earth in the area and beyond the entire landscape will be vulnerable to soil erosion and sedimentation. Therefore, an integrated soil and water conservation plan should be prepared and implemented treating the entire landscape.
- xii. It has been reported by the field officers that the present area is just adjoining to the already diverted forest area of 1026.438 Ha and Khorra Nallah separates these two blocks. The said nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belts upto 100 metres on either side to prevent sedimentation and choking. As observed in the existing mine of NTPC Pakri Barwadih no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. A serious view may be taken in this regard failing which a few decades down the line, the entire area would be affected by water crises.
- xiii. Further it has been recommended by CF Hazaribagh that a water security plan should be prepared by the group of experts and adhered to. Since the area is rich in species composition, eco-restoration plan, Conservation Plan and Reclamation Plan may be prepared by conducting proper study before initiating mining activities and should be implemented in its spirit. An integrated soil and water conservation plan should be prepared and implemented treating the entire landscape. The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura.
4. **Decision of the Advisory Committee:** 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, IRO Ranchi, the Committee recommended the proposal for grant of Stage-I approval subject to fulfilment of general, standard and the following additional conditions:
- I. A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & Geology shall be constituted under chairpersonship of DFO concerned. The team shall continuously study the area for assessing the impact of on-going mining on various environmental/ecological parameter and submit findings/ report to IRO annually.



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- ii. UA 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 Nallas watershed parallel to the ongoing mining activities. 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.
- iii. Study of river-aquifer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site shall be conducted to facilitate the delineation of groundwater potential zones, ground water variation in these zones and help in water budgeting to the surroundings.
- iv. Since the area is rich in species composition therefore Reclamation, Eco-restoration, and Conservation Plan shall be prepared by conducting proper study before initiating mining activities.
- v. The Catchment Area Treatment Plan shall be prepared and implemented at the cost of the user agency for the treatment of all Nallahs/streams pertaining to instant mining lease/project area.
- vi. An integrated soil and water conservation plan shall be prepared and implemented at the cost of the user agency for the entire landscape affected by the mining activities of the User agency in the region.
- vii. The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura. The cost estimate of Integrated Wildlife Management Plan (IWMP) submitted is based on the rate of 2010, while approval is being considered in 2023, hence rate revision has to be done based on the present rate.
- viii. Remaining draft minutes are concurred with.
- ix. As observed in the existing mine of NTPC Pakri Barwadih no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. The Khorra nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belt of 100 metres on the side of Khorra nallah & Pakwa Nallas that is facing the mining area, to prevent further sedimentation and choking.
- x. A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval.

Agenda No. 2

F. No. 8-56/2009-FC (P1)

Subject: Modification in condition of Stage-II approval and violation of FC Act: 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.

1. The agenda item was considered by the AC in its meeting held on 25.04.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.



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- ii. UA 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 Nallas watershed parallel to the ongoing mining activities. 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.
- iii. Study of river-aquifer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site shall be conducted to facilitate the delineation of groundwater potential zones, ground water variation in these zones and help in water budgeting to the surroundings.
- iv. Since the area is rich in species composition therefore Reclamation, Eco-restoration, and Conservation Plan shall be prepared by conducting proper study before initiating mining activities.
- v. The Catchment Area Treatment Plan shall be prepared and implemented at the cost of the user agency for the treatment of all Nallahs/streams pertaining to instant mining lease/project area.
- vi. An integrated soil and water conservation plan shall be prepared and implemented at the cost of the user agency for the entire landscape affected by the mining activities of the User agency in the region.
- vii. The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura. The cost estimate of Integrated Wildlife Management Plan (IWMP) submitted is based on the rate of 2010, while approval is being considered in 2023, hence rate revision has to be done based on the present rate.
- viii. Remaining draft minutes are concurred with.
- ix. As observed in the existing mine of NTPC Pakri Barwadih no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. The Khorra nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belt of 100 metres on the side of Khorra nallah & Pakwa Nallas that is facing the mining area, to prevent further sedimentation and choking.
- x. A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval.

Agenda No. 2

F. No. 8-56/2009-FC (Pt.)

Subject: Modification in condition of Stage-II approval and violation of FC Act: 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.

1. The agenda item was considered by the AC in its meeting held on 25.04.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.



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2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. The AC after through deliberation and discussion observed that:
 - i. The extant proposal was accorded Stage-I approval vide Ministry's letter dated 11.05.2010 and Stage-II/ final approval vide letter dated 17.09.2010, inter-alia stipulating the following condition:
"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"
 - ii. The user agency i.e. M/s NTPC submitted a representation dated 09.10.2018 and 18.01.2022 requested for amendment in the above mentioned stipulation which appeared as condition no. 7 and 8 in Stage-I and Stage-II approval, respectively. 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.
 - iii. In the meantime, Regional Office, Ranchi of this Ministry vide their letter dated 09.07.2019 informed that a committee constituted by Hon'ble NGT vide its order dated 18.02.2019 in OA No. 182/2016(EZ) inspected the Pakri Barwadih Coal Mining Project of M/s NTPC Limited on 15.03.2019 for compliance of approvals granted by the MoEF&CC under FC Act and EP Act. The committee observed that some of the condition of FC approval (Stage-I and Stage-II) were still partially complied with, including the raising of green belt around Pakwa and Dumhani nallah. The committee advised the user agency to ensure compliance of conditions stipulated in the FC approval.
 - iv. The Ministry, vide letters dated 3.09.2019 and 23.02.2022, after examination of the said report, requested comments from the State and also requested the IRO to take appropriate action in the matter as per provisions of the Ministry's guidelines given under para 1.21 (iii) of Handbook of Forest (Conservation) Act, 1980.
 - v. The Government of Jharkhand vide letter dated 08.07.2022 submitted their reply in response to Ministry's letter dated 29.01.2019 and 23.02.2022 wherein the following was informed:
 - a. Inspection report of the DFO revealed that 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 while as per condition stipulated in the approval, green belt should have been developed around the said nallah.
 - b. Despite repeated cautions from the officials of the Forest Department, the user agency has violated the provisions of condition no 8 of the Stage-II approval by diverting the Dumuhani nallah and carried out mining over a stretch of 31 km involving an area of 37.20 ha of forest land without prior approval under the Forest (Conservation) Act, 1980.
 - vi. The Ministry, after examination of reply received from the State, vide letter dated 13.09.2022 requested additional information from the State, including justification from the user agency and comments on various representation received in the Ministry on the alleged violation of the



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- Act by the user agency. The IRO of the Ministry was also requested to inspect the area and submit a detailed report on the violation.
- vii. The proposal was earlier considered by the Advisory Committee (AC) in its meeting held on 21.09.2022 and 09.12.2022 and the AC observed that since the lease area of the user agency is transacted by various nallah and therefore, the issue related to impact assessment on hydrological regimes by shifting of nallah needs to be considered holistically and accordingly, the Committee recommended that Sub-Committee of the AC may be constituted to ascertain and report on the following:
- a. 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.
 - b. Efficacy of mitigation measures, if any, undertaken by the user agency in their lease area.
 - c. 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.
- viii. 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. Integrated Regional Office, Ranchi vide their letter dated FP/JH/Min/38798/2019/1014 dated 03.04.2023 submitted a report 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.
- ix. Further the following is recommended by the sub-committee:-
- a. A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & amp; 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.
 - b. UA 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 Nana watershed parallel to the ongoing mining activities. The data

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hence collected shall help user agency to design and develop green belt under super vision of Forest Department. For at his purpose a reported institute, preferably located in the State, may be engaged for data collection, processing mid 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.

- c. 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.
 - x. The AC observed that DFO Hazaribagh and the State government in the proposal of the 331.198 ha of the mine has mentioned that a 100 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 100 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 and again recommended to the same rivulet downstream. But as per the condition a green belt has to be developed along the sides of Dumuhani Nallah. However, the earlier recommendation for raising green belts along the nallas were for 50 meters. The AC deliberated on this point in length and comments of PCCF & HoFF Jharkhand was also taken. After deliberation and keeping in view the issue of water security in the area, raising green belt of 100 meters along Khorra and Pakwa, which are flowing flanking the mining area should be done.
 - xi. The AC also observed that the State Government has 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.
4. **Decision of the Advisory Committee:** 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, IRO 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



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simple interest of 12 % from the date of actual violation committed till the deposition of penalty shall be imposed.

Agenda No. 3

File no. 8-14/2018FC(VOL)

Sub: Diversion of 15.981 ha of forest land in RM Block & other villages for Approach Road, Downhill Pipe Line Conveyer and Feed & Transfer Point area for Rama Iron Ore Mine (ML.No. 2621) in favour of M/s JSW Steel Ltd., Vijaynagar works Bellary in Bellary District of Karnataka. (Online proposal No. FP/KA/Others/27780/2017). -regarding.

1. The above subject agenda item was considered by Advisory Committee (AC) in its meeting held on 25.04.2023. The Nodal Officer (FCA), Government of Karnataka and IRO Bangalore were present in the meeting.
2. The details of the proposal may be seen at www.parivesh.nic.in.
3. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the Advisory Committee for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
4. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The proposal is for construction of approach road, downhill pipe line conveyer and feed & transfer point area for Rama Iron Ore Mine (ML.No. 2621) in favour of M/s JSW Steel Ltd., Vijaynagar works Bellary in Bellary District.
 - ii. The instant proposal has been accorded Stage-I approval by the Ministry vide its letter of even number dated 31.12.2018 subject to certain conditions prescribed therein.
 - iii. The Government of Karnataka vide letter dated 14.06.2022 submitted the compliance report informing that the CA land has been changed and recommended for Stage-II approval. After analysing the compliance report the Ministry observed certain observation and the same was communicated to the State vide this Ministry's letter dated 05.07.2022.
 - iv. In response to the Ministry's observation, the State govt. on 15.03.2023 submitted/uploaded a complete report on compliance to conditions stipulated in the in-principle/Stage-I approval letter dated 31.12.2018.
 - v. The user agency has submitted the necessary undertakings to comply with the conditions stipulated in the Stage-I approval dated 31.12.2018.
 - vi. The UA has deposited the all the compensatory levies into National Authority, CAMPA account through e-portal.
 - vii. The FRA certificate in Form-I (for linear project) issued by Deputy Commissioner, Ballari District vide No.REV/Mining/FRA/08/2018-19 dated 13.09.2019, REV/mining/FRA/73/2018-19 dated 13.09.2019 and REV/Mining/FRA/63/2017-18 dated 28.11.2019 and rectification letter No. BLR-DC -33011/12-2021-BLRDC/Forest Ballari DC dated 01.09.2021 and proceeding of village Forest Right Committee held 30.11.2018 along with documentary evidences has been submitted.
 - viii. AC observed that the State Government has changed the CA land without Central Government approval providing the justification that

Sl. No.	Description	Basic Data	Penalty (all amounts are in Crore Rs.)			
			As per Forest Act hand Book		As per MoM dtd 25.04.2023	
			Penalty as per 1.21 (iii)(a)	Penalty for PSU/Govt. Org. 1.21(iii)(b)	As per MoM dtd 25.04.2023	Total Penalty as per MoM
1	2	3	(in Crore)	(in Crore)	(in Crore)	(in Crore)
1	Rate of NPV/Ha as on date (in Rs) for Dense Forest)	1,228,590.00	Twice of NPV	20% of 1.21(iii)(a)	Five times of NPV	(Col-6+Col-7)*yr of violation
2	Total Forest Area diverted to PBCMP (Ha)	1026.438	252.21	50.44	630.54	857.53
3	Area of the Land in Durnuhani Nala (Ha)	37.2	9.14	1.83	22.85	31.08
	Actual Date of Violation Reported 16.06.2020	16.06.2020	--	--	Year of Violation = 3 yrs	
	Actual Date of Deposition of Penal NPV	30.06.2023	--	--		



एनटीपीसी लिमिटेड
(भारत सरकार का उद्यम)
NTPC Limited
(A Govt. of India Enterprise)

Ref: No. RED(CM) Sectt./PBCMP/EMG/2023/475

Date: 02.06.2023

To,
The Principal Chief Conservator of Forest & HoFF,
Govt. of Jharkhand
Block-A, Van Bhawan, Doranda
Ranchi, Jharkhand

Sub: 1. Proposal for non-forestry use of 331.198 Ha of forest land in favour of NTPC Ltd. For Pakri Barwadih (North-West) Coal Mining Project
2. Modification in condition of Stage-II approval and violation of FC Act for Pakri Barwadih Coal Mining Project- reg.

Dear Sir,

Ministry of Coal (MoC), Govt. allocated Pakri Barwadih Coal Mining Project (PBCMP) located in North Karanpura Coalfields to NTPC Ltd. vide allotment letter no. 13016/29/2003-CA dated 11.10.2004 and DO No. 13016/29/2003-CA (Part) dated 24.08.2005.

The Mining Plan was approved by Ministry of Coal vide letter no. 13016/29/2003 CA-I dated 25.08.2006 and subsequently Revised Mining Plan was approved by MoC vide letter no. 13016/29/2003-CA (Part) dated 07.03.2016.

The Environment Clearance (EC) was granted by the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide letter no. J-11015/692/2007-IA. II (M) dated 19.05.2009 and amendment dated 29.06.2016 and 14.08.2018. Stage-I and Stage-II Forest Clearance were accorded vide letter dated 11.05.2010 & 17.09.2010 respectively.

At present, PBCMP is an operational mine which has produced 50.51 million tonnes of coal till May'23 since inception and is expected to reach its peak rated capacity (PRC) of 15 million tonnes in FY 23-24. However, achievement of PRC is subject to the expansion of the existing pit on the eastern side which is being restricted due to non-diversion of Dumuhani nallah. The Dumuhani nallah has not been diverted due to condition no. 7 of Stage-I FC and condition no. 8 of Stage-II FC which states that:

Quote -

"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."

Un-Quote.

NTPC, vide letter dated 09.10.2018 (Annexure-1), had requested Director General of Forest (FC) for making amendments to the abovementioned condition as per following:

- green belt development along the sides of Pakwa and Khorra nallah instead of Pakwa and Dumuhani nallah since Dumuhani nallah is passing through the block which needs to be diverted as per the CWPRS report (study was conducted in line with condition no. (iv) of the Environment Clearance); and

1 of 3 | Page

कोयला खनन मुख्यालय: एनटीपीसी लिमिटेड, गिन्नी प्लाजा, चुटिया थाना के सामने, चुटिया, राँची 834001 (झारखण्ड)
Coal Mining Headquarters, NTPC Limited, Ginni Plaza, Opposite Chutia Police Station, Chutia, Ranchi-834001 (Jharkhand)
Registered Office: NTPC Bhawan, SCOPE Complex, 7, Institutional Area, Lodi Road, New Delhi-110003
www.ntpc.co.in

Visit : ntpc1 ntpcld1 ntpclimited company/ntpc ntpclimited

- b. change in the width of green belt development from 50 m to 15 m in line with regulation no. 149 of Coal Mines Regulation, 2017.

The above requests were reiterated through multiple letters and raised during various review meetings of the ministry. A brief on this issue is enclosed as **Annexure-2**.

Our request was considered for discussion during the FAC meeting on 25.04.2023 (**Annexure-3**) and following decisions were made which were communicated by MoEF&CC, New Delhi vide letter dated 25.05.2023 (**Annexure-4**):

- a. At para-2 of the point no-4,

Quote -

"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/1. A greenbelt of 100 meters on either side of both Khorra Nala and Pakwa Nalla shall be maintained".

Un-Quote.

Herein, we would like to submit that, mining activities have already been carried while maintaining 50 m width for green belt as per FC granted to NTPC in 2010. The increase of green belt width 50 m to 100m will lead to loss of around 16 million tonnes of coal.

- b. At para-3 of the point no-4,

Quote -

".....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."

Un-Quote.

It is pertinent to mention here that 1026.438 Ha is the total forest area which was diverted for coal mining to PBCMP in favour of M/s NTPC Ltd whereas alleged violated forest area is 37.20 Ha as mentioned at point no 3.V.b of the FAC minutes (**Annexure-4**) which is reproduced below:

Quote -

"Despite repeated cautions from the officials of the Forest Department, the user agency has violated the provisions of condition no 8 of the Stage-II approval by diverting the Dumuhani nallah and carried out mining over a stretch of 31 km involving an area of 37.20 Ha of forest land without prior approval under the Forest (Conservation) Act, 1980"

Un-Quote.

Further, in the above referenced point, "3.1 Km" is the length of working stretch of the Dumuhani nallah. Considering the area of 1026.438 Ha, the penalty imposed against the alleged violation shall reach to the tune of 857 crores (approx.). The penalty amount, which is exorbitantly high, coupled with the loss of revenue against the blocked coal reserves of 16 million tonnes (due to increase in green belt width from 50 m to 100 m) will render our mining operations unviable.

Also, the penalty clause no 1.21(iii) of Chapter-1 of PART B of Forest Handbook, applicable in the instant case, is reproduced below:

Quote -

"(iii) Violation /noncompliance of any conditions imposed while granting approval under FC Act. In such cases the penalty will be imposed on the recommendation of the APCCF Regional office in

[Handwritten signature]
02.06.2023



whose jurisdiction the alleged violation has occurred. The violation will be reported to REC/FAC and the committee will give time to comply the conditions within stipulated time.

- a. In case the offence is proved then the penalty shall be imposed for violation committed over forest area without approval equal to twice the normal NPV.
- b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above."

Un-Quote.

The penalty as per clause (a) comes out to be Rs. 9.14 crores and clause (b) comes out to be Rs. 1.83 crores (calculation sheet as per the above clause is attached as Annexure-5).

In view of the above, it is requested that the following may kindly be considered:

- a. Delinking of stage-II clearance of Pakri Barwadih (North-West) with deposition of penal NPV and other penal levies as imposed in case of diversion of 1026.438 ha forest land for Pakri Barwadih. (FAC minutes attached as Annexure-6).
- b. Change in the width of green belt development from 50 m to 15 m in line with regulation no. 149 of Coal Mines Regulation, 2017.
- c. The area pertaining to violation may be changed from 1026.438 Ha (total area diverted for Pakri Barwadih Coal Mining Project) to 37.20 Ha (alleged violated forest area) and stretch of alleged violation area may be changed from 31 Km to 3.1 Km.
- d. Exorbitantly high penalty may be reviewed in line with clause no 1.21(iii)(a) of Chapter-1 of PART B of Forest Handbook.

It is requested for your kind help and support in resolving the above points.

Thanking you,

Yours faithfully,


(M.V.R. Reddy)

Regional Executive Director

Enclosed Annexures:

- Annexure-1: Our letter 1040/PBCMP/EMG/2018/F-28/31748 dated 09.10.2018
- Annexure-2: Brief on Dumuhani nala
- Annexure-3: Agenda No-2 of FAC MOM dated 25.04.2023
- Annexure-4: MoEF & CC letter 8-56/2009-FCpt dated 25.05.2023
- Annexure-5: Penalty Calculation sheet
- Annexure-6: Agenda No-1 of FAC MOM dated 25.04.2023





A Maharatna Company

एन टी पी सी लिमिटेड
(भारत सरकार का उपक्रम)

NTPC Limited

(A Govt. of India Enterprise)

पकरी बारवाडीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

Ref. No.: 1040/PBCMP/EMG/2023/ 163

Dated 24.07.2023

To,
The Director General of Forest,
Ministry of Environment, Forest & Climate Change (MoEF&CC),
New Delhi.

Through Proper Channel (DFO, Hazaribagh West forest division)

Sub: Diversion of 331.198 Ha of forest land for non-forestry use, in favour of NTPC Ltd., for Pakri Barwadih (North-West) Coal Mining Project- Delinking of condition of penal NPV of Pakri Barwadih CMP-reg

Ref-1: Stage-1 Forest clearance obtained vide File Ref No 8-56/2009-FC-(vol) dated 26th May 2023.

Ref-2: Ltr No RED(CM) Sect/PBCMP/EMG/2023/475 Dated 02.06.2023 from NTPC.

Ref-3: Ltr No NTPC/PBCMP/EMG/2023 dated 21.06.2023 from NTPC.

Respected Sir,

Application for the diversion of 331.198 ha of forest land for non-forestry use for Pakri Barwadih (North West) Opencast Coal Mining Project has been submitted to MoEF&CC through Parivesh portal. Vide reference Ltr No 8-56/2009-FC-(vol) dated 26th May 2023, Inprinciple / Stage-I approval is accorded for non-forestry use of 331.198 ha of forest land under Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s NTPC Limited for Pakri Barwadih (North West) Opencast Coal Mining Project in West forest division, district Hazaribagh, Jharkhand subject to fulfillment of certain conditions. (Copy enclosed as Annexure-1).

As per Condition No. X of Stage-I FC states that:

Quote -

"A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval."

Un-Quote.

We would like to humbly submit that the diversion of 1026.438 ha forest land pertains to Pakri Barwadih Coal Mining and it is having a separate EIAEMP and mining operations.

Pakri Barwadih Coal Mining Project, Sikri Site Office, Barkagaon, Hazaribagh - 825311
Registered Office : NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi - 110 003

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(भारत सरकार का उपक्रम)

NTPC Limited

(A Govt. of India Enterprise)

पकरी बरवादीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

For Pakri Barwadih (North West) Opencast Coal Mining Project, MDO has been appointed for start of mining operations and application for the Environment Clearance is being processed by SEIA, Jharkhand. The EIA/EMP and mining operations at Pakri Barwadih (North West) Coal Mining Project are not linked in any way with the existing Pakri Barwadih Coal Mining Project.

Please refer to our request letters dated 02.06.2023 & 21.06.2023 at various levels regarding the subject matter (Copies enclosed as Annexure-2 & 3 respectively). It is requested to kindly consider for Delinking of above condition of deposition of penal NPV and other penal levies as imposed in case of diversion of 1026.438 ha forest land for Pakri Barwadih Coal Mining Project for processing of stage-II clearance of Pakri Barwadih (North-West) CMP. So that compliance of stage 1 conditions of Pakri Barwadih (North West) CMP can be submitted to MoEF&CC for processing of Stage-II forest clearance and project can be started at the earliest to meet the country's coal requirement.

It is requested for your kind support for resolving the above issue.

With Regards.

Yours Sincerely,

Neeraj Jalota,
General Manager,
(PB, PB-NW CMP),
NTPC Limited.

Encl: A/a

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Pakri Barwadih Coal Mining Project, Sikri Site Office, Barkagaon, Hazaribag - 825311
Registered Office : NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi - 110 003



A Maharatna Company

एन टी पी सी लिमिटेड
(भारत सरकार का उपक्रम)

NTPC Limited

(A Govt. of India Enterprise)

पकरी बरवादीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

Ref. No.: 1040/PBCMP/EMG/2023/165

Dated 03.08.2023

To,
The Director General of Forest,
Ministry of Environment, Forest & Climate Change (MoEF&CC),
New Delhi.

Through Proper Channel (DFO, Hazaribagh West forest division)

Sub: Diversion of 331.198 Ha of forest land for non-forestry use, in favour of NTPC Ltd.,
for Pakri Barwadih (North-West) Coal Mining Project- Delinking of condition of penal
NPV of Pakri Barwadih CMP-reg

Ref-1: Stage-1 Forest clearance obtained vide File Ref No 8-56/2009-FC-(vol) dated 26th May 2023.

Ref-2: Ltr No RED(CM) Sect/PBCMP/EMG/2023/475 Dated 02.06.2023 from NTPC.

Ref-3: Ltr No NTPC/PBCMP/EMG/2023 dated 21.06.2023 from NTPC.

Ref-4: 1040/PBCMP/EMG/2023/163 Dated 24.07.2023

Ref-5: Order dated 01.08.2023 of NGT (Appeal No 20/2023/EZ (I.A.No 34 /2023 / EZ)

Respected Sir,

Application for the diversion of 331.198 ha of forest land for non-forestry use for
Pakri Barwadih (North West) Opencast Coal Mining Project has been submitted to MoEF&CC
through Parivesh portal. Vide reference Ltr No 8-56/2009-FC-(vol) dated 26th May 2023,
Inprinciple / Stage-I approval is accorded for non-forestry use of 331.198 ha of forest land under
Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s NTPC Limited for Pakri
Barwadih (North West) Opencast Coal Mining Project in West forest division, district
Hazaribagh, Jharkhand subject to fulfillment of certain conditions. (Copy enclosed as
Annexure-1).

As per Condition No. X of Stage-I FC states that:

Quote -

"A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted
earlier has been reported and is being processed separately. The State Govt shall ensure that
the penal NPV and other penal levies as imposed are deposited before the Stage-II approval."

Un-Quote.

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Pakri Barwadih Coal Mining Project, Sikri-Site Office, Barkaganj, Hazaribagh - 825311
Registered Office : NTPC Bhawan, Scope Complex, 7 Institutional Area, Lodhi Road, New Delhi - 110 003





एन टी सी लिमिटेड
(भारत सरकार का उपक्रम)

NTPC Limited

(A Govt. of India Enterprise)

पकरी बरवाडीह कोयला खनन परियोजना
Pakri Barwadih Coal Mining Project

We would like to humbly submit that the diversion of 1026.438 ha forest land pertains to Pakri Barwadih Coal Mining and it is having a separate EIA/EMP and mining operations.

For Pakri Barwadih (North West) Opencast Coal Mining Project, MDO has been appointed for start of mining operations and application for the Environment Clearance is being processed by SEIA, Jharkhand. The EIA/EMP and mining operations at Pakri Barwadih (North West) Coal Mining Project are not linked in any way with the existing Pakri Barwadih Coal Mining Project.

Please refer to our request letters dated 02.06.2023, 21.06.2023, 24.07.2023 at various levels regarding the subject matter (Copies enclosed as Annexure-2,3 & 4 respectively). Also NGT vide its order dated 01.08.2023 issued "stay" on demand order dated 14.06.2023 from office of DFO, Hazaribagh West Forest division for paying the penal NPV of Rs 857,52,85,944.32 for Pakri Barwadih CMP. Copy enclosed as Annexure-5.

It is requested to kindly consider for Delinking of above condition of deposition of penal NPV and other penal levies as imposed in case of diversion of 1026.438 ha forest land for Pakri Barwadih Coal Mining Project for processing of stage-II clearance of Pakri Barwadih (North-West) CMP. So that compliance of stage 1 conditions of Pakri Barwadih (North West) CMP can be submitted to MoEF&CC for processing of Stage-II forest clearance and project can be started at the earliest to meet the country's coal requirement.

It is requested for your kind support for resolving the above issue.

With Regards.

Yours Sincerely,


Neeraj Dalota, 03/08/23
General Manager,
(PB, PB-NW CMP),
NTPC Limited.

Encl: A/a



शिवम श्रीवास्तव
निदेशक (ईंधन)
SHIVAM SRIVASTAVA
Director (Fuel)

Ref. No. 01/DIR(FUEL)/2023/7

To,
The Joint Secretary (Thermal)
Ministry of Power,
Government of India,
Shram Shakti Bhawan, Rafi Marg,
New Delhi - 110001.

एनटीपीसी लिमिटेड
(भारत सरकार का उद्यम)

NTPC Limited
(A Government of India Enterprise)

केन्द्रीय कार्यालय/Corporate Centre

Date: 17.10.2023

Sub:- Resolution through Mutual consultation of NGT Kolkata appeal no 20/2023, dated 18.07.2023
(NTPC PBCMP vs State of Jharkhand & Others)- reg.

Dear Sir,

Ministry of Coal (MoC), GoI allocated Pakri Barwadih Coal Mining Project (PBCMP) to NTPC Ltd in 2004, Mining plan was approved in 2006, The Environment clearance was issued in 2009. Stage-I and Stage-II forest clearance was granted by MoEF & CC in 11.05.2010 & 19.09.2010.

NTPC requested MoEF&CC for amendment of condition no. 8 of stage-II and condition no. 7 of stage-I of Forest Clearance for replacement of the term "Dumuhani Nala" for "Khorrah Nala" of Pakri Barwadih in 2018. Diversion of Dhumani Nala is required for expansion of mine to enhance coal production. The above requests were reiterated through multiple letters and raised during various review meetings of the ministry.

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 (1026Ha) diverted for the project along with maintaining a greenbelt of 100m on either side of nala.

NTPC represented the case before MoP and the State Forest Department (Govt. of Jharkhand) for review of decision of FAC vide its letter dated 18.05.2023, 02.06.2023, however, DFO, Hazaribagh vide its Communication dated 14.06.2023 issued a demand notice for payment of Rs 857.52 Cr as per FAC recommendations. Further NTPC requested MoEF & CC vide its letter dated 24.07.2023 & 03.08.2023 for review of penalties.

As NTPC had no other option, NTPC approached NGT Kolkata for relief on the issue on 17.07.2023. Three hearings were held till date.

In view of above, Ministry of Power intervention is requested to take up the matter with MoEF & CC for resolution of the issue through mutual consultation.

Thanking you,

Yours faithfully,

S. Srivastava
(Shivam Srivastava)

Director (Fuel) & Nominated Owner of Mines

Corporate Identification Number : L40101DL1975GO1007966

एनटीपीसी भवन, कोर-7, पंचव्या तल, स्कोपे कॉम्प्लेक्स, 7, इंस्टीट्यूशनल एरिया, लोधी रोड, नई दिल्ली-110 003 टेल: 011-24360860, 24361012, फैक्स : 011-24368417
NTPC Bhawan, Core-7, 5th Floor, SCOPE Complex, 7, Institutional Area, Lodhi Road, New Delhi-110 003, E-mail : shivam.srivastava@ntpc.co.in, web site : www.ntpc.co.in

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



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.I

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

30.10.23
(Pankaj Agarwal)

Encl: As Above

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



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



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.I

Dear Sri Meena,

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 Pakri 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,

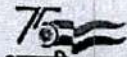
Yours sincerely


30.10.23
(Pankaj Agarwal)

Encl: As Above

Shri Amrit Lal Meena
Secretary,
Ministry of Coal
Shastri Bhawan, New Delhi




आज़ादी का
अमृत महोत्सव

ANNEXURE-I III

11-91/2012FC

I/42466/2023

- ii. UA 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 Nallas watershed parallel to the ongoing mining activities. 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.
- iii. Study of river-aquifer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site shall be conducted to facilitate the delineation of groundwater potential zones, ground water variation in these zones and help in water budgeting to the surroundings.
- iv. Since the area is rich in species composition therefore Reclamation, Eco-restoration, and Conservation Plan shall be prepared by conducting proper study before initiating mining activities.
- v. The Catchment Area Treatment Plan shall be prepared and implemented at the cost of the user agency for the treatment of all Nallahs/streams pertaining to instant mining lease/project area.
- vi. An Integrated soil and water conservation plan shall be prepared and implemented at the cost of the user agency for the entire landscape affected by the mining activities of the User agency in the region.
- vii. The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura. The cost estimate of Integrated Wildlife Management Plan (IWMP) submitted is based on the rate of 2010, while approval is being considered in 2023, hence rate revision has to be done based on the present rate.
- viii. Remaining draft minutes are concurred with.
- ix. As observed in the existing mine of NTPC Pakri Barwadih no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. The Khorra nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belt of 100 metres on the side of Khorra nallah & Pakwa Nallas that is facing the mining area, to prevent further sedimentation and choking.
- x. A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval.

Agenda No. 2

F. No. 8-56/2009-FC (Pt.)

Subject: Modification in condition of Stage-II approval and violation of FC Act: 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.

1. The agenda item was considered by the AC in its meeting held on 25.04.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.

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2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. The AC after through deliberation and discussion observed that:
 - i. The extant proposal was accorded Stage-I approval vide Ministry's letter dated 11.05.2010 and Stage-II/ final approval vide letter dated 17.09.2010, inter-alia stipulating the following condition:
"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"
 - ii. The user agency i.e. M/s NTPC submitted a representation dated 09.10.2018 and 18.01.2022 requested for amendment in the above mentioned stipulation which appeared as condition no. 7 and 8 in Stage-I and Stage-II approval, respectively. 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.
 - iii. In the meantime, Regional Office, Ranchi of this Ministry vide their letter dated 09.07.2019 informed that a committee constituted by Hon'ble NGT vide its order dated 18.02.2019 in OA No. 182/2016(EZ) inspected the Pakri Barwadih Coal Mining Project of M/s NTPC Limited on 15.03.2019 for compliance of approvals granted by the MoEF&CC under FC Act and EP Act. The committee observed that some of the condition of FC approval (Stage-I and Stage-II) were still partially complied with, including the raising of green belt around Pakwa and Dumhani nallah. The committee advised the user agency to ensure compliance of conditions stipulated in the FC approval.
 - iv. The Ministry, vide letters dated 3.09.2019 and 23.02.2022, after examination of the said report, requested comments from the State and also requested the IRO to take appropriate action in the matter as per provisions of the Ministry's guidelines given under para 1.21 (iii) of Handbook of Forest (Conservation) Act, 1980.
 - v. The Government of Jharkhand vide letter dated 08.07.2022 submitted their reply in response to Ministry's letter dated 29.01.2019 and 23.02.2022 wherein the following was informed:
 - a. Inspection report of the DFO revealed that Dumhani 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 while as per condition stipulated in the approval, green belt should have been developed around the said nallah.
 - b. Despite repeated cautions from the officials of the Forest Department, the user agency has violated the provisions of condition no 8 of the Stage-II approval by diverting the Dumhani nallah and carried out mining over a stretch of 31 km involving an area of 37.20 ha of forest land without prior approval under the Forest (Conservation) Act, 1980.
 - vi. The Ministry, after examination of reply received from the State, vide letter dated 13.09.2022 requested additional information from the State, including justification from the user agency and comments on various representation received in the Ministry on the alleged violation of the



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- Act by the user agency. The IRO of the Ministry was also requested to inspect the area and submit a detailed report on the violation.
- vii. The proposal was earlier considered by the Advisory Committee (AC) in its meeting held on 21.09.2022 and 09.12.2022 and the AC observed that since the lease area of the user agency is transacted by various nallah and therefore, the issue related to impact assessment on hydrological regimes by shifting of nallah needs to be considered holistically and accordingly, the Committee recommended that Sub-Committee of the AC may be constituted to ascertain and report on the following:
- a. 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.
 - b. Efficacy of mitigation measures, if any, undertaken by the user agency in their lease area.
 - c. 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.
- viii. 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. Integrated Regional Office, Ranchi vide their letter dated FP/JH/Min/38798/2019/1014 dated 03.04.2023 submitted a report 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/1.
- ix. Further the following is recommended by the sub-committee:-
- a. A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & amp; 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.
 - b. UA 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 Nana watershed parallel to the ongoing mining activities. The data

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hence collected shall help user agency to design and develop green belt under super vision of Forest Department. For at his purpose a reported 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.

c. 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.

x. The AC observed that DFO Hazaribagh and the State government in the proposal of the 331.198 ha of the mine has mentioned that a 100 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 100 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 and again recommended to the same rivulet downstream. But as per the condition a green belt has to be developed along the sides of Dumuhani Nallah. However, the earlier recommendation for raising green belts along the nallas were for 50 meters. The AC deliberated on this point in length and comments of PCCF & HoFF Jharkhand was also taken. After deliberation and keeping in view the issue of water security in the area, raising green belt of 100 meters along Khorra and Pakwa, which are flowing flanking the mining area should be done.

xi. The AC also observed that the State Government has 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 Dumuhani nallah without prior approval of the Central Government under the Forest (Conservation) Act, 1980.

4. **Decision of the Advisory Committee:** 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, IRO 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/1. A greenbelt of 100 meters on either side of both Khorra Nalla 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



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simple interest of 12 % from the date of actual violation committed till the deposition of penalty shall be imposed.

Agenda No. 3

File no. B-14/2018FC(VOL)

Sub: Diversion of 15.981 ha of forest land in RM Block & other villages for Approach Road, Downhill Pipe Line Conveyer and Feed & Transfer Point area for Rama Iron Ore Mine (MLNo. 2621) in favour of M/s JSW Steel Ltd., Vijaynagar works Bellary in Bellary District of Karnataka. (Online proposal No. FP/KA/Others/27780/2017). -regarding.

1. The above subject agenda item was considered by Advisory Committee (AC) in its meeting held on 25.04.2023. The Nodal Officer (FCA), Government of Karnataka and IRO Bangalore were present in the meeting.
2. The details of the proposal may be seen at www.parivesh.nic.in.
3. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the Advisory Committee for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
4. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The proposal is for construction of approach road, downhill pipe line conveyer and feed & transfer point area for Rama Iron Ore Mine (MLNo. 2621) in favour of M/s JSW Steel Ltd., Vijaynagar works Bellary in Bellary District.
 - ii. The instant proposal has been accorded Stage-I approval by the Ministry vide its letter of even number dated 31.12.2018 subject to certain conditions prescribed therein.
 - iii. The Government of Karnataka vide letter dated 14.06.2022 submitted the compliance report informing that the CA land has been changed and recommended for Stage-II approval. After analysing the compliance report the Ministry observed certain observation and the same was communicated to the State vide this Ministry's letter dated 05.07.2022.
 - iv. In response to the Ministry's observation, the State govt. on 15.03.2023 submitted/uploaded a complete report on compliance to conditions stipulated in the in-principle/Stage-I approval letter dated 31.12.2018.
 - v. The user agency has submitted the necessary undertakings to comply with the conditions stipulated in the Stage-I approval dated 31.12.2018.
 - vi. The UA has deposited the all the compensatory levies into National Authority, CAMPA account through e-portal.
 - vii. The FRA certificate in Form-I (for linear project) issued by Deputy Commissioner, Ballari District vide No.REV/Mining/FRA/08/2018-19 dated 13.09.2019, REV/mining/FRA/73/2018-19 dated 13.09.2019 and REV/Mining/FRA/63/2017-18 dated 28.11.2019 and rectification letter No. BLR-DC -33011/12-2021-BLRDC/Forest Ballari DC dated 01.09.2021 and proceeding of village Forest Right Committee held 30.11.2018 along with documentary evidences has been submitted.
 - viii. AC observed that the State Government has changed the CA land without Central Government approval providing the justification that



ANNEXURE II

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Minutes of the Meeting of Advisory Committee meeting dated 25.04.23**Agenda No. 1****F. No. 8-56/2009-FC (Vo)**

Subject: Proposal for non-forestry use of 331.198 ha of forest land in favour of M/s NTPC Limited for Pakribarwadih (North West) Opencast Coal Mining Project in West Forest Division, District Hazaribagh (Jharkhand) - regarding.

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 25.04.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. The AC after thorough deliberation and discussion observed that:
 - i. The Government of Jharkhand vide their letter No. Van Bhumi-10/2021-1664/V.P. dated 14.06.2022 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. Legal status of the forest land proposed for diversion is Protected Forest land and Jungle Jhadi land comprising of 306.36 ha and 24.82 ha, respectively. Density of the area has been reported to be 0.8 by the DCF concerned with 30,521 project affected trees.
 - ii. Compensatory afforestation has been proposed over an area of 683.863 ha of degraded forest land in Hazaribagh West Forest Division. CA scheme involving financial provision of ₹87,62,282/- has been submitted for a period of 10 years.
 - iii. The area proposed for diversion is adjoining the 1026.438 ha forest land already diverted in favour of the same user agency. A nallah namely Khorra Nallah separates the extant forest area of 331.198 ha from the 1026.438 ha of forest land approved in the past. As reported by the concerned DCF in his report the said nallah will be largely affected by the mining activities.
 - iv. The total area involved in the project is 485.161 ha, with 331.198 ha of forest land included in the present proposal, 133.27 ha of non-forest land and 20.6925 ha forest area proposed to be re-diverted from the 1026.438 ha of forest land already diverted by the Central Government vide order dated 17.09.2010 in favour of user agency.
 - v. As per Mining Plan approved in the past, the total lease area was 4625.84 ha comprising of 1124.08 ha of forest land and 806.82 ha of recorded forest land and 2694.9 ha of private non-forest land. Now, Mining Plan has been revised and as per revised Mining Plan, total project area is 4695 ha, comprising of 1787 ha of forest land and 2908 ha of non-forest land. Out of total forest area, with regards to the status of balance forest area of 428.582 ha, Nodal Officer informed the Committee that said area may be required by the user agency in future and is currently under the possession of the State Forest Department.
 - vi. The Hon'ble NGT vide order dated 18.02.2019 in OA No.



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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 meticulously complied with by the M/s NTPC. During inspection, it was observed that some of the conditions of FC approval (Stage-I and Stage-II) were still partially complied/ or where the project proponent has to take actions for complete compliance.

- vii. IRO in its inspection report, adverted to the violation committed by the user agency in respect of contiguous forest area of 1026.438 ha and recommended that extant proposal should only be considered after the penalty of Rs. 81,89,82,060 / - (Rupees Eighty One Crore Eighty Nine Lakh Eighty Two Thousand and Sixty only) is realized from user agency for violating the FC conditions and creating *fait-accompli* situation.
- viii. The proposal was earlier considered by the Advisory Committee (AC) 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 nallahs and therefore, the issue related to impact assessment on hydrological regimes by shifting of nallah needs to be considered holistically and accordingly, the Committee recommended that Sub-Committee of the AC may be reconstituted to ascertain and report on the following:
 - a. 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.
 - b. Efficacy of mitigation measures, if any, undertaken by the user agency in their lease area.
 - c. 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.
- ix. 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. The Integrated Regional Office, Ranchi vide their letter dated FP/JH/Min/38798/2019/1014 dated 03.04.2023 submitted a report of Sub-Committee which recommended that:-
 - a. A team of specialists from field of soil Engg, agriculture Engg, Hydrology, GIS & amp; 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.
 - b. UA 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 Nana watershed parallel to the ongoing mining activities. The data hence collected shall help user agency to design and develop green belt under super vision 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.

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- c. Study of river-aqualer 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.
- x. The AC observed that the present forest patch of 331.198 Ha of forest land proposed for diversion is part of larger forest landscape in the area and is source to many perennial streams. It was noted that the area doesn't have any perennial river and the water availability is enhanced only by the forests of the area. Hence, a Catchment Area Treatment plan should be prepared and adhered to.
- xi. The AC observed that as the present area of diversion is adjacent to an existing mine and more mines would come up in future leading to cluster mining in the area. Since, the cluster mining would involve activities like breaking of land and removal of earth in the area and beyond the entire landscape will be vulnerable to soil erosion and sedimentation. Therefore, an integrated soil and water conservation plan should be prepared and implemented treating the entire landscape.
- xii. It has been reported by the field officers that the present area is just adjoining to the already diverted forest area of 1026.438 Ha and Khorra Nallah separates these two blocks. The said nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belts upto 100 metres on either side to prevent sedimentation and choking. As observed in the existing mine of NTPC Pakri Barwadhi no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. A serious view may be taken in this regard falling which a few decades down the line, the entire area would be affected by water crises.
- xiii. Further it has been recommended by CF Hazaribagh that a water security plan should be prepared by the group of experts and adhered to. Since the area is rich in species composition, eco-restoration plan, Conservation Plan and Reclamation Plan may be prepared by conducting proper study before initiating mining activities and should be implemented in its spirit. An integrated soil and water conservation plan should be prepared and implemented treating the entire landscape. The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura.
4. **Decision of the Advisory Committee:** 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, IRO Ranchi, the Committee recommended the proposal for grant of Stage-I approval subject to fulfilment of general, standard and the following additional conditions:
- i. A team of specialists from field of Soil Engg, Agriculture Engg, Hydrology, GIS & Geology shall be constituted under chairpersonship of DFO concerned. The team shall continuously study the area for assessing the impact of on-going mining on various environmental/ecological parameter and submit findings/ report to IRO annually.



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- ii. UA 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 Nallas watershed parallel to the ongoing mining activities. 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.
- iii. Study of river-aquifer interaction using non-invasive geo-physical technique in 10 km radius of NTPC Pakribarwadih Coal mine site shall be conducted to facilitate the delineation of groundwater potential zones, ground water variation in these zones and help in water budgeting to the surroundings.
- iv. Since the area is rich in species composition therefore Reclamation, Eco-restoration, and Conservation Plan shall be prepared by conducting proper study before initiating mining activities.
- v. The Catchment Area Treatment Plan shall be prepared and implemented at the cost of the user agency for the treatment of all Nallahs/streams pertaining to instant mining lease/project area.
- vi. An integrated soil and water conservation plan shall be prepared and implemented at the cost of the user agency for the entire landscape affected by the mining activities of the User agency in the region.
- vii. The mining in the area should be in consonance with the "Integrated Wildlife Management Plan" of North Karanpura. The cost estimate of Integrated Wildlife Management Plan (IWMP) submitted is based on the rate of 2010, while approval is being considered in 2023, hence rate revision has to be done based on the present rate.
- viii. Remaining draft minutes are concurred with.
- ix. As observed in the existing mine of NTPC Pakri Barwadih no amount of siltation dams could prevent the sediment deposition and choking of streams as overburden is dumped just adjacent to the nallahs/ streams. The Khorra nallah will largely be affected by the mining activities hence it should be protected by identifying and developing green belt of 100 metres on the side of Khorra nallah & Pakwa Nallas that is facing the mining area, to prevent further sedimentation and choking.
- x. A violation of the conditions of approval in case of diversion of 1026.438 ha forest land diverted earlier has been reported and is being processed separately. The State Govt shall ensure that the penal NPV and other penal levies as imposed are deposited before the Stage-II approval.

Agenda No. 2

F. No. 8-56/2009-FC (Pl.)

Subject: Modification in condition of Stage-II approval and violation of FC Act: 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.

1. The agenda item was considered by the AC in its meeting held on 25.04.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.