

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
APPEAL NO. 04 OF 2020**

IN THE MATTER OF:

BIMAL GOGOI AND ANR.

...APPELLANTS

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

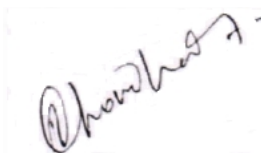
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THROUGH



RITWICK DUTTA



RAHUL CHOUDHURY



KAUSTAV DHAR

ADVOCATES

COUNSELS FOR THE APPLICANTS

N-73, LGF, Greater Kailash – 1,

New Delhi – 110048

Mobile: +91 9312407881

Email: dclaw160@gmail.com

PLACE: KOLKATA/DELHI

DATE: 21.09.2024

Sl. No 15595-
Date.. 19-9-2024

1855

1920

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
APPEAL NO. 04 OF 2020



IN THE MATTER OF:

BIMAL GOGOI AND ANR.

...APPELLANTS

VERSUS

UNION OF INDIA AND ORS.

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ADDITIONAL AFFIDAVIT FILED ON BEHALF OF THE APPELLANTS

I, Bimal Gogoi, S/o Mr. Muhi Gogoi, aged about 54 years, R/o Chandramari, Majar Ali, PO- Golaghat, Assam - 785621, do hereby solemnly affirm and declare on oath as under:

Bimal Gogoi

1. That I am the Appellant No. 1 in the above titled Appeal and am conversant with the facts and circumstances of the case and competent to swear this Additional Affidavit.
2. That I have read and understood the order passed by this Hon'ble Tribunal in the above captioned matter and hence filing this affidavit in light of the permission granted by this Hon'ble Tribunal *vide* Order dated 03.09.2024.
3. That the Deponent craves liberty to raise additional submissions or file Additional Affidavit in case need arises during the course of arguments.
4. That the above titled Appeal is pending adjudication before this Hon'ble Tribunal which was filed under Section 16(h) of the National Green Tribunal Act, 2010 challenging the Environmental Clearance dated 11.05.2020 granted to M/s Oil India Ltd for extension drilling and testing of hydrocarbons at 7 (seven) locations under Dibru Saikhowa National Park Area, North West of Baghjan PML, District Tinsukia, Assam.
5. That the following additional fact was not a part of the Appeal No. 04 of 2020, hence, the Appellants want to file additional facts and documents in compliance of the order dated 03.09.2024 and hence, the same shall be placed on record for

Bimal Gogoi
Dinesh Saikia
NOTARY DIBRUGARH
Regd. No. DBR-6

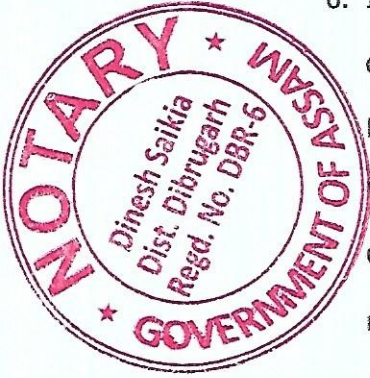
perusal of this Hon'ble Tribunal which are necessary for proper adjudication of the above-mentioned Appeal.

6. It is to be noted that the project proponent, M/s OIL India Ltd. has proposed a diversion of 0.069 ha for the purpose of non-forestry use i.e., for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division. The proposal for seeking prior approval of the Central Government was considered by the Forest Advisory Committee (FAC) in its meeting held on 04.07.2024. In this regard, it is pertinent to note that the FAC discussed the order dated 04.08.2006 passed by the Hon'ble Supreme Court in the matter titled **T.N. Godavarman Thirumulpad vs. Union of India & Ors. (WP(C) No. 202 of 2015)** which states that no Temporary Working Permissions or Temporary Permit or any other permission, by whatever name called, shall be granted for mining activities in the National Parks, Sanctuaries and Forest areas. That the FAC further discussed the order dated 26.04.2023 passed by the Hon'ble Supreme Court in the matter titled **T.N. Godavarman Thirumulpad vs. Union of India & Ors.** whereby it was directed that mining within the National Parks and Wildlife Sanctuaries and within an area of one (1) kilometre from the boundary of such National Park and Wildlife Sanctuaries shall not be permissible.

7. Further, it is crucial to note that the Wildlife Institute of India had provided an Interim Standard Operating Procedure which is to be adopted while undertaking ERD near the forest areas. Furthermore, the MoEF&CC vide letter no. 11/46/2020-FC dated 12.09.2023 issued Guidelines regarding Applicability of Forest (Conservation) Act, 1980 on Extended Reach Drilling (ERD) technology which states that:

"v. The exemption considered for the ERD technology will not be applicable if the drilling area falls inside the Protected Areas notified under the Wild Life (Protection) Act, 1972 and Eco-Sensitive zone of Protected Areas."

Copy of the Guidelines issued by MoEF&CC vide letter no. 11/46/2020-FC dated 12.09.2023 regarding Applicability of Forest (Conservation) Act, 1980 on Extended Reach Drilling (ERD) technology is annexed herewith as **ANNEXURE A/1.**



Prasad
Cogni.

8. Thus, the FAC considered the proposal diversion of the of 0.069 ha for the purpose of non-forestry use i.e., for extended reach drilling (ERD) under Dibru Saikhowa National Park in view of the following:-

- a. Order dated 04.08.2006 passed by the Hon'ble Supreme Court in the matter titled T.N. Godavarman Thirumulpad vs. Union of India & Ors. (WP(C) No. 202 of 2015 which states that no Temporary Working Permissions or Temporary Permit or any other permission, by whatever name called, shall be granted for mining activities in the National Parks, Sanctuaries and Forest areas;
- b. Order dated 26.04.2023 passed by the Hon'ble Supreme Court in the matter titled T.N. Godavarman Thirumulpad vs. Union of India & Ors whereby it was directed that mining within the National Parks and Wildlife Sanctuaries and within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuaries shall not be permissible;
- c. Guidelines issued by MoEF&CC vide letter no. 11/46/2020-FC dated 12.09.2023 regarding applicability of Forest (Conservation) Act, 1980 on Extended Reach Drilling (ERD) technology which states that the exemption considered for the ERD technology will not be applicable if the drilling area falls inside the Protected Areas notified under the Wild Life (Protection) Act, 1972 and Eco-Sensitive zone of Protected Areas.

7. That the FAC thereby **decided to recommend the rejection of the proposal** for diversion of 0.069 ha for the purpose of non-forestry use i.e., for extended reach drilling (ERD) under Dibru Saikhowa National Park and stated the following:

"4. Decision of the Advisory Committee: After detailed discussion and deliberation with the DDGF (Central), Regional Office, Shillong and State Government officials, the Committee decided to recommend for rejection of the proposal for non-forestry use of 0.069 ha. of Dibru Saikhowa National Park area for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of



Prind Gogoi

Assam in accordance with the orders of the Hon'ble Supreme Court dated 04.08.2006, reiterated vide its order on 26.04.2023 in T.N. Godavarman Thirumulpad v. Union of India & Ors (WP(C) No. 202 of 2015) read with the Ministry letter No. 11/46/2020-FC dated 12.09.2023".

Copy of the Copy of the Minutes of the Meeting of the Forest Advisory Committee (FAC) held on 04.07.2024 is annexed herewith as **ANNEXURE A/2.**

9. The above-mentioned facts and documents are filed in compliance to the order dated 03.09.2024 passed by this Hon'ble Tribunal in the above captioned matter and hence are necessary for proper adjudication of the matter. It is submitted that no prejudice will be caused to the Respondents if these documents are placed on record. It is therefore most respectfully submitted that the Appeal may be allowed in the interest of justice.



Bimal Gogoi

DEPONENT

VERIFICATION

Verified on this 20th day of September, 2024 at Nabarkata that the contents of the above-mentioned Additional Affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

Identified by:

Priyanku Buragohain
Advocate

Enrol No: 333 of 2018
(Gauhati High Court)

Bimal Gogoi

DEPONENT

Dinesh Saikia
NOTARY DIBRUGARH
Regd. No. DBR-6

Annexure A-1

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

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003

Dated: 12th September, 2023

To

The Principal Secretary (Forests),
All State Governments/ Union territory Administrations

Sub: Extended Reach Drilling (ERD) Technology and the applicability of the Forest (Conservation) Act, 1980 - reg.

Sir,

I am directed to refer to this Ministry's letter of even number dated 21.04.2022 on the above subject conveying in-principle approval of the Ministry to accept the report of the Directorate General of Hydrocarbon on the Extended Reach Drilling (ERD) technology and Wildlife Institute of India's letter no. WII/DWII/Misc/2022-01 dated 10.06.2023 forwarding a Standard Operating Procedure (SOP) containing the precautionary measures to be followed while carrying out drilling beneath the forest area using the ERD technology. In this connection, it is to inform that report of the Directorate General of Hydrocarbon along with the general SOP suggested by the WII was considered by the Advisory Committee in its meeting held on 17th July, 2023. A copy of the minutes of the meeting of the Advisory Committee may be accessed at <https://parivesh.nic.in>.

Based in the recommendation of the Advisory Committee and acceptance of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government, hereby, accept the report submitted by the Directorate General of Hydrocarbon recommending to exempt the Extended Reach Drilling Technology from the purview of the Forest (Conservation) Act, 1980 to undertake drilling in the forest areas, located outside the Protected Areas and Eco-sensitive Zones, subject to fulfillment of the following conditions:

- i. The station for ERD will be setup outside the forest area at a minimum distance of 500 meters and which should be at least 1 Km from the Protected Areas /corridors/wildlife sensitive areas.
- ii. The State Government shall ensure that the recommendations made in the General Standard Operating Procedures, annexed as **Annexure-I**, submitted by the Wildlife Institute of India will be complied with strictly by the User Agency.
- iii. The DGH will facilitate the formulation of detailed regional-specific guidelines by the Wildlife Institute of India. The necessary financial support, as will be required by the WII, will be arranged by the DGH.
- iv. The Region-Specific guidelines, as may be prescribed by the WII, will be complied with by the User Agency and DGH. An undertaking in this regard, wherever applicable, will be obtained by the State Government while allowing drilling through ERD technology.

I/52811/2023

- v. The exemption considered for the ERD technology will not be applicable if the drilling area falls inside the Protected Areas notified under the Wild Life (Protection) Act, 1972 and Eco-Sensitive zone of Protected Areas.

This issues with the approval of the competent authority.

Encl: As above.

Signed by
Charan Jeet Singh

Yours faithfully,

Date: 12-09-2023 18:24:47

(Charan Jeet Singh)
Scientist 'D'

Copy to:

1. The Secretary, M/o Petroleum and Natural Gas, Govt. of India, New Delhi
2. The PCCF (HoFF), All States Govts./UTs Administrations
3. The Director General, Directorate General of Hydrocarbon, Noida, UP
4. The Dy Director General of Forests (Central), All Regional Offices of the MoEF&CC
5. The Nodal Officer (FCA), O/o the PCCF, All States Govts. / UTs Administrations
6. Monitoring Cell, Forest Conservation Division, MoEF&CC, New Delhi
7. Guard File.

Annexure-I**General Standard Operating Procedure (SOP) for Extended Reach Drilling (ERD) Projects in India**

Based on the site visit by the WII team, there is a need to understand the impact of ERD on the above-ground biodiversity of forest areas and associated wildlife species. Once a detailed study on animal distribution, activity, behaviour, and response to anthropogenic disturbance is carried out, we shall be able to submit detailed and site-specific recommendations to mitigate the adverse effect of drilling and exploration on wildlife species. Drillings sites in different biogeographic zones and habitat types will be selected to monitor the impact of anthropogenic disturbance on wildlife activity and their responses. The study outcomes will incorporate the relevant environmental protection measures and provide essential mitigation measures to reduce the adverse impacts of drilling on wildlife and surrounding forest areas. Since most of the disturbance is during the drilling process, mitigation measures must be implemented along with the ERD activities. The measures across different drilling sites in India will be based on a comprehensive study proposed by WII based on credible primary data concerning wildlife species in our country. Given the above, following are the general recommendations to be considered while considering ERD near wildlife-sensitive areas to be considered as general SOP until site region-specific mitigation plans are proposed.

1. The drilling sites should be located at the base of the catchment areas or downstream to avoid spill-over directly into the water.
2. The drilling should be avoided in corridor areas, especially in areas known to have landscape-dependent species such as Elephants, Tigers, etc.
3. The distance of the drilling site from the PA/corridors/Wildlife sensitive areas should not be less than 1 km. This distance is only based on the precautionary principle. The exact distance should be recommended based on the detailed study.
4. The drilling site should be installed with an active noise-proof solution to avoid impacting local habitats and wildlife.
5. There should be a comprehensive plan to mitigate the effects of light pollution around the drilling site.
6. The approach roads built towards the drilling site should be mitigated if passing through sensitive wildlife areas/protected areas or corridors.
7. The operations should only be limited to drilling at the drilling site, whereas all other subsidiary infrastructure should be far away from critical wildlife habitats.
8. As the drilling activity can't be stopped in between because of technical reasons, the drilling activity may continue across the sites. For sites, close to important Wildlife habitats the ancillary activities should be minimized during peak wildlife activity, such as early morning and late evening hours. All vehicular movement to and from the drilling site during the peak wildlife activity should be minimized and a comprehensive mitigation plan for sound, light, and other ancillary pollution should be in place.
9. A boundary wall should enclose all the drilling points/wells. They should have a 10 m wide road running across the periphery to form a barrier against fire and allow easy movement of fire tenders during fire incidence.

I/52811/2023

10. The contingency plan /team/ protocol should be active for the drilling zone/sites to meet any contingencies during emergencies without time loss. Wildlife should be an integral part of this plan.

Annexure A-2**Minutes of the Meeting of the Advisory Committee (AC) meeting held on 04.07.2024****Agenda No. 1****File No. 3ASC132/2022/GHY**

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Oil & Natural Gas Corporation Ltd., Jorhat, for non-forestry use of 6.09 ha Reserved Forest land for exploratory drilling location TNAA in Sonai Reserve Forest under Cachar Division in the State of Assam (Online Proposal No. FP/AS/MIN/47775/2020)-regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. 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 and Guidelines relevant to the proposal and their significance by him.
3. The DDGF (Central), Regional Office, Chandigarh and Representative from State of Assam attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. Government of Assam vide FRS.102/2022/63 dated 12.08.2022 submitted the above mentioned proposal seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The area proposed for diversion is 6.09 ha of Reserved Forest and the density of vegetation is 0.3 having Eco-class I. About 876 trees are proposed to be felled in the proposal.
 - iii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
 - iv. No violation of provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is observed. Certificate to this effect has been submitted by DFO concerned.
 - v. Compensatory Afforestation was earlier identified in double degraded forest land of 13 ha in Lailapur Barman Basti area in Innerline RF under Hawaithang Range, Dholai of Cachar Forest Division, Silchar under Cachar Forest Division in Cachar district. Later on CA has been identified over 6.09 ha non-forest land adjacent to Burahchapory Wildlife Sanctuary under Nagaon Wildlife Division. CA scheme for 10 years along with site suitability certificate, KML file and DGPS map have been submitted.
 - vi. Sub-office, Guwahati had carryout site inspection of the area proposed for diversion on 08.03.2024 and following has been mentioned:

- a. DDGF (C), Shillong has recommended the proposal stating that the proposal is site specific. It is also a project of importance considering the energy need of the country the area being proposed is bare minimum and hence is recommended for approval.
 - b. This proposal is the first exploratory/production drilling in the PML, and nearby area involving forest land in the region.
 - c. The area proposed has a waterbody/steam on its northern side. The user agency may be asked to take appropriate measures to ensure that there is no contamination to the waterbody and appropriate structures like cement wall along the bank of the waterbody, the soak pit may be placed away from the waterbody and made impermeable etc., may be taken.
 - d. The estimate for the compensatory afforestation of ₹2,29,24,364.00/- includes 1.5 crore cost for strengthening of infrastructure (vehicle etc.) which may not be appropriate under the CA estimate and no details of the 1.5 crore has been provided. Ministry may take necessary decision.
 - e. The user agency is yet to deposit the entire amount of 2% NPV for the forest area involved in the PML. This matter may be looked into.
- vii. The Committee observed that as per DSS analysis, Kaccha Road and some settlements are visible within the proposed CA land boundary i.e. 6.09 ha non-forest land. Site Inspection of CA land proposed over 6.09 ha non-forest land has not been carried out by RO, Shillong. However, Site-suitability certificate for CA land has been submitted by the State Government. DDGF (C), Regional Office present in the meeting informed Committee that non-forest land proposed for CA is part of the landscape where the State Government eviction drive has taken place and that the landscape is suitable for CA plantations. The Committee considered the submission of DDGF (C), Regional Office, Shillong in this regard and accepted CA over non-forest land over 6.09 ha.
- viii. The Committee was informed that the proposal was placed before REC in its meeting held on 19.12.2023 and REC has recommended the proposal for an area of 2.09 ha. of forestland instead of 6.09 ha. of forest land for exploration. DDGF (C), Regional Office present in the meeting informed Committee that this discrepancy was due to some typographical error and the area recommended by REC is 6.09 ha only. The Committee accepted the submission made by DDGF (C), Regional Office, Shillong.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Shillong and Assam Government officials, recommended the proposal for grant of '*in-principle*' approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 6.09 ha. of Reserved Forest land for exploratory drilling location TNAA in Sonai Reserve Forest under Cachar Division in the State of Assam subject to the general, standard and following specific condition:-
- i. The State Government shall submit revised CA scheme as per extant CAF Rules and Guidelines excluding the costs for vehicle purchase and infrastructure strengthening along with Stage- I compliance report.

Agenda No. 2**File No. 3-ASB/037/2021/GHY**

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s. Oil India Ltd., Tinsukia for non-forestry use of 0.069 ha. of forest land for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of Assam (Online Proposal No. FP/AS/MIN/28749/2017)– regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. 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. Member Secretary also apprised the committee of the provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Shillong, Chandigarh and officials from State Government attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. Government of Assam vide their letter No. FRS.21/2021/30 dated 17.07.2021 submitted the above mentioned proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposed diversion area is 0.069 ha of Reserved Forest and the density of vegetation is 0 having Eco-class 1 with no tree felling.
 - iii. The component wise breakup of the proposal is submitted as under:

Sl. No.	Component	Forest land (ha)	Non forest land (ha)
1	PAD-1	0.033	2.93
2	PAD-2	0.026	3.358
3	PAD-3	0.01	3.097
Total		0.069	9.385

- iv. It has been mentioned in the proposal that proposed project falls within Dibru Saikhowa National Park. Species like Leopard, elephant, fox, wild Buffalo, Dolphin, Wild pig, Hollock Gibbon, Slow Loris, Capped Langour, pangolin are present in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- v. No violation of provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is observed. Certificate to this effect has been submitted by DFO concerned.
- vi. Compensatory Afforestation has been proposed over 0.138 ha degraded forest land in Borajan, Podumoni Wild life sanctuary. Suitability certificate has been submitted by DFO concerned. Certificate to defray the cost of CA has been submitted by the User Agency. CA scheme for 10 years have been submitted along with the proposal.

- vii. As per DSS report, the instant proposal falls under Inviolable zone on In-High conservation zone value as per DSS Rule- I because the proposed forest land is located within Dibru-Saikhowa National Park.
- viii. As per the User Agency in the proposal, the Proposed land for 7 ERD locations of forest land beneath Target Dept of 3900-4000 meter of DSNP. Therefore, the impact upon the land may not be visible. If high density blasting is done on the location then the impact may be visible over the surface.
- ix. The proposed ERD wells will be taken up at the depth of 3900-4000 m from the surface of Dibru Saikhowa National Park. The drilling of 7 extension/appraisal locations is situated towards North Eastern part of Upper Assam Basin and North of discovered Baghjan oil field to find out limit of oil/gas bearing horizon. It involves drilling of a 07 exploratory bore hole of 26 inch diameter in forest land.
- x. Government of Assam on 11.12.2006 granted the Petroleum Mining Lease (PML) for Baghjan area measuring an area of 75.00 sq. km subject to certain terms and conditions mentioned therein. The lease is valid upto 14.05.2023 which has been extended upto 31.12.2040. No forest area is involved in Baghjan PML.
- xi. Regional Office, Shillong had carry out site inspection of the area proposed for diversion on 16.03.2024 and following has been mentioned:
 - a. DDGF (C), Shillong has recommended the proposal subject to the strict implementation of the recommendation mentioned in biodiversity study carried out by the Assam State Biodiversity Board, study conducted by WII, Wildlife Management and Research Plan by OIL approved by CWLW and as per the prescribed guideline of Ministry.
 - b. The bio diversity study conducted by Assam State Biodiversity Board, Standard Operating Procedure provided by the WII, Dehradun, Wildlife Management and Research Plan by OIL approved by CWLW along with Ministry's prescribed guideline and other quantitative study are required to be considered in the proposed area.
 - c. This underground extraction technology is novel and its use will minimize damage to forests on surface area. However, it is essential that all precautions be taken including region-specific guidelines being developed or developed by WII (as per Letter no FC- 11 /46/2020-FC dated 12.09.2023) and other wildlife Management Plan, if any, approved by CWLW may be followed /implemented strictly.
- xii. The Member Secretary upraised Committee that the proposal was considered in 44th Standing Committee of NBWL meeting held on 29.07.2017, the Standing Committee decided to recommend the proposal along with the following conditions imposed by the State Chief Wildlife Warden:
 - a. The State Chief Wildlife Warden recommended the proposal with following safety and mitigation measures:
 - Environment Impact Assessment and Environment Management Programme (EIA/EMP).

- Preventive measures to ensure there is no contamination of surface water.
 - Flaring of gas.
 - Measure to prevent noise pollution.
 - Measures to prevent oil spills.
 - Measures to prevent fire hazard.
 - To erect 10 feet high barricade around the drilling plinths of each well. Also a safety zone of 7.5 meters around the barricade may be fenced with chain link fencing and planted with indigenous plant species to prevent any injuries / mortality of wildlife and also environmental damage and pollution in the mining locality.
- b. The State Forest Department, Govt. of Assam shall ensure to undertake certain protection and mitigation measures for the welfare of the existing wildlife population as well as to prevent environmental damage and pollution in and around the vicinity of the National park.
- c. The user Agency shall have to provide a reasonable amount to PCCF, WL & CWLW, Assam as Corpus Fund, which will be utilized for wildlife conservation and other allied activities in the interest of the wildlife prior to allowing the use of the area.
- xiii. The Committee was also informed that based on the recommendation of NBWL, approval of Hon'ble Supreme Court was also obtained in 07.09.2017 in favour of OIL India Ltd.
- xiv. The Committee was further informed that CWLW and Nodal Officer have recommended the proposal stating that the proposed project of ERD at Baghjan is very near to the Dibru Saikhowa and also to the Maguri Matapung Beel IBA site (already ravaged by a blow out and fire). This proposal is recommended by with a very precise and comprehensive as well as well research Environmental Management Plan, Blow out prevention and Fire Risk Mitigation Plan (with CFD studies of risks from the source to the pad site) and comprehensive Wildlife Management and Research Plan must be prepared by M/s OIL with adequate funding provisions all to be placed separately in CORPUS FUND of the State Wildlife, not withstanding other charges M/s OIL may have to pay for the clearances. These plan must be approved by the CWLW.
- xv. It was noted that the Hon'ble Supreme Court vide order dated 04.08.2006 passed an order in *T.N. Godavarman Thirumulpad v. Union of India & Ors (WP(C) No. 202 of 2015)* stating that no Temporary Working Permissions or Temporary Permit or any other permission, by whatever name called, shall be granted for mining activities in the National Parks, Sanctuaries and Forest areas.
- xvi. Furthermore, the Hon'ble Supreme Court in its order dated 26.04.2023 in *T.N. Godavarman Thirumulpad v. Union of India & Ors* directed that mining within the National Park and Wildlife Sanctuary and within an area of one kilometre from the boundary of such National Park and Wildlife Sanctuary shall not be permissible.

- xvii. On the matter of Extended Reach Drilling, in the course of discussions with the Ministry, the ERD report of Directorate General of Hydrocarbons (DGH), inter-alia recommending exemption of Extended Reach Drilling Technology from the purview of Forest (Conservation) Act, 1980, was considered by the Advisory Committee in its meeting held on 31.03.2022. After detailed deliberations and discussion, the Committee was of the opinion that recommendation made in the ERD report may be accepted and agreed 'in-principle' by Ministry. The Committee, with a view to ensuring holistic assessment of impacts as envisaged in the report, recommended that a copy of report may also be provided to the Wildlife Institute of India for examination of the report with reference to impact on the wildlife.
- xviii. The Wildlife Institute of India had provided an Interim Standard Operating Procedure to be adopted while undertaking ERD near the forest areas. Said SOP was placed before the Advisory Committee in its meeting held on 17.07.2023. The Advisory Committee recommended to accept the ERD report of the Directorate General of Hydrocarbons subject to compliance of recommendation made in the General Standard Operating Procedure suggested by the Wildlife Institute of India.
- xix. Further, it was informed that necessary guidelines conveying the acceptance of the ERD report to the States/UTs will be issued by the Ministry after receipt of the approval of the competent authority on the recommendation made by the Advisory Committee. It was also informed that the recommendations made by the Advisory Committee will be applicable in the forest areas other than the Protected Areas.
- xx. Subsequently, the Ministry vide letter No. 11/46/2020-FC dated 12.09.2023 issued guidelines regarding applicability of Forest (Conservation) Act, 1980 on Extended Reach Drilling (ERD) technology stating that:
- “The exemption considered for the ERD technology will not be applicable if the drilling area falls inside the Protected Areas notified under the Wildlife (Protection) Act, 1972 and Eco-Sensitive Zone of Protected Areas”.*
- xxi. The Member Secretary informed the Committee that as the Extended Reach Drilling is being carried out inside Dibru Saikhowa National Park, as per directions of Hon’ble Supreme order dated 04.08.2006, reiterated vide its order on 26.04.2023 wherein it was directed that mining within the National Park and Wildlife Sanctuary shall not be permissible, and as per Ministry’s letter 11/46/2020-FC dated 12.09.2023, the extant proposal may not be considered and may not be acceded to.

4. Decision of the Advisory Committee: After detailed discussion and deliberation with the DDGF (Central), Regional Office, Shillong and State Government officials, the Committee decided to recommend for *rejection* of the proposal for non-forestry use of 0.069 ha. of Dibru Saikhowa National Park area for Extended Reach Drilling (ERD) under Dibru Saikhowa National Park from Baghjan PML in Tinsukia Wildlife Division, Tinsukia in the State of Assam in accordance with the orders of the Hon’ble Supreme Court dated 04.08.2006, reiterated vide its order on 26.04.2023 in T.N. Godavarman Thirumulpad v. Union of India & Ors (WP(C) No. 202 of 2015) read with the Ministry letter No. 11/46/2020-FC dated 12.09.2023.

Agenda No. 3**File No. FC-11/16/2024-FC**

Sub: Proposal for diversion of 12.00 ha Reserved Forest land for development of Hazira Capacity Expansion Project (HCEP/TLU) by in favour of Shell Energy India Pvt. Ltd. At Village- Hazira, Taluka- Choryasi, District- Surat, Gujarat-Reference received from Government of Gujarat (Proposal No. FP/CJ/IND/ 29375/2017) (Non-site specificity issue)

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 04.07.2024. The corresponding details of the agenda may be seen at www.parivesh.nic.in. DIGF (Central) Regional Office, Gandhinagar was present in the meeting during the discussion of the above proposal.
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 Member Secretary before the Advisory Committee (AC). Committee was also apprised of the provisions under Adhinyam, other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. Government of Gujarat vide letter No. FED/FLP/e-file/6/2023/1931/F Section dated 12.02.2024 has forwarded the representation of Shell Energy India Pvt. Ltd. (SEIPL stating that a proposal of Shell Energy India Private Limited for diversion of 12.00 ha Reserved Forest Land for development of Hazira Capacity Expansion Project (HCEP).
 - ii. The proposal was rejected by the Regional Office, Gandhinagar, MoEF&CC vide reference letter No. FC-6/GJC-72/2023-GNR dated 30th August, 2023 stating that the activity proposed to be undertaken is “Non-site-specific”.
 - iii. Government of Gujarat has requested the Ministry for consideration of the proposal as per para 10(3) (iv) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 vide letter dated 12.2.2024.
 - iv. The User Agency is operating 6.28 MTPA capacity Liquefied Natural Gas (LNG) regasification terminal at Hazira, Taluka Choryasi, District Surat, Gujarat since 2005 on 21 Ha of a reclaimed land. The LNG is imported in cryogenic ships maintaining the temperature @-160 degree and unloaded into the onshore cryogenic tanks (located within 750 mtrs) thus to maintain the temperature mainly for (a) Sending out gaseous/re-gasified Natural gas through 14 Kms long Gas Send out pipeline for onward distribution of gas through national grid pipelines to large industries e.g. fertilizer, power plants, city gas distribution etc. (b) Loading of LNG in situ directly from the tank in cryogenic trucks for direct distribution to small industries.
 - v. The User Agency is currently in process of expanding the capacity of the existing LNG terminal from 6.28 MTPA to 20 MTPA namely the Hazira Capacity Expansion Project (HCEP) mainly by replicating the existing infrastructure and also establishing additional ancillary facilities resulting in increasing the re-gasification capacity. It is also proposed to construct an additional LNG truck loading facility by adding more bays to cater for in situ direct LNG loading on cryogenic tankers/ trucks.
 - vi. The User Agency has submitted the justification for locating the project in forest land as “existing premises cannot accommodate extended Truck

Loading Unit (TLU) ancillary arrangement due to scarcity of space. The current LNG terminal is land-locked from all the side either due to sea on west side or forest land on north & east side in addition to Adani Port Land on South Side. It is submitted that no other option is available as the project is for expansion of the existing project.”

- vii. The User Agency has identified double land for Compensatory afforestation and has given an undertaking that no additional forest land shall be demanded for this project in future and will also comply with any other additional conditions stipulated by MoEF&CC.
- viii. ToR of this project is already approved by Impact Assessment Division of MoEF&CC vide letter 10/6/2023-IA.III dated 18th December, 2023 post physical site visit of MoEF committee and also visited this 12 Ha forest land.
- ix. The User Agency has stated that the capacity expansion project needs contiguous land parcel. Existing LNG terminal is surrounded by reserved forest land which is already applied by other industries for their mega projects and majority of them are already issued with Stage-1 approval. Proposed 12 Ha reserved forest land is the only remaining reserved forest land parcel which remain strategic for UA expansion project and will remain as standalone reserved forest land parcel resulting in blocking UA expansion plan.
- x. The proposal was placed before 13th Regional Empowered Committee (REC) meeting dated 24th August, 2023 wherein REC rejected the proposal stating that the proposal being a non-site specific in nature. Accordingly, Regional Office, Gandhinagar issued the rejection letter dated 30th August, 2023 issued to State Government of Gujarat.
- xi. The User Agency has made a representation before the State Government with a request to forward the representation of User Agency to MoEF&CC for consideration of the proposal as per para 10(3) (iv) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.
- xii. Government of Gujarat vide letter No. FED/FLP/e-file/6/2023/1931/F Section dated 12.02.2024 has recommended to consider user agency's representation for the reason (a) being on-site specific project based on PNGRB guidelines (b) no alternate options available for expansion being a land locked (c) technically and commercially not a viable option as the LNG in imported at Hazira Port and cryogenics tanks has to be closer to the unloading facility (d) agency already accorded the approval for 4.30 ha forest land for laying 36” additional send out line.
- xiii. The Industrial Extension Bureau, Govt. of Gujarat organisation vide letter dated 18th June, 2024 has requested the Ministry to reconsider the application of User Agency for diversion of 12 Ha of reserved forests.
- xiv. The Ministry vide letter dated 29.02.2024 has requested the Regional Office, Gandhinagar to submit its comments to the Ministry. RO, Gandhinagar has stated that *as per rule 10(3)(iv), the Ministry of Environment Forest and Climate Change may decide to take up this proposal for reviewing the decision taken by the REC and to decide finally on this matter or the User Agency may submit the proposal to Ministry for taking a final decision.*”
- xv. The Ministry vide letter No. FC-11/16/2024-FC dated 12th April, 2024 has requested Government of Gujarat to provide its comments/justification as

to why it is necessary or required to re-consider the instant proposal. Government of Gujarat was also requested to provide specific recommendations along with any additional documents/information for further perusal. The reply awaited from State Government.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO Gandhinagar and after going through the facts of the proposal, decided to *defer* the proposal as the comments/justification from Government of Gujarat are awaited.

Agenda No. 4

File No.FC-HPB-09-49-2021-FC

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Education Department, Himachal Pradesh, for non-forestry use of 2.26 ha. of Jangal Charand Dehati UPF land for the construction of Kendriya Vidyalaya, Ghumarwin, within the jurisdiction of Bilaspur Forest Division, District Bilaspur, Himachal Pradesh (Online Proposal No. FP/HP/SCH/19350/2016)- regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The DDGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Himachal Pradesh attended the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Himachal Pradesh vide their letter No.Ft.48-3484/2016 (FCA) dated 25.11.2021 submitted the fresh proposal to obtain prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 2.26 ha of forest land for the construction of Kendriya Vidyalaya, Ghumarwin, within the jurisdiction of Bilaspur Forest Division, District Bilaspur, Himachal Pradesh.
 - ii. The above proposal was examined by the RO, Chandigarh & certain shortcomings were observed. The shortcomings observed was communicated to the State Government on 26.08.2022. Accordingly, State Government of Himachal Pradesh submitted reply on 26.09.2023. RO Chandigarh stated that the compliance of the queries raised by IRO Shimla have been satisfactorily complied with.
 - iii. RO, Chandigarh stated that the extant proposal is of School category and non-site specific project. However, there is a residential component (Staff quarters) of 0.202429 ha mentioned in component wise breakup of Part-I. Therefore, the proposal may be viewed as per the clarification given by MoEF&CC which states that in exceptional circumstances, residential projects upto one ha, can be considered for approval under FCA 1980 by the MoEF&CC, subject to

- appropriate justification and recommendation by the concerned State Government and the Regional Officer of MOEF&CC.
- iv. Density of vegetation in the proposed area is 0.29 having Eco class 5 and approximately 527 number of trees are proposed to be felled in the proposal.
 - v. Compensatory afforestation has been proposed over 4.52 ha. Degraded forest land in DPF C-27 Kalri, Tehsil-Shree Naina Devi Ji, Division/ District, Bilaspur. Suitability certificate has been submitted by DFO concerned. Certificate to defray the cost of CA has been submitted by the User Agency. CA scheme for 10 years have been submitted along with the proposal.
 - vi. It has been mentioned that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
 - vii. No violation of Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 have been reported. Certificate to this effect has been submitted by DFO concerned.
 - viii. The Committee was informed that the instant proposal was discussed in REC meeting held on 07.11.2023. The REC listened to the submission made by the Nodal Office, CCF Bilaspur Forest Division and the Principal of KV Ghumarwin, Bilaspur (User Agency) and examined the proposal online on PARIVESH portal including the KML files and DGPS maps of project sites and CA areas. The User Agency submitted that the proposed school to be constructed is pending for long and currently is functioning from private building which is in dilapidated condition endangering the safety of 350 students who are studying in the school. REC enquired about the requirement of residential component in the proposed diversion area to which the User Agency submitted that in Kendriya Vidyalaya's Teachers from all over India are engaged and therefore residential component of 0.202429 ha has been included as per KVS norms. Further, the Chairman enquired about the non-Site specific nature of the project and number of trees to be felled in the proposal to which the CCF Bilaspur submitted that the proposed land for diversion is best suited keeping in safety of students in future and is barest minimum. Regarding the number of trees to be felled, the CCF and User Agency submitted that trees in construction area and playground areas as mentioned in the component wise break is required to be felled and others shall be retained. Keeping in view of Public Utility nature of the project, the REC unanimously decided to recommend the proposal to be sent to MoEF&CC for further considerations.
 - ix. The Committee was further informed that DDGF (Central), Regional Office Chandigarh has also recommended the approval.
 - x. The Committee was further informed that Stat Govt. vide letter dated 31.01.2024 has submitted certificate received from Deputy Commissioner regarding non-availability of non-forest land and undertaking from User Agency stating that number of trees to be felled shall not be more than 75 per hectares.
 - xi. The Advisory Committee observed that the proposal was earlier considered 1st time in the AC meeting held on 30.04.2024. The Committee after detailed discussion and deliberation decided that the proposal shall again be placed before AC in the next meeting after receipt of the following:

- a. Land use plan submitted along with the proposal by the User Agency shall be examined by the Regional Office, Chandigarh which shall submit a report to the Ministry.
- xii. The above observation of the Committee was communicated to DDGF (C) Regional Office, Chandigarh vide this Ministry's letter dated 08.05.2024. Accordingly, DDGF (C) Regional Office, Chandigarh vide their letter dated 03.06.2024 submitted information in response to this Ministry's letter dated 08.05.2024. The AC observed that:
- a. The proposal was examined by this office for its completeness and was placed before the 62nd REC meeting, held on 07.11.2023. Keeping in view the Public Utility nature of the project, the REC unanimously decided to recommend the proposal to be sent to MoEF&CC for further consideration.
- b. Subsequently, the proposal was sent to the MoEF&CC alongwith recommendation of REC. The proposal placed in the Advisory Committee (AC) meeting, held on 30.04.2024 and the AC sought clarification/documents vide letter dated 18.05.2024 as:
Land use plan submitted along with the proposal by the User Agency shall be examined by the Regional Office, Chandigarh which shall submit a report to the Ministry.
- xiii. Accordingly, the documents regarding land use plan were examined by the Regional Office and found that, all the documents viz. components wise break, the Layout plan and KML uploaded are in accordance with the norms for opening of Kendriya Vidyalaya in Civil sector. Also, it is also pertinent to mention here that being of non-site-specific category, the proposal was discussed in the 62nd REC meeting of RO, Chandigarh and the REC has recommended the proposal to HO for further necessary action by the competent authority.

4. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee recommended the proposal for '*in-principle*' approval for non-forestry use of 2.26 ha of forest land for the construction of Kendriya Vidyalaya, Ghumarwin within the jurisdiction of Bilaspur Forest Division, District Bilaspur, Himachal Pradesh with general, standard and following specific conditions.

- i. The State Govt. shall ensure that minimum no. of trees be felled in the project and the blank areas shall be enriched and maintained as green patches.
- ii. Land use plan shall not be changed and no diversion of forest land will be allowed for any further expansion of this project work.
- iii. State Govt. shall take all measures and required permissions for the safety of the proposed building/infrastructure from seismic activity and any other natural exigencies.
- iv. No muck and debris disposal will be allowed in the forest area.

Agenda No.5

File No. 8B/HP/09/30/2017

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of HP Education Department, Directorate of Higher Education, Himachal Pradesh for non-forestry use of 1.5298 ha. of forest land for construction Govt. Degree College Sihunta, within the jurisdiction of Dalhousie Forest Division, District Chamba, Himachal Pradesh (Online proposal no. FP/HP/SCH/21873/2016)- regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The DDGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Himachal Pradesh attended the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Himachal Pradesh, Forest Department vide their letter No.Ft.48-3450/2016 (FCA) dated 08th March, 2017 submitted a fresh proposal to obtain prior approval of the Central Government, under Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 for non-forestry use of 1.5298 ha. of Protected forest land for construction Govt. Degree College Sihunta, within the jurisdiction of Dalhousie Forest Division, District Chamba, Himachal Pradesh.
 - ii. The above proposal was examined by the RO, Chandigarh & Sub-office, Shimla and 7 times EDS were raised vide letters dated 10.04.2017, 15.09.2017, 11.10.2017, 23.10.2017, 05.05.2020, 21.09.2023 & 21.10.2023. Now, the State Govt. of HP vide letter dated 27.10.2023 has satisfactorily complied all the observations.
 - iii. Density of vegetation in the proposed area is 0.03 having Eco class 5 and approximately 33 number of trees are proposed to be felled in the proposal.
 - iv. Compensatory afforestation has been proposed over 3.1 ha. Degraded forest land in Survey No. 52D/3/SW, Khasra No. 119/2, 137 in MohalBalu, Man Massi DPF, Bhattiyat Forest Range, Dalhousie Forest Division, Distt. Chamba. Suitability certificate has been submitted by DFO concerned. Certificate to defray the cost of CA has been submitted by the User Agency. CA scheme for 10 years have been submitted along with the proposal.
 - v. It has been mentioned that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
 - vi. No violation of Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 have been reported. Certificate to this effect has been submitted by DFO concerned.
 - vii. The Committee was informed that the instant proposal was discussed in REC meeting held on 07.11.2023. The REC listened to the submission made by the Nodal Officer; DFO Dalhousie Forest Division and User agency and examined the proposal online on PARIVESH Portal including KML files and DGPS maps of project and CA areas and the proposal was found complete. As the extant

proposal is of non-site specific nature & school category, the REC unanimously decided to recommend the proposal to be sent to the MoEF&CC for further consideration.

- viii. The Committee was further informed that DDGF (Central), Regional Office Chandigarh has informed that the extant proposal of diversion of 1.5298 hectares for construction of Govt. Degree college has been recommended by REC, and as the project is of public utility for education purpose, the proposal is here by recommended and forwarded to kind perusal and approval.
- ix. The Committee was also informed that in Joint Inspection Report carried out along with DFO, Dalhousie that the Assistant Geologist visited and inspected the site of land site-A on dated 23.09.2019 along with Tehsildar Sihunta. It is mentioned in the report as under:
- "Keeping in view the unconsolidated nature of strata, it is suggested that multi-storey structure shall not be preferred, if in case the proposed building is to be built over this site. Besides, as already stated that the area under question appears to be in unconfined state and also a nalla is passing down side of proposed area. Hence, large-scale massive and strong retaining structures of adequate strength shall be provided to stabilize the entire strata for long-term safety of structure along with ensuring the aforesaid measures so as to minimize the effect of toe-cutting on proposed land in future."*
- x. The Advisory Committee observed that the proposal was earlier considered 1st time in the AC meeting in its 30.04.2024. The Committee after detailed discussion and deliberation with the DDGF (Central), RO Chandigarh, Nodal Officer, Government of Himachal Pradesh and after going through the facts of the proposal, the Committee decided that the proposal shall again be placed before AC in the next meeting after receipt of the following:
- a. Land use plan submitted along with the proposal by the User Agency shall be examined by the Regional Office, Chandigarh which shall submit a report to the Ministry.
- xi. The above observation of the Committee was communicated to DDGF (C) Regional Office, Chandigarh vide this Ministry's letter dated 08.05.2024. Accordingly, DDGF (C) Regional Office, Chandigarh vide their letter dated 03.06.2024 submitted information in response to this Ministry's letter dated 08.05.2024. The AC observed that:
- a. The proposal was examined by this office for its completeness and was placed before the 62nd REC meeting, held on 07.11.2023. Keeping in view the Public Utility nature of the project, the REC unanimously decided to recommend the proposal to be sent to MoEF&CC for further consideration.
- b. Subsequently, the proposal was sent to the MoEF&CC along-with recommendation of REC. The proposal placed in the Advisory Committee (AC) meeting, held on 30.04.2024 and the AC sought clarification/documents vide letter dated 18.05.2024 as:

Land use plan submitted along with the proposal by the User Agency shall be examined by the Regional Office, Chandigarh which shall submit a report to the Ministry.

- xii. Accordingly, the documents regarding land use plan were examined by the Regional office and found that, all the documents viz. components wise break, the Layout plan and KML uploaded are in order. Also, it is also pertinent to mention here that being of non-site-specific category, the proposal was discussed in the 62nd REC meeting of RO, Chandigarh and the REC has recommended the proposal to HO for further necessary action by the competent authority.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee recommended the proposal for '*in-principle*' approval for non-forestry use of 1.5298 ha. of forest land for construction Govt. Degree College Sihunta, within the jurisdiction of Dalhousie Forest Division, District Chamba, Himachal Pradesh with general, standard and following specific conditions.
- i. The State Govt. shall ensure that minimum no. of trees be felled in the project and the blank areas shall be enriched and maintained as green patches.
 - ii. Land use plan shall not be changed and no diversion of forest land will be allowed for any further expansion of this project work.
 - iii. State Govt. shall take all measures and required permissions for the safety of the proposed building/infrastructure from seismic activity and any other natural exigencies.
 - iv. No muck and debris disposal will be allowed in the forest area.

Agenda No.6

File No.8-15/2022-FC

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Ms. NHPC Limited, for non-forestry use of 211.8427 ha. of forest land for construction of 500 MW Dugar Hyrdo Electric Project in favour of NHPC Ltd. under Pangri Forest Division and Chamba District of Himachal Pradesh (Online Proposal No. FP/HP/HYD/123533/2021) - regarding

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The DDGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Himachal Pradesh attended the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Himachal Pradesh vide their letter No. Ft. 48-5297/2021 (FCA) dated 02.07.2022 submitted the above cited subject proposal for seeking prior approval of the Central Government under Section 2 (i) (ii) of

the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 211.8427 ha. of forest land for construction of 500 MW Dugar Hyrdo Electric Project in favour of NHPC Ltd. under Pangi Forest Division and Chamba District of Himachal Pradesh.

- ii. The proposal was considered by Advisory Committee (AC) in its meeting held on 21.08.2023. After going through the facts of the proposal the Committee deferred the proposal and sought the following information:
 - a. A study of the project area, impact of the proposed project and feasibility shall be conducted by the renowned/reputed Institute in the field such as Wadia Institute of Himalayan Geology, Dehradun at the cost of the user agency.
 - b. There is only one Muck Dumping site which involves 8.5797-hectare forest land. State Govt. shall explore the possibility of muck dumping on non- forest land and away from the river. A detailed plan containing the details of muck generation and proposed utilization shall be submitted.
 - c. The copy of the approved CAT plan for instant proposal shall be submitted.
 - d. The approved mining plans in case of the proposed quarry sites shall be submitted.
 - e. The details of saplings/poles shall be correctly uploaded in the Part-II of the application on PARIVESH portal.
 - f. The State Govt. shall intimate the status of the River Basin Cumulative Impact Assessment and Carrying Capacity Study (CIA&CCS) in case of Chenab river on which this project is located.
 - g. As per proposal submitted, the project is a run of the river project, whereas a huge area is proposed for submergence at the same time. The State shall clarify the position in this regard.
 - h. The State Govt. shall submit a detailed report regarding the impact of the project on the water flow in the areas downstream. The impact of the project on farming and flow of water in the distributaries downstream shall also be studied and a report shall be submitted.
- iii. The said observations of the AC were communicated to the State Govt. vide Ministry's letter dated 05.09.2023.
- iv. The Government of Himachal Pradesh vide their letter No. No.Ft.48-5297/2021 dated 09.11.2023 has forwarded the reply submitted by user agency on the observations of Advisory Committee.
- v. The State Govt. has informed that the user agency has submitted that the Geological aspects of Dugar HEP have been reviewed in detail by Geological Survey of India (GSI) during DPR examination stage and GSI has accorded clearance to the project after holistically evaluating the geo environment and geological stability of the project area. DPR of the project has been cleared from CEA, Govt. of India after thorough inspection from the various functional groups and Techno-economic clearance also has been obtained from Govt. of India. The site specific seismic design parameters have been

derived and MEQ studies have also been undertaken by IIT Roorkee. Foundation engineering and seismic aspects of the project have been studied and cleared by CWC and NCSDP. The user agency has submitted that new study by any other agency may not be prudent as the sufficient geological investigations and studies have been done already in this regard.

- vi. The State Govt. has informed that as per requirement of the project, Muck dumping site has been identified in a single patch over an area 8.5797 ha. Forest land and found suitable for temporarily disposal of muck. The temporarily muck dumping site will be handed over back to the State Forest Department after completion of construction activities. Prior to start of dumping activity, muck disposal area will be protected with retaining structure to avoid any spillage of muck. After the completion of dumping activity, proper restoration plan with Biological and Engineering measures will be implemented for restoration of the dumping area. A suitable restoration plan has been proposed under the EMP for muck dumping site. The EIA/EMP Studies have been carried out by independent Environment consultant and Muck Management Plan has been proposed under EMP. The EIA/EMP study was appraised/examined by Expert Appraisal Committee (EAC) of MoEF&CC, New Delhi in meeting held on 29-08-2022, where in EAC has recommended for grant of Environment Clearance.
- vii. The State Govt. has further informed that most of the area in Pangi Sub-division is Forest Land and some of the Private land available in locating muck dumping site in Private land / Non-Forest land in nearby area has been examined explored in Pangi Forest Division and after carefully examine the possibility of muck dumping site, it was found that no Private land / Non-Forest land is available in nearby area which is suitable for disposal of muck. The area available in Private land / Non-Forest land is very far distance from project area and steep sloppy which is not possible to fulfill the requirement of dumping site.
- viii. The Nodal Officer-cum-APCCF (FCA) informed that the CAT plan of the project has been formulated by the Independent Authority/ Consultant M/s R.S. Envirolink Technologies Pvt. Ltd Gurgaon in line with approved Comprehensive Catchment Area Treatment Plan of Chenab River in Himachal Pradesh prepared by the Himachal Pradesh Forest Department (HPFD) and also in the light of guidelines issued by the Department of Forest, Himachal Pradesh vide Notification No. FFE-B-F-(2)-72/2004-Pt-II Shimla, dated 30-09-2009, amended vide Notification No. FFB-B-F-(5)-9/2017 dated 21-11-2019. Accordingly, user agency has formulated a CAT Plan of the project amounting to Rs. 59.81 Crore (1.5% of the project cost Rs. 3987.34 crore) which is under process for approval.
- ix. The State Govt. has further informed that the NoC for mining activities of the Project has been obtained from Mining Department vide letter dated 28.10.2020. The approval of Mining Plan of quarry sites and Barrow areas from Government of Himachal Pradesh is under progress and will be submitted as soon as approval has been obtained from the competent authority.
- x. The State Govt. has also informed that the details of saplings/poles have been uploaded in the Part-II of the Parivesh Portal.

- xi. The State Govt. has informed that the Cumulative Impact Assessment and Carrying Capacity Study (CIA&CCS) of Chenab River basin has been approved and accepted by MoEF&CC in 2018. Dugar HEP is one of the 20 large projects proposed in Chenab basin. Cumulative Environmental Impact Assessment (CEIA) Study for Chenab River basin in Himachal Pradesh Report has recommended Dugar HEP for development in the present form and have noted that “Reoli Dugli, Sach Khas and Dugar HEPs- These projects are located in well forested area of otherwise scanty forested landscape of Chenab basin and is rich in biological wealth with large sized trees, Projects can be developed in the present form without any modification/change of parameters. Specific issues should be addressed in the EIA report with mitigation and management plan. The Project has been recommended for development in the Cumulative Environmental Impact Assessment (CEIA) Study carried out in 2016 for Chenab River basin in Himachal Pradesh under the aegis of MoEF&CC”.
- xii. The State Govt. has informed that the Dugar HE Project is a run-of-river projects located on the Chenab River. The project involves the construction of a 128-meter-high concrete gravity dam across the Chenab River. The Full Reservoir Level (FRL) and Minimum Draw Down Level (MDDL) of the dam are 2114.00 meters and 2102.35 meters respectively. The reservoir has a storage capacity of 61.58 million cubic meters (MCM) of Full Reservoir Level (EL) 2114 meters, with a live storage capacity of 15.57 MCM. The project has been conceived to meet the peaking requirement around 3 hours of power generation on daily basis. Therefore, pondage requirement as per IWT has been kept according to the pondage requirement and operating pool. In accordance with the Indus Water Treaty (IWT), a pondage of 16.57 MCM has been kept for meeting and diurnal variation in the discharges. Clearance from IWT with respect to project features and pondage requirements has been obtained for FRI.2114 m and MDDL 2102.35 m. It is pertinent to mention here that the DPR of the Projects has been cleared from CEA, Govt. of India after thorough Inspection from the various functional groups and Techno-economic clearance also has been obtained from Govt. of India on 26.04.2022. Land submergence has been kept minimum with optimizing the height of the dam fulfilling the IWT provisions and power generation. No additional submergence more than whichever required has been kept in the project. It is also mention that there is no displacement of Population due to submergence area of reservoir of Dam has been envisaged in the EIA report.
- xiii. The State Govt. has informed that the Cumulative Environmental Impact Assessment (CEIA) Study carried out in 2016 for Chenab River basin in Himachal Pradesh under the aegis of MoEF&CC GoI has recommended the quantum of environmental flow for Dugar HEP. Accordingly, the required provisions for environmental flow has been made in the Design & engineering aspects of Dugar HEP and described in the Detailed Project Report (DPR) has been concurred by Central Electricity Authority (CEA), GoI vide letter No. CEA-SY-25-44/3/2020-PAC Division/74-115, dated 26.04.2022. In the design of project, the e-flow provision has been kept by passing the discharge from auxiliary power house exiting the water downstream of the spillway in plunge pool area. The flow in the river shall be regulated as per the Indus Water Treaty (WT) provisions. Moreover, E-flow provision has been mentioned in

the EIA and EMP studies Report of Dugar HEP. The Expert Appraisal Committee (EAC) in its 33rd meeting held on 29.08.2022 recommended for the grant of Environment Clearance to Dugar HEP subject to prior approval of Forest Clearance Stage-I. Regarding distributaries, it is intimated that river flows in gorge area in downstream area of Dugar HEP and there are several tributaries contributing enhanced flow of water in the downstream area. However, no distributaries are formed by river. As such, no impact on distributaries is anticipated. Drainage Map of Chenab River in downstream area of Dugar HEP is attached. The farming land is available in downstream of Project, which is situated at higher elevation from the river. The water of the river Chenab is not being used for farming because the farms are situated at higher elevation from the river. However, the local population uses the water from streams/nallaha coming from hillsides. Therefore, no impact of the project on farming activities is anticipated.

- xiv. The Committee observed that the state was asked to explore the possibility of muck dumping on non-forest land and away from the river. However, in response the State has just reiterated its earlier reply that suitable non-forest land is not available for the dumping and job facility area. The state should have done a thorough exercise with due diligence to explore non-forest areas for these activities and the detail of alternatives examined for these activities along with the reasons for rejection should have been provided.
- xv. The State Govt. has forwarded the justification of the user agency that survey has been done by the Geological Survey of India and the study of the project area, impact of the proposed project and feasibility by the renowned/reputed Institute in the field such as Wadia Institute of Himalayan Geology, Dehradun has not been conducted as asked by the committee in its previous meeting. The committee further observed that the Wadia Institute of Himalayan Geology is a specialized institute as far as the Himalayan Region is concerned and keeping in view the recent natural disasters, it is important that they carry out a study.
- xvi. The Committee observed that the approved CAT plan and the approved Mining Plan for quarry sites as sought has not been submitted.
- xvii. The proposal was again placed in Advisory Committee meeting held on 29.11.2023. The Committee had detailed discussion and deliberation with the Nodal Office, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Office (FCA), Government of Himachal Pradesh, the Committee deferred the proposal for non-forestry use of 211.8427 ha. of forest land for construction of 500 MW Dugar Hyrdo Electric Project and sought the following details:
 - a. A study of the project area, impact of the proposed project and feasibility shall be got conducted by the Wadia Institute of Himalayan Geology, Dehradun at the cost of the user agency.
 - b. The State shall explore the possibility of muck dumping on non-forest land and away from the river. The possibility of using non-forest land for job facility area shall also be explored. The detail of alternatives examined along with the number of trees involved in

- each case and reasons for their acceptance/rejection shall also be submitted.
- c. The copy of the approved CAT plan for instant proposal shall be submitted.
 - d. The approved mining plans in case of the proposed quarry sites shall be submitted.
- xviii. The same was communicated to Government of Himachal Pradesh vide this Ministry's letter dated 12.12.2023. In reference to the above the Government of HP vide their letter No.Ft.48-5297/2021 (FCA) dated 21.06.2024 submitted information in response to this Ministry's letter dated 12.12.2023. The AC observed that:

“A study of the project area, impact of the proposed and feasibility shall be got conducted by the Wadia Institute of Himalayan geology, Dehradun at the cost of the user agency”, DFO Pangri as per the submission of User Agency has submitted that User Agency vide their letter No. NH/DHEP/2024/641 dated 14.05.2021 that Wadia Institute, Dehradun has been requested several times to conduct the study. After repeated pursuance by User Agency, Wadia Institute of Himalayan Geology, Dehradun intimated that Institute scientists are busy in other important works and it seems that Wadia Institute of Himalayan Geology, Dehradun is not taking interest to conduct the study for Dugar HEP 500MW. Thereafter, the User agency had also requested to your good office to allow User Agency to conduct the study from any other Institute/University who has expertise in such studies through letter dated 05.02.2024 and 07.02.2024.

The User Agency i.e., NHPC Limited to avoid further delays has now requested to this office through DFO Pangri to allow FC-CHM-H02/2/2023-FCA-GENERAL-FOREST CIRCLE CHAMBA I/420069/2024 permission to conduct the such studies from following institutes who too have expertise in conducting such studies instead of Wadia Institute of Himalayan Geology, Dehradun.

- a. Indian Institute of Technology, Kharagpur.
- b. Indian Institute of Technology, Roorkee.
- c. Sikkim University, Gangtok.
- d. Delhi University.

Further, it has been requested to kindly approval for conducting such studies from above mentioned Institutes instead of Wadia Institute of Himalayan Geology, Dehradun to avoid any further delay for establishment of Dugar HEP. Reply to Point No. (ii), (iii) & (iv) will be submitted soon by User Agency after this study is conducted.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office Chandigarh and Nodal Officer, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made, the Committee observed the following:-
 - i. The State Government/Nodal Officer shall request in writing as well as in person to the Wadia Institute of Himalayan Geology, Dehradun again to conduct a study on impact of the proposed project and feasibility study within 15 days.

- ii. In case Wadia Institute of Himalayan Geology, Dehradun does not respond to the request of the State Govt/Nodal officer within a period of 2 months, the State Government may get the study conducted by the Indian Institute of Technology, Roorkee in the next 2 months.

Agenda No.7

File No.8C/HP/05/27/2021-FC

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Sh. Tepender Singh Saini, for non-forestry use of 6.2255 ha. of forest land for extraction of Sand, Stone and Bajri from Yamuna River, within the jurisdiction of Paonta Sahib Forest Division, District Sirmour in the State of Himachal Pradesh (Online Proposal No. FP/HP/Min/30477/2017).- regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The DDGF (Central), RO, Chandigarh and Nodal Office, Government of Himachal Pradesh attended the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The State Government of Himachal Pradesh vide their letter No.Ft.48-3694/2017 (FCA) dated 06.03.2021 submitted the instant proposal to RO, Chandigarh of MoEFCC for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 6.2255 ha. of forest land for extraction of Sand, Stone and Bajri from Yamuna River.
 - ii. The legal status of the forest land proposed for diversion is mentioned as Gair Mumkin Nadi Yamuna under the ownership of HP Govt. and possession of Forest Department and the proposed area is 6.2255 ha.
 - iii. The instant mining proposal is proposed to be carried out in Yamuna River. The validity of the lease is 15 years. Density of vegetation is 0 having Eco class 5 with no tree felling.
 - iv. The component wise break-up of the proposal is submitted as under:

Sl. No.	Component	Forest Land (Ha)	Non-Forest Land (Ha)
1.	Sand, Stone and Bajri	6.2255	0
	Total	6.2255	0

- v. It has been mentioned that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located

in the area has been reported. Certificates to this effect has been submitted by DFO concerned.

- vi. No violation of Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 have been reported. Certificate to this effect has been submitted by DFO concerned.
- vii. The riverbed area is not mentioned in working plan. As per revenue record this area is a Gair mumkin naddi Yamuna under the ownership of HP Govt. and possession of Forest Department.
- viii. The user agency has proposed the Compensatory Afforestation (CA) over an area of 12.5 ha. degraded forest land in Compartment No. 13 Reserve Forest Danda, Tehsil- Paonta Sahib, District- Sirmour, HP. The DFO, Shirmour has given the Suitability certificate. Certificate to defray the cost of CA has been submitted by the User Agency. CA scheme for 10 years have been submitted along with the proposal.
- ix. The Advisory Committee observed that the proposed mining conforms to the DSR of Distt. Paonta Sahib as per EMSMG 2020 (guidelines for Enforcement and Monitoring of Sand Mining in January 2020) and SSMMG-2016 (Sustainable Sand Mining Management Guidelines (SSMMG) issued in 2016) issued by MoEF&CC of the Paonta District.
- x. The Letter of Intent has been issued by the State Government on 20.08.2016 which was expired on 20.08.2018 and term of the same has been extended by the State Government for a period of another 3 years w.e.f. 21.08.2019 on 10.08.2021. Latest letter of Intent has been issued by Department of Industries on 10.08.2023 for a period of one year w.e.f. 21.08.2023 to 20.08.2024 which is uploaded at Sr.No. 25 in additional information of Part-I.
- xi. The Mining Plan has been approved by the concerned Department of Government of Himachal Pradesh on 12.09.2017. *A copy of approved Mining Plan has been uploaded in the PARIVESH portal in Form A Part-I under column M M-2 (iv) same is enclosed. As per the approved mining plan the extractable quantity per year (for 15 years) is given.*
- xii. The instant proposal was initially examined by Sub-office, Shimla of Regional Office, Chandigarh and after examination of the proposal, it was considered in REC meeting held on 29.11.2021. The Committee decided to recommend the proposal subject to submission of documents/ clarification/ information on following points:
 - a. The State Govt. is required to submit the status of clearance of NBWL as per the Order of Hon'ble Supreme Court as the area proposed for diversion lies within notified ESZ 1.416 Km of Col. Sher Jung National Park.
 - b. Fresh comments of CWLW of the state of Himachal Pradesh are also required to be submitted in view of point No.01above.
 - c. Though the CA against Safety Zone area over 2.25 ha has been provided by the State Government but the subsequent changes in component wise breakup. KML file and digital map of diversion area uploaded in online portal has not been done. This may be corrected accordingly.

- d. State Govt. is required to submit a certificate that the approach road will not attract the provision of FC Act, 1980.
- xiii. Reply to the above observation was received from the State Government on 03.06.2022. Accordingly, Integrated Regional Office found that the reply submitted by the State Government forwarded to be satisfactory and the proposal was forwarded to the Ministry along with Stage- I conditions for further consideration.
- xiv. The proposal was examined in the Ministry and found that proposal in its present form does not deserve consideration in the Ministry and accordingly the proposal was sent back to Regional Office for submission of additional information. Accordingly, Integrated Regional Office vide its letter dated 28.10.2022 sought additional information from the State Government. Reply from State Government was received on 22.04.2024.
- xv. The Advisory Committee has also observed that the site inspection of the instant proposal was conducted by Regional Office, Chandigarh of MoEFCC from 27.06.2024 to 28.06.2024 along with the officials of the State Forest Department and representatives of User Agency. The SIR has also recommended by DDGF (C) of RO on 01.07.2024.
- a. **Field Observations: -**
- It was found during the Site inspection, that no work/mining has been started on the land.
 - Approach access has been proposed from the existing road (adjacent to the site) and thus no approach road is required/proposed.
 - The CA site of 12.50 ha area was inspected. The CA site is adjacent to the river. 2 to 3 ha area is covered with trees and rest of the area is covered with bushes.
 - The CA patch of 2.25 ha area inspected and is found suitable for plantation.
- b. **Actionable Points/recommendations: -**
- State Govt. may be advised to take all the precautionary measures to stop the change in flow of water due to mining.
 - State Govt. may submit an undertaking that no mining activity will be carrying out during monsoon season.
 - Extraction of minor minerals when permitted shall be from the middle of the riverbed after leaving one fourth of the river bed on each bank untouched.
 - 2 to 3 ha area found dense out of 12.50 ha CA area. Thus, it is suggested that Forest department will carry out the plantation of total 12500 sapling and the balance sapling will be planted in addl. area and the details of which will be submitted to Ministry.
- xvi. The Committee was also informed that as per the revised KML submitted by the State Government, mining is proposed on the western bank of the Yamuna River alone and not from its middle as per Consolidated Guidelines 7.6 issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Furthermore, it was informed

that as per the guidelines, one fourth of the riverbed on each bank shall remain untouched.

- 4. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Himachal Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Himachal Pradesh, the Committee decided to *defer* the proposal and observed the following:-
- i. The Regional Office, Chandigarh shall examine the extant proposal according to the Consolidated Guidelines 7.6 issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the Sustainable Sand Mining Management Guidelines (SSMMG 2016) and the Guidelines for Enforcement and Monitoring of Sand Mining (EMSMG 2020) issued by MoEF&CC. Furthermore, it shall examine the proposal as per the District Survey Report of Sirmour District and submit a consolidated report with recommendations to the Ministry.
 - ii. The State Government shall submit the revised KML files for proposed area, revised KML for the safety zone and geo-referenced maps in the Parivesh portal.

Agenda No. 8

File No. 8-56/2009-FC

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.

1. The agenda for above subject proposal was considered by the Advisory Committee in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand attended the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. While deliberating on the proposal, AC observed that:
 - i. The above cited 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, subject to fulfilment of conditions prescribed therein.
 - ii. User Agency i.e. M/s NTPC submitted a representation dated 09.10.2018 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 which states that " The user agency will take up programme for at least 50 m green belt along the sides of the Pakwa nallah and Dumhani nallah from the initial years under the supervision of the state forest department ".
 - iii. In this regard, 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.

- iv. 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 meticulously complied with by the M/s NTPC and the inspection was carried out by the committee on 15.03.2019. During 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.
- v. The User Agency i. e. M/s NTPC vide their representation dated 18.01.2022 again requested 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 which states that " 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" citing the justification that Dumuhani nallah, flowing across the mining leases will be realigned 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.
- vi. 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. From the examination of reply of the State, the following is revealed:
 - a. The State Government 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. The State Government has recommended to levy penal CA and Penal NPV in respect of 37.20 ha of forest land used by the user agency in violation of Forest (Conservation) Act, 1980.
- vii. The Regional Office vide their letter dated 25.11.2022 submitted the site inspection report and assessed that the area involved in violation is 156 ha and gave a tentative assessment of penalty amounting to Rs. 818982060 (Eighty-one crores, eighty-nine lakhs eighty-two thousand and sixty). In assessment of the quantum of violation, the following points are considered by the Regional Office:

- a. Penal NPV: - 2 times of the Normal NPV as per para 1.21(iii) of the FC Guidelines Handbook.
 - b. Loss of Eco-system services that the green belt would have provided: - Equal to the NPV.
 - c. The greenbelt along the Nalla would have served as a good Habitat for avian fauna and other several biodiversity. Therefore, 50% of NPV is accounted for Habitat Destruction as per the guideline dated 1/8/2017.
 - d. Compensatory afforestation and soil moisture conservation cost that the user agency should have borne as per the laid condition. Since afforestation was to be done in linear patches, considering the increased fencing the rate of Afforestation is considered as ₹5 Lakh per Ha.
 - e. Therefore, the Penalty assessed for the Fait-accomplis violation is: $156 \times (3.5 \times \text{NPV} + \text{Afforestation cost}) = 156 \times (3.5 \times 1357110 + 500000) = ₹818982060/-$.
- viii. The proposal was 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 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 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. 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.
- x. The said report was considered by the Advisory Committee in its meeting held on 25.04.2023 wherein 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 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 nalla, 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.

- xi. On the basis of the above said recommendations of the Advisory Committee, and with the approval of the competent authority the Ministry vide letter dated 25.05.2023 has issued Modification in condition of Stage-II approval.
- xii. Thereafter the User Agency has filed a case in Hon'ble NGT against the demand for penal NPV raised by the State Government and in an another case violations regarding EC and FC was reported to the Hon'ble NGT. The ministry has filed replies in both the cases, therefore, the status of sub judice cases should also be taken into account while deliberating the matter. It is imperative to mention that the prayers of the NTPC in the petition are as under:
 - a. To set aside the letter dated 25.05.2023 issued by the MoEF;
 - b. To set aside the demand notice dated 14.06.2023 received from DFO Hazaribagh for realizing of penal NPV;
 - c. To stay the letter dated 25.05.2023 issued by the MoEF;
 - d. For such further and other reliefs as the nature and circumstances of the case may require.
- xiii. Further the Secretary, Ministry of Power vide their DO No. 11/25/2023-Th.1 dated 30.10.2023 proposed to hold a meeting between Ministry of Power, Ministry of Environment Forest and Climate Change (MoEF&CC) & Ministry of Coal for amicable resolution of the issue.
- xiv. Thereafter, 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.
- xv. Further, the user agency i.e. NTPC Limited vide their representation dated 09.11.2023 requested to 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.
- xvi. The matter was discussed in the Ministry and 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. The same was conveyed to the State Government vide letter dated 22.01.2024.
- xvii. The State Government vide their letter dated 05.04.2024 furnished their comments without any recommendation stating that the Central Government is the competent authority for amendment or reconsideration of the conditions imposed in approvals granted under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- xviii. The Advisory Committee (AC) observed that the proposal was placed before the AC in its meeting held on 30.04.2024 wherein the Committee observed that the State Govt. has just forwarded the representation of the User Agency

without any specific comments, recommendations and view point of the state on the matter. Accordingly, it was decided that the State Govt. be requested to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and submit a point-wise detailed report to the Ministry. The committee also took note of the court case filed by the User Agency with respect to challenging the decision of the Ministry and the demand note of penal NPV raised by the DFO and sought the update in this regard in the future meetings.

- xix. The Ministry vide its letter dated 20.05.2024 requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the Nodal Officer, Government of Jharkhand shall present the same before the Advisory Committee.
- xx. In this regard the Nodal Officer, Government of Jharkhand informed the committee that the PCCF, Government of Jharkhand vide their letter dated 04.06.2024 has submitted the reply.
- xxi. The proposal was again considered by the AC in its meeting held on 07.06.2024 wherein the Committee observed that the State Govt. has not provided any specific comments, recommendations and view point of the state on the matter and keeping in view the factual position/field situation the Nodal Officer, Government of Jharkhand was requested to give a presentation before the Advisory Committee which has not been done. Accordingly, it was decided that the State Govt. shall carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF) Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xxii. The Ministry vide letter dated 26.06.2024 has requested the State Government to carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.
- xxiii. The ADG(FC) in the meeting stated that the Nodal Officer, FCA Jharkhand who is present in the meeting may be allowed to give a presentation keeping in view the fact that the Nodal Officer (VSESA) is a key authority, recognized in the Van Sanrakshan evam Samvardhan Rules, 2023. However, in this regard, IGF(FC) clarified that the Nodal Officer in the previous meeting had stated that the PCCF, Government of Jharkhand vide their letter dated 04.06.2024 has submitted the reply. The Advisory Committee (AC) observed that the State Govt. has not provided any specific comments, recommendations and view point of the State on the matter and keeping in view the factual position/field situation the Nodal Officer, Government of Jharkhand was requested to present the same before the Advisory Committee which has not been done and there was no additional information to be provided on his part. Accordingly, the AC in the previous meeting decided that the PCCF HoFF Jharkhand shall make a presentation on the matter in the next meeting which has not been done as the PCCF (HoFF) is not present in the meeting. The IG(FC) further mentioned that keeping this in view, it would be apt to ask PCCF HoFF Jharkhand for the requisite presentation as per the decision of AC in its last meeting.

4. **Decision of Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Ranchi and Nodal Officer, Government of Jharkhand. After going through the facts of the proposal, the Committee observed that the PCCF (HoFF), Government of Jharkhand was requested to give a presentation before the Advisory Committee which has not been done. Accordingly, it is again reiterated that the State Govt. shall carry out an in-depth analysis of the matter and the relaxations sought by the User Agency, keeping in view the factual position/field situation and the PCCF (HoFF), Government of Jharkhand shall present the same before the Advisory Committee in its next meeting.

Agenda No. 9

File No. 8-17/2023-FC

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 807.917 ha (instead of 785.49 ha) forest land out of which 804.367 ha forest land in RF-389, 390, 290, 291, 292, 293, 294, 296, 319, 320, 391, 392 & PF-316, 317 of Forest Range Waidhan/ Sarai East and 3.55 ha Revenue forest in various Khasra's for Open Cast Bandha Coal Mine Project in favour of M/s EMIL Mines & Mineral Resources Limited under Singrauli Forest Division, Singrauli District of Madhya Pradesh State (Online No. FP/MP/MIN/144129/2021) - regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Madhya Pradesh vide their letter No. F-1/841/2023/10-11/1710 dated 27.04.2023 forwarded a fresh proposal for diversion of 807.917 ha forest land for Open Cast Bandha Coal Mine Project in favour of M/s EMIL Mines & Mineral Resources Limited under Singrauli Forest Division, Singrauli District of Madhya Pradesh State.
 - ii. Out of 807.917 ha forest land, 86.694 ha is Protected Forest (PF), 717.673 ha is Reserved Forest and 3.550 ha is Revenue Forest.
 - iii. The project is a part of commercial coal mining initiative implemented by Government of India for making India "Aatmanirbhar" in domestic coal supply. Bandha Coal Block Forest diversion proposal is for Open Cast Coal Mining. The coal is proposed to be used for both internal consumption (Captive power plants of Aditya Birla Group) and for general commercial sale. The project would provide direct and indirect employment to approx. 5000 people
 - iv. The crown density reported in the 807.917 ha forest land is 0.5 and the forest type reported as Eco-Class 3 and total 110496 number of trees of various species & girth size have been proposed to be felled.

- v. The transport of overburden to the dumping site is proposed to be done with Shovel-Dumper combination and transport of the extracted Coal from Coal face to the Railway siding is proposed to be done with Shovel-Dumper/Conveyor belt combination
- vi. The Dy. DGF (Central), Regional office, Bhopal who has also carried out site inspection of the proposed forest land apprised that the proposed area for diversion was observed to be demarcated on the ground with pillars painted in yellow and long-lat information written over it. The area is covered with natural forest of canopy density ranging from 0.3 to 0.6. The topography was generally plain with gentle gradient. The soil was sandy loam with considerable depth. The main composition of forest include-1) *Shorea robusta*, 2) *Madhuca indica*, 3) *Tectona grandis*, 4) *Lagerstroemia parviflora*, 5) *Butea monosperma*, 6) *Carea arborea*, 7) *Casia fistula*, 8) *Diospyros melanoxylon*, etc. There were a lot of regeneration of *Diospyros melanoxylon*, *Butea monosperma* and *Lagerstroemia parviflora*. It was observed that the enumeration was taken up by sampling method. Total number of samples were 87 of 1.00 ha each. One of the sample plots was checked for enumeration and was found to be correct. Total number of trees enumerated was 1,07,051 including the undisturbed area. However, the company authorities informed that the felling of trees would be taken up in phases as per requirement.
- vii. Further, it has been mentioned in the SIR that the total number of trees in the proposed diversion area, enumerated as 1,07,051, is by sampling method taking about 10% of the total area for diversion. But there may be considerable variation between the said figure and actual no of trees involved in the proposal. This may be due to error in location & shape of the samples. Also, the said enumeration has been done in pit area, external dump area and also undisturbed areas which does not give clear picture of actual no. of trees proposed to be felled. Therefore, it is advisable to take up total enumeration of the trees proposed for actual felling including area proposed for open cast mining and external dumping of overburden in the forest land) species and girth class wise to arrive at actual no. of felling of trees.
- viii. As per para 1.4 (vi) of the Chapter of the consolidated guidelines dated 29.12.2023 the Species-wise and diameter class-wise abstract of trees to be felled should be furnished in the prescribed form. Total enumeration is necessary only up to 10 hectares. For larger areas, species-wise and diameter class-wise abstract of trees may be computed either from the working plans or by standard sampling methods. Thus, the sampling can be done for the larger areas; however, it is important to ensure that the sampling is adequate to provide a true representation of the area.
- ix. The Regional Office has also mentioned in the SIR that there are two plantations already raised in the proposed area which are as follows:

Scheme	Area (Ha)	Raising Year	Compt No.
State Scheme (Tendu Patta)	150	2017	RF-291
CA for Nigahi Project of NCL	29	2019-2020	RF-293

- x. The land use reported in the Forest land as well as in the Non-Forest land is as under:

Component wise breakup			
S.no	Component	Forest Land (ha.)	Non-Forest Land (ha.)

1	Railway Siding	0.54	15.46
2	Rationalisation area	77.684	0
3	External Dump	183.75	166.51
4	Safety Zone	7.48	6.532
5	Pit/Internal Dump	538.463	776.899
6	Infrastructure + Settling pond	0	77.619
Total		807.917	1043.02

- xi. The Bandha Coal Block Forest diversion proposal is for Open Cast Coal Mining. Out of 13 Coal seams, Seam-VIII and Seam-VII are proposed for opencast mining. The average thickness of Seam VIII is 1.85m and situated at a minimum depth of about 56 m and average thickness of the Seam VII is 12.30m and situated at a minimum depth of 90 m. The average grade of coal is G-10. Since, depth of the Seams are not very large and having huge reserve, it was found economical to extract the same by Open Cast method of mining as per approved mining plan. The target capacity of mining is 5 MTPA. The extractable reserve is about 197.00 million Tonnes, and hence the life of mine is about 45 years.
- xii. The safety zone of 7.5 meter inside the proposed diversion area boundary has been proposed all around the proposed diversion area. The total area of the safety zone is 14.012 ha (Forest area 7.48 ha and non-forest area-6.532 ha).
- xiii. The proposed forest land is having two important Nallah/ River tributary i.e. Bandha Nala which comes under the catchment of Sone River and Kachanmuda Nala of which water flows into Rihand Dam are flowing through the mining lease area. In this connection, the Nodal Officer, Govt. of Madhya Pradesh apprised that a scientific study on the Hydrological regime in the area has been carried out by the technical expert and the same is also approved by the Water Resource Department, Ganga Basin, Rewa of the State Government of the Madhya Pradesh. Further, one major stream called Bandha was observed in compartment number RF-293, the same would remain undisturbed as no open cast mining is proposed in the area. However, the project authorities informed that a catch drain would be laid all along the periphery to collect the rainwater and the same would be drained in Bandha stream.
- xiv. As per the Site inspection report of DFO, Singrauli and CCF Rewa, the Working plan prescription shows that compartment nos. RF-291, 292, 293 & 391 fall in Elephant Corridor. However, no movement of Elephants have been noticed in the last 10 years. The Working plan also prescribes, in case the diversion of the said area is essentially required, an alternative Elephant Corridor may be formed. The DFO and CCF have recommended the proposal on the condition of compliance of the above condition. However, as per enquiry with local forest staff the wildlife in the area include occasional movement of Leopards, Sloth Bear, Spotted Deer, Nilgai, Wild Pigs, etc.
- xv. The Compensatory Afforestation (CA) over an area of 808.5 ha Non-forest/ Revenue land have been proposed against diversion of 807.917 ha forest land. The CA sites are located in three districts namely Sagar, Katni & Agar Malwa.
- xvi. The Regional Office has informed that CA has been proposed over 18 patches out of which 12 have been inspected by the Regional Office. Further it has been mentioned that in the Area: 70.13 ha; Village- Saderi; Khasra No.-379, 20 & 650, certain encroachments have taken place and about 7 to 8 houses have

been constructed illegally in Khasra no. 379. Therefore, the project proponent should either evict the encroachment or propose a new non forest area for the CA. Further, a low voltage electric line has also been noticed in one of other patches. The Nodal Officer informed that the land will be handed over to the forest department free from all encumbrances prior to Stage-II approval.

- xvii. The proposal was considered by the AC in its meeting held on 07.06.2024 wherein the Committee deferred the proposal and asked the Regional Office Bhopal to examine the matter and submit the following information :
- a. *The Regional Office has informed that the tree enumeration has been done by sampling method which may not give clear picture of actual no. of trees proposed to be felled. The guidelines issued by the Ministry do permit enumeration by sampling in areas over 10 ha, However, RO Bhopal shall re-examine the matter and ensure that the sampling is adequate and the number of trees arrived at is a true representation of the area.*
 - b. *The correct component wise KML files have not been submitted because the proposed land use details of the area are not matching with the KML file. The correct component wise KML file of the proposed diversion area shall be obtained by the Regional Office and submitted along with comments.*
 - c. *The Regional Office has informed in the SIR that the 31.94 ha in RF-291, cultivation was in practice and a small population was also found to be staying in their individual houses built there. In the forest stock map, the same area was marked as "ENCR". The exact status of the said land was under process of determination, jointly by the Forest and Revenue departments. The Regional Office Bhopal shall get the exact status of the said 31.94 ha area confirmed and inform whether the same has been included in the area proposed for diversion or not.*
 - d. *The proposal has been submitted for open cast mining, however it has been informed that the areas where external dump is proposed, the depth of Coal seams are more than 280 meters which are proposed to be extracted by underground method of mining. Further, the areas where extraction of Coal is proposed to be taken up by open cast mining method, only two seams would be worked and the extraction of Coal in other deeper seams would be by underground method of mining as in forest. In this regard the Regional Office shall confirm the details and extent of the area which is to be worked by underground mining and the area where open cast mining will be carried out. A detailed land use map commensurate with the mining plan and the diversion proposal indicating underground mining and open cast mining areas shall be obtained and submitted along with comments.*
 - e. *The Committee also took a note that out of 807.917 ha proposed land, an external dump has been proposed over 183.75 ha forest land which covers approximately 22.74% area of the proposed forest land. The Regional Office shall examine the matter and submit its comments.*
- xviii. The said recommendations of Advisory Committee was communicated to the Regional Office vide Ministry letter dated 25.06.2024. In this regard the Regional Office, Bhopal vide their letter dated 01.07.2024 (received via email dated 01.07.2024) has submitted the information.

- xix. The Advisory Committee noticed that the Bandha Coal Mine shares its boundary on east with Amelia Coal Block by M/s THDC limited which is already in operation after Stage-II approval.
- xx. The Committee also took a note that the RO, Bhopal informed that the during the Site Inspection it was observed that the enumeration was taken up by sampling method. Total 87 number of samples were reported to be laid with a dimension of 1.00 ha each. One of the sample plots was checked for enumeration and found to be correct. The total number of trees in the proposed diversion area, enumerated as per sampling method were 1,10,496. The total area enumerated by sampling method was 87 ha which accounts for about 10% of the total diversion area. It was further observed that the sample plots were laid proportionately and distributed throughout the area proposed for diversion, based on the crown density of trees and the total tree count in the sample plots were extrapolated for the total diversion area. The co-ordinates of the sample plots along with their locations on the map were also provided by the DFO. Therefore, after examining all the above-mentioned facts, the sampling is found to be adequate and the number of trees arrived at, is a true representation of the diversion area. However, it is further informed that the enumeration by sampling method was done as per Para 4 (vi) of Chapter 1 of the Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023. It is further informed that as per the approved Mining Plan, the mining activities would be carried out in phased manner. Therefore, at the time of felling; actual number of trees felled (species and Girth wise) may be submitted to the Govt. Of India for record purpose.
- xxi. The Committee further observed that the RO, Bhopal informed that the State Govt. of MP vide letter no. F1/841/2023/10-11 dated 09.05.2024 has informed that वन मंडल अधिकारी, सिंगरौली ने स्थल निरीक्षण प्रतिवेदन में प्रतिवेदित किया है कि 31.94 हेक्टेयर क्षेत्र वर्किंग प्लान में आर. एफ.-291 में अतिक्रमित वनभूमि के रूप में दर्ज है। Therefore, it is very much clear that the area of 31.94 ha is recorded as Encroached Forest Land in RF-291 in the Working Plan. Further, it is submitted that as per KML submitted and available in online portal, the said area of 31.94 ha is a part of 807.917 ha and hence included in the area proposed for diversion.
- xxii. The Committee noticed that the RO, Bhopal informed that as per the approved mining plan, prepared by CMPDI and approved by Ministry of Coal, only two seams are proposed to be worked by Open Cast mining method covering an area of 1315.362 Ha. involving 538.463 Ha. (RF-290, RF-291, RF-292, RF-319, RF-320, RF-389, RF-390, RF-391, RF-392, PF-316, PF- 317 and Revenue Forest-535/1445, 682/1, 936/1448, 1176/1440) of Forest Land from which 197 MT of Coal will be extracted from Seams VII and VIII. The deeper seams in the area would be worked by underground mining post completion of Open Cast Mining, after 45 years. Over a balance area of 384.638 ha (including forest and non-forest land) involving 203.907 ha (RF-292, RF-293, PF-316) of Forest Land, all the seams including seams VII & VIII are proposed to be worked by underground method of mining owing to their greater depths within the block. The total extractable reserve from underground mining method is 62 MT. Further as per the approved Mine Plan, after completion of open cast mining a revised Mine plan for underground

- mining would be prepared taking into consideration greater details of the seams to be worked by underground method of Mining.
- xxiii. The Committee also noticed that the RO, Bhopal informed that External Dump is proposed over an area of 350 Ha involving both forest (183.75 ha.) and non-forest land. As the quantity of OB is substantial, it is not feasible to re-handle and put it back in internal dumps as it will increase the height beyond the safe limits. CMPDIL, a premier planning institute, under Ministry of Coal, Government of India has critically evaluated all the options and designed the dumps up to a height of 120 m above ground based on modelling and regional experience, taking all safety and statutory factors into account and the same has been approved by Ministry of Coal (MoC). Further it is observed that there is no non-forest land available for external dump outside the coal block as entire area around the block is coal bearing with other operating mines and allocated Coal blocks. Therefore, taking into consideration all the facts mentioned above, the external dump proposed over 183.75 ha forest land accounting for about 22.74% of the total area proposed for diversion, is observed to be justified.
- xxiv. It is observed that the part of the Mining lease is covering the existing Railway line wherein the Nodal Officer, Govt. of Madhya Pradesh clarified that no infrastructure would be developed or mining done by the Project authorities within 50 meters of the existing Railway line. Moreover, the coal evacuation is proposed through Railway Siding, SILO, Rapid Loading System and conveyor belt combination for which 0.54 ha forest land would be required for the establishment of Railway related infrastructure over the Forest land for which the detailed project report has been approved by the Railways.
- 4. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Madhya Pradesh, the Committee desired that DDGF(C) Regional Office Bhopal shall make a detailed presentation in view of compensatory compliances proposed in the proposal and mitigation measures required with respect to wildlife conservation and ecological restoration.

Agenda No. 10

File No. 8-01/2024-FC

Subject: Diversion of 1397.54 ha forest land out of which 1335.35 ha Reserved forest land (RF) in various forest compartments and 62.19 ha Revenue forest in various Khasra's of Forest Range Waidhan/ Sarai East for Open Cast Dhirauli Coal Mine Project in favour of M/s Stratatech Mineral Resources Private Limited under Singrauli Forest Division, Singrauli District of Madhya Pradesh State (Online No. FP/MP/MIN/142344/2021) - regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF

- (Central), RO, Bhopal and the Nodal Office (FCA), Government of Madhya Pradesh was present in the meeting during the discussion of the above proposal.
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 and Guidelines relevant to the proposal and their significance by the Member Secretary.
 3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Madhya Pradesh vide their letter No. F-1/845/2023/10 11/492 dated 22.01.2024 forwarded a fresh proposal on the above subject to obtain prior approval of the Central Government, in terms of the under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposed diversion area involves 1397.54 ha forest land out of which 1335.35 ha Reserved forest land (RF) in various forest compartments and 62.19 ha Revenue forest in various Khasra's of Forest Range Waidhan/ Sarai East under Singrauli Forest Division.
 - iii. The proposed diversion area is having Forest classification of Eco-class 3 and having canopy density of 0.6 wherein 5,70,666 number of trees are marked for felling.
 - iv. The committee noted that the tree enumeration was carried out by sampling method. The total no. of samples laid was 140 of 0.1 ha each and total no. of trees proposed for felling, arrived at is 5,70,666. As per the extant guideline Chapter-1, 1.4(vi), for areas more than 10 hectares the abstract of tree can be computed either from the working plan or by standard sampling method.
 - v. The Component wise breakup of the proposed forest land as well as non-forest land are as under:

S.No.	Component Name	Area inside (in Ha)		Total Area (Ha)
		Forest	Non-Forest	
1	Excavation Area	1068.51	1028.08	2096.59
2	Safety Zone	10.46	9.27	19.73
3	Green Belt Area	30.97	15.83	46.80
4	Rationalization Area	51.82	20.29	72.11
5	Infrastructure Area	0	30.05	30.05
6	OB Dump Area	225.4	162.15	387.55
7	Other uses (Garland Drains)	2.75	2.59	5.34
8	Other uses (Road Diversion)	2.56	1.57	4.13
9	Other uses (Embankment)	5.07	2.43	7.50
10	Other use (Setting Pond)	0	2.20	2.20
	Total area	1397.54	1274.46	2672

- vi. The DFO, Singrauli and CF, Rewa in their site inspection reports mention that as per the existing working plan the proposed area (RF-373) is falling in Elephant Corridor. The RO, Bhopal in its site inspection report mentioned that Compartment no. RF-373 is under Elephant corridor according to working plan of Singrauli Division. The prescriptions in the working plan is as follows:- 16.6 (9): Any permanent disturbance creating activities like construction of building, establishment of timber depot & labour camp and other permanent & temporary establishments are restricted in this area. 16.6 (10): The compartment falling

- under Elephant corridor should not be allotted for non-forestry activity if in case it is unavoidable to take these compartments for non-forestry activity then in that case alternative corridor route has to be established.
- vii. As per the 3-D subsidence prediction, study report Maximum tensile strain reported in the proposed area is 17.47. The State Govt. was asked to examine the same and submit its comments in case the proposal is for underground mining only. In this regard, the State Govt has submitted that DFO office is not competent to comment on Subsidence report of tensile strain. However, UA has submitted subsidence report in Parivesh portal and this proposed Coal block is not for underground mining only.
- viii. The Nodal Officer, Government of Madhya Pradesh informed that the present proposal is for Coal Mining Project. It has been informed that the Dhirauli block is allocated to M/s Stratatech Mineral Resources Private Limited (SMRPL) vide letter no. NA 104/7/2020-NA dated 03.03.2021 by Ministry of Coal (MoC), Government of India. The mine is envisaged to be worked in combination with Open Cast and Underground mining method. Total mine lease area is 2672 ha. It is planned to extract Coal with capacity of 5.0 MTPA from Open Cast mine and 1.5 MTPA from underground mines. Open cast mining is proposed by surface miners (SM)-FEL-truck combination for Coal and drill blast for Overburden. Underground mining is proposed by continuous miner (CM). The project will produce G7/G8 grade Coal. The extracted Coal is proposed to be supplied to Mahan Energen Limited (Power Plant) and for Open Commercial Sale.
- ix. Coal that will be mined out from this block will be transported using the existing road of "Suliyari-Khanuakhas-Rajmilan" to Gajra behra railway siding & also to Adani Power Plant (MEL) in Bandhaura. It is also proposed by Railway/Truck/Conveyor based on consumer location.
- x. Further, it was informed that the Coal deposits in the instant mine lease is available in total 9 seams, out of which 5 Coal seams has been proposed to be mined out through open cast method and balance 4 coal seams have been proposed to be mined out through under-ground mining technology. Hence, primarily the 1397.54 ha proposed forest land has been proposed to be utilized for open cast mining of Coal and thereafter the 1397.54 ha proposed forest land shall be used for underground Coal Mining. As per the 3-D subsidence prediction study report Maximum tensile strain reported in the proposed area is 17.47.
- xi. During the discussion the Member Secretary and IGF (FC) elaborated the following points for further consideration by the Advisory Committee:
- Requirement of the large number of trees to be felled in the proposal
 - Area requirement for the over-burden dump and area proposed for infrastructure
 - Issues pertaining to wildlife conservation and stated elephant corridor in the area
 - Observations by Regional Office in the SIR, especially with regard to the high density of Sal trees in 4 compartments.
- xii. AC was brought to the notice that with regards to the requirement of the trees to be felled in the instant proposal. AC noted that the State Govt. has submitted a detailed justification for the felling of trees in phase manner. It was stated by the Nodal Officer that the felling of trees in the mine lease shall be carried out in the phases over a period of 40 years. Further, it was highlighted by the Regional Officer that 36,38,165 number of plants have been proposed to be planted in different phases within the lease area against total 5,70,666 number of trees

earmarked for felling. The plantation of 36,38,165 trees by the user agency is over and above the required CA compliance in the instant proposal. The details of phased felling and plantation proposed for reclamation are as under;

Phasing of Land	Years from Start of Mining Operation	Land Requirement (Ha)		Plantation on Reclaimed Land (Ha)			Number of Tree Planted		
		Forest Land (Ha)	Tentative no of tree to be felled	Plantation area in Forest Land (Ha)	Plantation area in Non Forest Land (Ha)	Total Plantation area (Ha)	Plantation in forest land (Nos)	Plantation in non-forest land (Nos)	Total Plantation (Nos)
Phase I	1 to 3	345.33	141011	4	16	20	10000	40000	50000
Phase II	4 to 5	300.17	122570	32	8	40	48000	12000	60000
Phase III	6 to 10	237.06	96800	224	259.57	483.57	336000	389355	725355
Phase IV	11 to 15	136.17	55603	150	76.94	226.94	225000	115410	340410
Phase V	16 to 20	220.41	90001	150	74.77	224.77	225000	112155	337155
Phase VI	21 to 30	108.66	44370	200	123.62	323.62	300000	185430	485430
Phase VII	31 to 40	49.74	20311	200	210.45	410.45	300000	315675	615675
Final Closure		0	0	437.54	245.22	682.76	656310	367830	1024140
Total		1397.54	570666	1397.54	1014.57	2412.11	2100310	1537855	3638165

- xiii. The Nodal officer, Govt. of Madhya Pradesh apprised that the OB dump area is in combination of Private, Govt and Forest Land available in the Dhirauli block. The Proposed OB dump can accommodate 259 MBCM (13%) OB, dump height has been planned 90-100 meter height from ground level, which is maximum possible elevation on grounds of DGMS safety stipulations. 225.4 ha of land is an absolute requirement for external dumping because the in-crop seam that need to be touched to develop a working face is at 60 meters depth from surface. To touch it and cut a trench (longitudinally) because of hilly terrain has a compelling initial stripping ratio of 9:1 (Cum/t). Internal dump can accommodate 1704.54 MBCM OB (87%) which is planned by keeping 100 m lag distance from working bench of quarry with approx 90 m height from the ground level, which has been best optimized on reasons of its safety and stability. Forest land under proposed OB dump is coming between quarry and dump area (private Land) in linear extension surrounded by quarry and OB dump. During the mine operation, OB removed from area is hilly forest, in order to make access road for initial mining operation and consequent dumping thereof, most of the land will be affected by cut and fill activities, as an operational compulsion. Hence, due to location of forest land in proposed OB dump area it is inevitable to avert involvement of forest land that shall be taken in phases.

Further, it was noted that the over burden dump area requirement in this proposal (225.4 ha) is ~16 % of the forest area sought for diversion. The Advisory Committee was apprised that the UA has revised the area (6.3 ha) earlier required for infrastructure on the forest land and now there will no infrastructure proposed on forest land.

- xiv. It was observed that the Compartment no. RF-373 is under Elephant corridor according to working plan of Singrauli Division. The prescriptions in the working plan is as follows:-
- a. 16.6 (9): Any permanent disturbance creating activities like construction of building, establishment of timber depot & labour camp and other permanent & temporary establishments are restricted in this area.
 - b. 16.6 (10): The compartment falling under Elephant corridor should not be allotted for non-forestry activity if in case it is unavoidable to take these compartment for non-forestry activity then in that case alternative corridor route has to be established. However, as per the document (unsigned map) the Elephant Corridor is away from the proposed diversion area and the same has been confirmed by the CWLW, Govt. of Madhya Pradesh vide letter dated 21.05.2024.

In this regard, the Nodal officer, Govt. of Madhya Pradesh informed that the Chief Wildlife Warden (CWLW), Govt. of Madhya Pradesh approved a Wildlife management plan of INR 10.65 crores with a view to protect & conserve the flora and fauna in the region. Furthermore, minimum distance between the Dhirauli Coal block and an Elephant corridor is 5 Km and the instant coal block is located outside at a distance of 10.386 km from the Eco-sensitive zone boundary of Sanjay Tiger Reserve.

- xv. It was noted that the area proposed for diversion fall in high conservation zone as per DSS analysis. In this regard, it was highlighted that the Regional Office Bhopal has submitted a site inspection report and recommended the proposal with certain observation. The AC sought comments from DDGF (C), RO, Bhopal in this regard.

The DDGF (C), RO, Bhopal apprised the committee that the compartment nos. RF-360, 364, 370 and 371 are on higher altitude and are endowed with natural Sal forest with canopy density ranging from 0.5 to 0.6. The stripping ratio in the area is very high for Open cast Mining. This implies that the area involves huge amount of overburden removal and removal of forest. It was suggested that extraction of Coal in the above-mentioned area should be taken up only by underground method of mining wherein huge overburden and excellent forest in the area would not be required to be removed. In rest of the compartments, extraction of coal may be taken up by Open cast mining method as proposed.

During the deliberation on the subject the Nodal Officer and RO clarified that the area in these 4 compartments as noted in the SIR and as mentioned by DDGF, RO Bhopal in his report to be avoided is around 510 ha which comprises of around 36% of the total forest area to be diverted and 19.08% of the total mining lease area. The AC further sought comments from the Nodal officer regarding justification for mining in these four patches.

- xvi. The Nodal Officer informed the AC that the State Govt. has sought a technical opinion from the mineral resource department of the State Govt. regarding possibilities of carrying out underground mining in 4 patches as mentioned by the RO in his report and based on the technical report of the mineral resource department a detailed reply dated 30.05.2024 was submitted, which need consideration of AC.

Further, the Nodal officer, Govt. of Madhya Pradesh clarified that as per the Mining plan, 186.06 million tons of Coal is likely to be produced from 5 Coal seams which have been proposed to be worked upon based on Open cast technology and remaining 112.07 million tons of coal shall be extracted from the other 4 coal seams located very deep from the surface and wherein underground mining technology will be adopted. Thus, 62.4% of entire coal reserves of an instant mine are available in the 5 coal seams and proposed to be excavated through open cast method of mining. Moreover, the maximum floor depth of an open-cast seams from surface is around 280 m in the block and considering the geo-mining characteristics of the block and for conservation of resource, it is proposed to extract the coal reserves within the block using combination of open cast mining (upto seam VII) and underground mining (below Seam VII to Seam II) method. Therefore, underground method of mining cannot be acceded in the whole 1397.54 ha proposed forest land to save the large number of trees because this will hinder the complete mineral extraction from the proposed mine and also devoid the extraction of 62.4% coal reserve available in the 5 coal seams which have been proposed to be mined out through open cast method.

- xvii. The total proposed diversion area is 1397.54 ha for open cast Coal mining by M/s Stratatech Mineral resources Pvt. Ltd. Accordingly, as per the rules, the area proposed for Compensatory Afforestation is 1397.54 ha in non-forest land, spread over 45 patches, 29 villages and in 04 districts. The details are as under:

S. No.	District/ Division	Tehsil	Village	Total Area (Ha)
1	Sagar North	Rahatgarh	Laxmanpura	33.56
2	Raisen	Begamganj	Chainpura Muzafata	9.89
3	Shivpuri	Bairad, Shivpuri, Pohri, Kolaras	Basai, Budha, Imlipura & Others	757.88
4	Agar Malwa	Agar, Badod, Baraud	Sanawad, Shivgarh, Chipya & Others	596.21
			Total area	1397.54

- xviii. The project involves rehabilitation of 49 families from the proposed diversion area. However, the user agency has prepared and submitted an approved rehabilitation plan.
- xix. The Committee noted that satellite imagery and land use plan submitted by the user agency reveals that there are five (5) transmission lines which are passing through the proposed forest land for diversion. However, the copy of approvals granted under Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980 along with NoC from concerned agencies to shift the power lines from the proposed area have not been submitted by the State Government.
- xx. The Committee observed that as per DSS analysis, the Compensatory Afforestation has been proposed in total 45 patches comprising an area of 1397.523 ha wherein two CA patches namely Village Imlipura, Khasra No 2 and 19, Shivpuri District are falling in the Forest compartment boundary. In this regard the State Government informed that वनमण्डलाधिकारी, शिवपुरी द्वारा पत्र क्रमांक 2097 दिनांक 24.05.2024 से अवगत कराया गया है कि ग्राम ईमलीपुरा के खसरे क्रमांक 2 एवं 19

के मानचित्र को वनखण्ड के मानचित्र पर ओवरलेप करने पर यह पाया गया कि यह खसरे वनक्षेत्र से बाहर पाये गये हैं।

- xxi. The Committee also noted that the documentary evidence of proposed CA site namely Village: Raghunathapura (Survey No. 3), Shivpuri District revealed that the ownership of land is with the Forest Department.
- xxii. The committee observed that the project area falls in a landscape which has other mines already operational in adjoining areas. Further, as per DSS analysis the area proposed for diversion is in high conservation zone. In addition, a Hurdula Nalla is passing through the proposed forest land. DFO Singrauli and CF Rewa in their SIR have mentioned that as per existing working plan the area is within elephant corridor. Whereas the CWLW has mentioned that as per current working plan, the area is outside the elephant corridor. The tree enumeration has been carried out through sampling wherein 140 sample plots of 0.1 Ha each were laid. Keeping above aspects in view it is essential to get the proposal visited by a team and analyse the proposal in holistic manner and submit a detailed report with their recommendations.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and the Additional PCCF cum Nodal Officer, Government of Madhya Pradesh. After going through the facts of the proposal, the Committee recommended that:
- i. To examine the proposal holistically keeping in view the facts of the case and other ecological considerations important for considering such proposals, a Sub-Committee shall visit the project area and submit a detailed report with clear recommendations for further needful. The Sub-Committee shall comprise of the following members:
 - a. Shri Sushil Kumar Awasthi, Additional Director General of Forest (Wildlife), MoEF&CC, New Delhi.
 - b. Shri Arta Trana Mishra, Dy. Director General of Forest, Regional Office, MoEF&CC, Bhubaneswar.
 - c. Shri Shrawan Kumar Verma, Dy. Inspector General of Forest, In-Charge Regional Office, MoEF&CC, Gandhinagar.
 - ii. Further, Advisory Committee sought the following clarifications from the State Govt.
 - a. The Nodal Officer shall clarify whether the CA area proposed in Village Imlipura, Khasra No 2 and 19, Shivpuri District are not falling in the Forest compartment boundary.
 - b. The Nodal Officer shall provide the details of proposed CA site namely Village: Raghunathapura (Survey No. 3), Shivpuri District.

Agenda No. 11

File No. 8-14/2020-FC

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 354.258 ha of forest land/revenue forest land (314.743 ha of forest land + 39.515 ha of revenue forest land = 354.258 ha forest land) for Jhiria West Opencast Coal Mining in favour of M/s. South Eastern Coal Fields Limited, Anuppur District State of Madhya Pradesh (Online No.FP/MP/MIN/39881/2019) - regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF

- (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh were present in the meeting.
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 and Guidelines relevant to the proposal and their significance.
 3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Madhya Pradesh vide their letter No. FP/MP/MIN/39881/2019/2571 dated 17.08.2020 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of Section-2 of the Forest (Conservation) Act, 1980 for diversion of 354.258 ha of forest land/revenue forest land (314.743 ha of forest land + 39.515 ha of revenue forest land = 354.258 ha forest land) for Jhiria West Opencast Coal Mining in favour of M/s. South Eastern Coal Fields Limited, Anuppur District State of Madhya Pradesh.
 - ii. The Regional Office, Bhopal vide their letter dated 29.12.2022 has submitted the Site Inspection Report of the instant proposal along with the recommendation of Dy. DGF (Central), RO, Bhopal.
 - iii. The proposed diversion area is 354.258 ha which involves 282.092 ha Reserved Forest land, 32.651 ha Protected Forest land and 18,580 no. of trees are marked for felling.
 - iv. As per the site inspection report carried out by the concerned CCF it has been mentioned that 7.143 ha forest land located in various compartments will not be used for mining and the same be kept as mining safety zone.
 - v. The State has informed that as per the provisions of Coal Mine Regulations 2017, a safety zone of 100 meters all around the mining area is proposed and the 7.143 ha area recommended by the CCF for safety zone is also a part of it. The total area of safety zone is 92.175 ha out of which 70.618 ha is forest land and balance 21.557 ha area is Non-forest/Revenue land.
 - vi. The Dy. DGF (Central), RO, Bhopal who has also conducted Site Inspection for the proposed forest land in its site inspection report has mentioned that during the visit it was learnt from the SECL officials that the overburden would not be transported out of the proposed mining area, but the same would be utilized to reclaim the mined out area.
 - vii. The Dy. DGF (Central), RO, Bhopal informed the AC that there is no stream/river/ nala flowing across the proposed area for diversion, hence the hydrology of the area in the lower region won't be affected much due to the proposed open cast mining in the area.
 - viii. The proposal was considered by the Advisory Committee in its meeting held on 17.07.2023 wherein the Committee deferred the proposal for diversion of 354.258 ha of forest land for Jhiria West Opencast Coal Mining and sought the following details:
 - a. *The State shall provide the details of other projects of the user agency which are proposed to be used for over burden dumps, Belt, CHP & Sliding etc. The details of forest land diversion in*

- xiii. The said decision of Advisory Committee was communicated to the State Govt. vide Ministry letter dated 12.12.2023. In this reference, the State Government vide their letter dated 28.05.2024 has submitted the information.
- xiv. The Committee observed that the Regional Office, Bhopal has submitted the site inspection report wherein it has been reported that the proposal for Jhiriya West Open Cast Coal mining project seems to be not linked with any Forest Conservation issues in the existing Rajnagar RO underground mine project and its Coal handling plant in the railway siding at Rajnagar. Also Regional Office, Bhopal has reported that no violation of Adhinyam, 1980 has been carried out.
- xv. The Committee has also noticed that the State Govt. has submitted the instant proposal for diversion of 354.258 ha forest land for Jhiria West Opencast Coal Mining in a manner to utilize the existing facilities of Rajnagar RO underground mine whose Renewal/ Stage-II/Final Approval has not been issued till date by the Ministry due to non-compliance of CA related conditions of Stage-I approval. The State Govt. has also informed that SECL ने एक आवेदन पत्र क्रमांक / 27 दिनांक 27/05/2024 इस कार्यालय में प्रस्तुत किया गया है जिसमें उनके द्वारा यह प्रतिवेदित किया गया है कि यदि उक्त क्षतिपूर्ति वनीकरण का भौतिक सत्यापन नहीं हो पाता है तो उस स्थिति में वन विभाग क्षतिपूर्ति वनीकरण के क्रियान्वयन में अनुमानित लागत का निर्धारण वर्तमान दर से करते हुए निर्धारित अनुमानित राशि एवं पूर्व में जमा की गई राशि के अन्तर के भुगतान बाबत वन विभाग निर्देशित करता है तो आवेदक संस्था निर्धारित राशि भुगतान किया जायेगा।
- xvi. The Committee has also noticed that the Compensatory afforestation has been proposed over an area of 710.00 ha degraded forest land in Shahdol Forest Division, Madhya Pradesh. As the proposals involves acquisition of non-forest land also, and as per the provisions of the Van (Sanraksham Evam Samvardhan) Rules, 2023, the CA must be raised over equivalent non-forest land or revenue land. Further, the Ministry vide guideline dated 27.12.2023 clarified that proposals which are at advance stage or which have been recommended for grant of 'in-principle' approval can be considered for grant of conditional 'in-principle' approval and compliance of CA, as per the provisions of new rules can be submitted along with the compliance of 'in-principle' approval.
- xvii. The Advisory Committee noticed that the State Govt. has submitted the instant proposal for diversion of 354.258 ha forest land for Jhiria West Opencast Coal Mining in a manner to utilize the existing facilities like CHP, Sliding and transportation road of Rajnagar RO underground mine.
- xviii. During the discussion Committee observed that Final approval for Rajnagar RO/underground mine has not been granted by the Ministry till date and the complete compliance of conditions stipulated in Stage-I approval dated 10.01.2008 for renewal of lease for Rajnagar RO/Under Ground Coal mining project in Anup-nagar District of Madhya Pradesh in favour of CGM Hasdeo Region, SECL including 123.56 ha forest land (a part of 502.00 ha) for surface use for the same project is still awaited. Moreover as per the Forest Conservation (Rules), 2003 (amended up to August 2017) Rule 8 sub rule 2

(a) in cases where compliance of conditions in the in-principle approval is awaited for more than five years from the State Government or the Union Territory Administration, as the case may be, the in-principle approval may be summarily revoked.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, Madhya Pradesh. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Bhopal, the Committee recommended that the proposal may not be *acceded* to in its present proposition. Further, the Advisory Committee recommended that a notice w.r.t Rajnagar RO/underground mine project for the inordinate delay and non-compliance of conditions stipulated in in-principle/Stage-I approval be issued to the State Government.

Agenda No. 12

File No. 8-33/2022-FC

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 315.74 ha forest land under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Renovation of Asolamendha Irrigation Project in Division Bramhapuri, Central Chanda and Chandrapur Forest Division, Saoli, Mul and Pombhurna talukas of Chandrapur District in the State of Maharashtra (Online No. FP/MH/IRRIG/39591/2019) – regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Nagpur and the Nodal Officer, Government of Maharashtra was present in the meeting during the discussion of the above proposal.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Maharashtra vide their letter No. FLD-2022/CR-291/F-10 dated 14.11.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 315.74 ha forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Renovation of Asolamendha Irrigation Project in Division Bramhapuri, Central Chanda and Chandrapur Forest Division, Saoli, Mul and Pombhurna talukas of Chandrapur District in the State of Maharashtra.
 - ii. The Asolamendha Irrigation Project is a medium irrigation project in the Chandrapur District which was completed in 1914. As the Asolamendha Project was constructed in British Era, at that time forest land was acquired for submergence and Canal system as per Various Notifications of Forest

- Department. Now it is proposed to raise the height of existing Asolamendha Dam by 2.70 M.
- iii. The proposed diversion area is 315.74 ha and the density of vegetation is less than 0.5 in all division compartments having Eco-class 3.
 - iv. The Nodal Officer, Government of Maharashtra informed that the present proposal is for irrigation purpose
 - v. As per the State Government, the forest area proposed for diversion does not fall under any wildlife sanctuary, Eco sensitive zone and Protected area. However, the CCF, Chandrapur in its site inspection report has mentioned that the area is important from wildlife point of view and also reported the presence and movement of Tiger & Leopard in the proposed forest land. The DCF Chandrapur in Part-II has also mentioned that wildlife habitat will be disturbed.
 - vi. The PCCF (Wildlife), Nagpur vide office note no. 1556 dated 18.08.2023 has reported that the project requires wildlife clearance.
 - vii. The CCF, Chandrapur Circle in its Site Inspection Report and online Part III mentioned that Wildlife Clearance proposal was prepared and submitted to State Wild Life Board for approval. It is to be noted that out of 315.74 ha forest area proposed for diversion, 267.33 ha area has been moved for clearance from NBWL. The User agency has prepared the Wildlife Mitigation Measures plan for diversion of 315.74 Ha. As per the decision of the State Wild Life Board in its meeting held on 16/10/2023, a three members Committee under the Chairmanship of CCF, Chandrapur was constituted vide letter of the Principal Chief Conservator of Forest (Wild Life), Govt. of Maharashtra dated 23/10/2023. Three-member Committee visited the Asolamendha Project dated 28/10/2023 and gave suggestions in addition to the Wild Life Mitigation Plan submitted by User Agency. After submission of the report, the Wild life proposal will be submitted to National Board for Wild Life for final Clearance.
 - viii. The Nodal Officer, Government of Maharashtra informed the committee that the proposal is recommended in the 22nd meeting of State Board of Wildlife held on 16.10.2023 for onward submission to the National Board for Wild Life.
 - ix. A total of 1,17,224 no. of trees of various species and girth class are standing in the area proposed for diversion. Further the Regional Office, Nagpur in its site inspection report mentions that total 7501 trees are to cut only for the renovation of canal network. The trees in the submergence area are to be retained, which will eventually die out.
 - x. The present proposal of 315.74 ha forest land involves 71.99 ha reserved forest managed by Forest Development Corporation of Maharashtra Limited (FDCM). The "No Objection Certificate" for 71.99 ha reserved forest land managed by the Forest Development Corporation of Maharashtra Limited issued by the Managing Director, FDCM has been submitted.
 - xi. The proposal was earlier considered by the Advisory Committee in its meeting held on dated 17.01.2024 wherein the committee deferred the proposal and desired the following information:

- a. *The details about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted and the likely impact of the project on cropping pattern in future is essential for evaluating the socio-economic benefits of the project. The State shall submit a detailed report on these aspects.*
 - b. *Keeping in view the significance of the area as a wildlife habitat, it is important that the impact of the project on the wildlife and its habitat is considered beforehand. Therefore, the proposal will be considered for approval only if the approval for the same is accorded by the Standing Committee of the National Board for Wildlife (SC-NBWL). The State Govt. shall submit a copy of the wildlife clearance.*
 - c. *The State shall explore the possibility of providing suitable non-forest land which is near to/contiguous to forest area for the purpose of Compensatory Afforestation.*
- xii. Accordingly, the said recommendations of the Advisory Committee were communicated to the State Govt. vide Ministry letter dated 02.02.2024. In this reference, the State Government vide their letter dated 15.03.2024 submitted the information.
 - xiii. It was observed that the Advisory Committee had inter-alia recommended that the proposal will be considered for approval only if the approval for the same is accorded by the Standing Committee of the National Board for Wildlife (SC-NBWL). However, the Ministry (Wildlife Division) has now issued the guideline dated 18.03.2024 wherein it has been mentioned that proposals requiring recommendations/ approvals of the SCNBWL and forest clearance under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be placed for consideration of the SCNBWL, only after receipt of forest clearance.
 - xiv. The user agency has submitted the brief report about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted. Further the user agency has submitted that the proposal for wildlife has been submitted to the Ministry vide letter dated 08.01.2024. Also, in the meeting of the State Wildlife Board held on 24.11.2023, the final approval of the Wildlife Mitigation Plan has been informed by the State Wildlife Board. Also the user agency has submitted that as per the Government of Maharashtra decision dated 12.09.2018 under Bembala Project 2635 ha area has been approved for use of land for alternative afforestation. Accordingly, the said land was proposed for alternative afforestation.
 - xv. Further, it has been mentioned that total 7501 trees are to cut only for the renovation of canal network. The trees in the submergence area are to be retained, which will eventually die out.
 - xvi. Asolamendha Renovation Project involves proposal for diversion of 315.74 ha forest area, out of which 267.33 ha forest area has been moved for clearance from the NBWL for corridor of animals including tiger. The Committee observed that the details of the remaining area which has not been included in the proposal along with detailed reasons for not including the same in the proposal seeking clearance of SCNBWL needs to be provided.

- xvii. The Committee observed that as per instant proposal, it has been mentioned that the irrigation potential of the instant project will increase from 9919 ha to 54879 ha which is more than five times. This implies that the volume of water to be stored/held by the dam with an increased height is going to be many fold as compared to its present capacity. The committee therefore was concerned regarding the safety and stability of the existing dam structure and its capacity to hold such a huge volume, in view of the fact that the dam has been constructed in the year 1914.
- xviii. The State was asked to explore the possibility of providing non-forest which is near to/contiguous to the forest area for the purpose of Compensatory Afforestation. However, without giving any justification on the suitability of the proposed CA land as pointed out by the Regional Office and observed in DSS analysis, the state has replied that User Agency has submitted that as per the Government of Maharashtra decision dated 12.09.2018 under Bembala Project 2635 ha area has been approved for use of land for alternative afforestation. Accordingly, the said land was proposed for alternative afforestation. The Committee observed that the area proposed for CA needs to be revisited in view the fact that a part of the area (103 ha) has been found to be under water as per DSS analysis. Moreover, the regional office in its report has also raised apprehensions regarding the suitability of the area for Compensatory Afforestation.
- xix. Thereafter the proposal was again considered by the Advisory Committee (AC) in its meeting held on 30.04.2024 wherein after going through the facts of the proposal and submissions made by the Nodal Officer, Government of Maharashtra, the Committee deferred the proposal for diversion of 315.74 ha forest land for Renovation of Asolamendha Irrigation Project and sought the following details:
- a. *The Asolamendha Irrigation Project in the Chandrapur District was constructed in British Era and the dam construction completed in the year 1914. The State government therefore has to ensure the safety and stability of the existing dam structure and its capacity to hold such a huge volume, in view of the fact that the dam has been constructed in the year 1914 and the irrigation potential of the instant project is proposed to increase from 9919 ha to 54879 ha due to increase in the height of the dam. A certificate in this regard shall be submitted by a competent authority of the state government.*
 - b. *The non-forest land identified for the compensatory afforestation (CA) is situated in the periphery of Bemla Reservoir in Yavatmal District and a part of the area has been found to be under water as per DSS analysis. The Regional Office has also raised concerns regarding the protection of the said area. Keeping this in view, the Regional Office, Nagpur shall revisit the area proposed for Compensatory Afforestation, examine its suitability and furnish its clear recommendations in this regard.*
 - c. *The State shall submit the complete details, background; area already utilized for Compensatory Afforestation and legal status of*

- 2635 ha area under Bembala project which was approved for alternative afforestation.
- d. *Asolamendha Renovation Project involves proposal for diversion of 315.74 ha forest area, out of which 267.33 ha forest area has been moved for clearance from the NBWL for corridor of animals including tiger. The Committee observed that the details of the remaining area which has not been included in the proposal along with detailed reasons for not including the same in the proposal seeking clearance of SCNBWL needs to be provided.*
 - e. *Further, it was decided that the issue of notification issued by the Wildlife Division of the Ministry dated 18.03.2024 with respect to issuance of FC before taking the matter before the SC-NBWL will be dealt as per policy decision taken in the matter.*
- xx. The said decision of the Advisory Committee was communicated to the Government of Maharashtra vide Ministry letter dated 17.05.2024. In this reference the Government of Maharashtra vide their letter dated 29.05.2024 has submitted the information.
 - xxi. It has been observed that the height of Dam is raised by 2.70 m and the design for the same has been done by the Central Design Organisation, Nashik that is the Premier design organisation under Water Resources Department, Govt. of Maharashtra. All the major structures like, Dam, Spillways and other Irrigation structures are designed by CDO, Nashik. Cross section of the Dam has been revised in order to hold the increased volume of water safety. Asolamendha Earthen Dam, with increased height is designed by CDO, Nashik and is approved by Competent Authority, Chief Engineer, Gosikhurd Project, Water Resources Department, Nagpur vide letter No. 485 dated 15.02.2010.
 - xxii. Further, the non-forest land for the Compensatory Afforestation (CA) is situated in the periphery of Bembala Reservoir under Water Resources Department, Government of Maharashtra. As per the survey and demarcation done at the site, there is no area under submergence as the area proposed is well above the present submergence area. In order to mitigate the concerns raised by Regional office, regarding protection of CA land, it is brought to notice that fencing on all sides has been proposed in the 10-year CA Scheme prepared by DFO, Yavatmal. Out of total outlay of Rs 27.3 Cr for 10-year CA plan, about 7.99 Cr is allocated for Chain link fencing of CA area for length of about 33 Km on outer side and water side. This would provide heavy protection to the CA land. The User Agency has given an undertaking to deposit the required amount with the Forest Department, Government of Maharashtra.
 - xxiii. As reported the Govt. of Maharashtra vide their order dated 12.09.2018 reduced the storage of Bembala reservoir from 302 Mm³ to 183.94 Mm³ and accordingly the water utilisation has been reduced from 352.8 Mm³ to 256.76 Mm³. Due to this Irrigable command area is also reduced from 40170 ha to 38850 ha. In the revised planning, this reduction in the storage capacity of reservoir has led to the surplus land of 2635 ha. Out of this surplus land, 316

ha of land has been demarcated for Compensatory Afforestation for Asolamendha Project. As regards the legal status of land, revenue records show that entire land is in the name of Executive Engineer, Bembla Project Dam under Water Resources Department, Govt. of Maharashtra. The land acquisition procedure is already completed and 7/12 forms for land proposed for CA land are mutated in the name of Executive Engineer, Bembla Project Dam. Moreover, as mentioned in the order dated 12.09.2018, the excess Bembla project land is proposed to be utilised for CA land for irrigation projects involving diversion of forest land. In future when entire land i.e. 2615 ha, will be developed as CA land involving plantation/ bird sanctuary/ nesting grounds etc. Ideal Environmental ecosystem for Sustainable Development will be formed.

- xxiv. It is also observed that as per the Forest Department records, land under diversion does not involve major WII Tiger Corridor like Eastern Vidarbha Corridor. The area involved in the proposed diverted land fall under WII grid (Corridor formed due to Telemetric record of Tiger Movements). The land details in the WII grid/report along with map showing the WII Tiger Corridor was submitted by the State Government of Maharashtra and it is clear from the said Map that WII grid involves only submergence area and initial few Kms of the Main Canal. Rest of the area to be diverted is not included in WII grid. The said details and map has been verified from report by the office of DFO/Wild life Warden and CCF, Chandrapur.
- xxv. As per Government of Maharashtra letter dated 08.01.2024 the proposal is recommended by the State Board for Wildlife in its 22nd meeting held on 16.10.2023 for submission of the National Board for Wildlife for its recommendation. Subsequently, the Government of India, MoEF&CC (Wildlife Division) letter dated 18.03.2024 has informed that the proposals requiring recommendations/ approvals of the SCNBWL and forest clearance under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 shall be placed for consideration on the SCNBWL, only after receipt of forest clearance.
- xxvi. The Committee took a note on the Regional Office, Nagpur site inspection report of proposed CA land which has been submitted vide their email dated 13.06.2024 wherein the recommendations of Dy. DGF (C), Regional Office, Nagpur are as under:
- a. *As a result of reduction of FRL of Bemla reservoir, a land bank of 2635 ha (non-forest land) has been made available by the Government of Maharashtra for the purpose of CA and social forestry. Such an opportunity should be fully utilized. But the Govt of Maharashtra has reserved this land bank only for the CA of irrigation projects. Out of 2635 ha. 315.74 ha has been proposed for Asolamendha project. Since the frequency of diversion of forest land for irrigation projects is less, the said land bank may take longer time to come under the possession of Forest Department, during which encroachments by local people may not be ruled out. It was also learnt from the sources of the State Government that the said reservoir is under consideration of declaration as a Bird Sanctuary.*

Therefore, 315.74 ha land may be accepted in relaxation to the clarification dated 13.07.2022 and remaining land bank may either be made available for all diversion projects or the Govt of Maharashtra may propose accredited compensatory afforestation under the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and mutate the entire land bank in favour of the Forest Department.

- b. *The proposed CA land is far away from the FRL line because of which the possibility of its submergence is minimal. Further, since the proposed land is surrounded by agricultural fields, it may be heavily fenced, which is already provisioned in the CA scheme.*
 - c. *The proposed CA land has been found to be put to seasonal agricultural use by the local people. Therefore, the proposed land should be made available free of all encumbrances as per the undertaking furnished by the State Government.*
- xxvii. The Member Secretary drawn the committee attention towards 'THE DAM SAFETY ACT, 2021' which has been came into existence through Government of India Gazette Notification issued on 13.12.2021 apprised about an Act to provide for surveillance, inspection, operation and maintenance of the specified dam for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning and for matters connected therewith or incidental thereto. The committee also raised concerns about the safety and stability of the existing dam structure and its capacity to hold such a huge volume, in view of the fact that the dam has been constructed in the year 1914 and now the height of Dam is proposed to be raised by 2.70 m.
- xxviii. The Nodal Officer, Government of Maharashtra apprised that the design of the dam has been prepared by the Central Design Organisation (CDO), Nashik which is the Premier design organisation under Water Resources Department, Govt. of Maharashtra. All the major structures like Dam, Spillways and other Irrigation structures are designed by CDO, Nashik. Cross section of the Dam has been revised in order to hold the increased volume of water safety and the competent authority i.e. the Chief Engineer, Gosikhurd Project, Water Resource Department, Government of Maharashtra has given the approval.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and the Additional PCCF cum Nodal Officer, Government of Maharashtra. After going through the facts of the proposal, the Committee recommended the proposal for grant of 'in-principle' approval for non-forest use of 315.74 ha forest land for Renovation of Asolamendha Irrigation Project in Division Bramhapuri, Central Chanda and Chandrapur Forest Division, Saoli, Mul and Pombhurna talukas of Chandrapur District subject to general, standard and the following specific conditions:
- i. The user agency shall furnish a report from the State Dam Safety Organisation (SDSO) regarding all technical aspects wrt the of the dam. The recommendations shall be implemented by the user agency to avoid any possible unforeseen conditions.

- ii. Further, the State Government shall obtain approval of the National Dam Safety Authority (NDSA) on the recommendations made by the State Dam Safety Organisation (SDSO) and submit the same before Stage II approval along with the compliance of Stage I approval conditions.

Agenda No. 13

File No. 8-34/2022-FC

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 263.5406 ha forest land under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Sambarkund Irrigation Project at Village Mahan, Taluka Alibag, District Raigad in the State of Maharashtra (Online No. FP/MH/IRRIG/142819/2021) - reg

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Nagpur and the Nodal Office, Government of Maharashtra was present in the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Maharashtra vide their letter No. FLD-2022/C.R-294/F-10 dated 18.11.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 263.5406 ha forest land under Forest (Conservation) Act, 1980 for construction of Sambarkund Irrigation Project at Village Mahan, Taluka Alibag, District Raigad in the State of Maharashtra.
 - ii. The proposed diversion area is 263.5406 ha and the density of vegetation is 0.3 having Eco-class 3. The Nodal Officer, , Government of Maharashtra informed that the present proposal is for irrigation purpose.
 - iii. As per DSS analysis, the Phansad wildlife sanctuary is located at a distance of 10.41 Km from the proposed diversion site.
 - iv. As per DSS analysis, the instant proposal falls under Inviolable Zone or In-High Conservation Zone value as per DSS Rule-I due to presence of Hydrological feature like River, Dam within 250-meter distance from the proposed forest diversion site. However, the instant project is Not Inviolable or not in high conservation zone value as per DSS Rule-II because total 31 grids of 1x1 sq km size are covering the entire forest land under diversion and out of which 16 grids are having average score above 70 thus Not-Inviolable as per DSS Rule-II.
 - v. As per the State Government, the forest land proposed for diversion includes the private forest area on which village settlement, road, school and Agricultural land of Jambhulwaid situated in Gut No. 53, 60 & 61. Khairwadi

in Gut No 110 of Mahan and Sambarkundwadi in Compt No.196 of Mahan, which is proposed for diversion and the necessary Rehabilitation and resettlement, has also been proposed as per R&R plan on the rehabilitation land from village Ramraj.

- vi. The State Govt. has mentioned that no forest land is required / proposed to be utilized for rehabilitation of project affected families / Person in the extant proposal of 263.5406 ha for Sambarkund Medium Irrigation Project. The State Govt. has identified and provided 18.51 ha non-forest land for rehabilitation purpose near the project site.
- vii. The Nodal Officer informed that the Govt. of Maharashtra has accorded new Administrative approval (AA) to the Sambarkund Project vide GR Sambarkund 1094/909/(202/94) WRA dated 16/03/1995. After receipt of the alternate NFL for CA, it became necessary to get the approval for the lapsed Administrative Approval (AA) of the project from the Govt. of Maharashtra and accordingly the Sambarkund Project had been accorded Second new AA vide GR Sambarkund 2001/498/(80/2001)/ WRA, Dated 06/10/2001.
- viii. The Environment Clearance proposal of the Project was considered by SEIAA in its 197th meeting held on 16/03/2020 and accorded Environment Clearance to the said project under the provisions of Environment Impact Assessment Notification, 2006 vide letter dated 31/03/2020 and corrigendum dated 17.03.2022.
- ix. After receiving revised administrative approval and Environmental Clearance to the project in 2020 local farmers and public demands for irrigation and drinking water also enhanced in manifolds hence State Govt. have accelerated the above activities and submitted Forest land diversion proposal to Forest Department on 13/05/2021 online and physically”.
- x. As per the State Government, the District Collector, Nanded vide order No. 1997.R.B. Desk-2/Land/CR-5643/8/1/97 dated 03/11/1997 and order No. 97/RB Desk-2 Land CR-1/97 dated 31/12/1997 transferred the 1044.85 ha non-forest land (NFL) in favour of the DCF, Nanded Forest Department for Compensatory Afforestation. From this non Forest land, the 395 ha NFL had been earmarked for the Compensatory Afforestation work against this proposal and accordingly the mutation for the said NFL was done in favour of the Forest Department. Compensatory Afforestation (CA) non-forest land has been handed over by the Collector, Nanded's order no. CR/5643/8.1/97, dated 03/11/1997 to DCF, Nanded and subsequently the mutation of this land has been done and now it has been recorded as a forest land as per 7/12.
- xi. The Nodal Officer also informed that the State Govt. had handed over 395 ha CA land from which the 268.70 ha land was found suitable for CA for the Sambarkund Project. Out of this 268.70 ha CA land, the DCF, Nanded had carried out field survey and reported due to natural vegetation and other plantation works only 24 ha area is now actual available for plantation. Therefore, 245 ha degraded forest land (DFL) have been proposed as an additional CA land with a view to raise plantation at the rate of 1000 plants per ha as per plantation norms. So that plants which cannot be planted over the 268.70 ha non-forest land, the same can be planted in the Degraded Forest land. Hence, total 269 ha area have been made available for CA Plantation work.
- xii. The Regional Office, Nagpur in its site inspection report mentions that the User Agency handed over non forest land to the Forest Department long back

and the Forest Department has already carried out plantation over 171.00 ha under various schemes. However, the proposal is still under consideration under the Adhinyam, 1980. Hence, entire non forest land proposed for CA under the proposal may be considered and may direct the State Government to take necessary steps to evict encroachments claimed to be over 30 ha and to notify the entire area of 395 ha as RF / PF. Since, the proposal is still under consideration for issuing of in principle approval; sub rule 13 of the Adhinyam Rules 2023 will be applicable. Accordingly, compensatory afforestation required to be carried out over required extent of degraded forest area as per the extant rules.

- xiii. The proposal was considered by the AC in its meeting held on 28.02.2024 wherein the Committee deferred the proposal for diversion of 263.5406 ha forest land for construction of Sambarkund Irrigation Project and sought the following details:
- a. *The details about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted and the likely impact of the project on cropping pattern in future is essential for evaluating the socio-economic benefits of the project. The State shall submit a detailed report on these aspects.*
 - b. *The majority of the proposed Compensatory Afforestation land is not free from encumbrances and is not suitable for carrying out plantation. Therefore, the State shall submit duly certified map of 395 ha NFL earmarked for the Compensatory Afforestation clearly showing the area actually available for plantation and the area, which is not available for plantation. The certificate has to be signed by an officer not below the rank of the APCCF cum Nodal Officer (VSESA).*
 - c. *The state shall ensure that the area proposed for CA is non-forest land and the same has been handed over to the forest department during the year 1997 for the purpose of Compensatory Afforestation only. A certificate from the State Govt./PCCF(HoFF) along with documentary evidence shall be submitted.*
 - d. *The Regional Office has recommended that the State Government be asked to take necessary steps to evict encroachments claimed to be over 30 ha and notify the entire area of 395 ha NFL as RF / PF. The State shall submit an undertaking in this regard.*
- xiv. Accordingly, the decision of the Advisory committee was communicated to the State Govt. vide Ministry letter dated 08.03.2024. In this regard, the Government of Maharashtra vide their letter No. Desk-17/Nodal/Thane/PID-142819/478 dated 28.05.2024 has submitted the information.
- xv. *The Committee also observed that the user agency has submitted a detailed report about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted and the likely impact of the project on cropping pattern in future by evaluating the socio economic benefits of the project.*
- xvi. *Further, certified maps of 395 ha. NFL earmarked for the Compensatory Afforestation clearly showing the area actually available for plantation and the area, which is not available for plantation, have been submitted by the State Government. Moreover, certificate for Compensatory Afforestation showing the areas suitable for plantation work and the areas not suitable for*

plantation work has been signed by the APCCF cum Nodal Officer, Government of Maharashtra.

- xvii. The State Government informed that the District Collector, Nanded order No. 1997/RB/Desk-2/Land/CR 5643/8/1/97 dated 03.11.1997 & No. 97/RB/Desk-2/Land/CR-1/97, 31.12.1997. Further, Additional PCCF, Govt. of Maharashtra vide their letter No. Desk-17/Nodal/RS/401/2012-13, dated 16.05.2012 also confirmed that the land 395 ha. is transferred to Nanded Forest Division as Compensatory Land for Sambarkund, Chanera and Makati Projects of Konkan Region.
- xviii. The Deputy Conservator of Forests, Nanded Forest Division, Govt. of Maharashtra has furnished an undertaking to evict the encroachment in the CA land which was then handed over for Sambarkund medium Irrigation Project, Taluka Alibag, District Raigad (Maharashtra).
- xix. The Committee also observed that the PCCF (HoFF), Government of Maharashtra furnished a Certificate for Compensatory Afforestation (CA). A brief extract portion of the Certificate is as under:
 This is to certify that, as per the report received from DCF Nanded, the District Collector, Nanded vide his Order No. 1997/RB/Desk-2/Land/CR-5643/8/1/97 dated 03.11.1997. 906.31 Ha of Non Forest land was transferred and handed over to DCF Nanded for the purpose of Compensatory Afforestation against FCA proposals for projects of Konkan Region as land bank.
 Out of this 906.31 Ha Non-forest Land 265 Ha land was found not suitable for Forestry purpose, hence, DCF Nanded communicated the same to District Collector, Nanded. Therefore, The District Collector, Nanded vide Order No. 97/RB/Desk- 2/Land/CR-1/97 dated 31.12.1997 again transferred and handed over 403.54 Ha additional Non-forest land replacing unsuitable 265 ha and in addition 138.54 ha non forest land. Thus, District Collector, Nanded transferred and handed over 1044.85 Ha (906.31 ha + 138.54 ha) in totality Non-forest land to DCF, Nanded as Compensatory Afforestation (CA) Land for Projects of Konkan Region as land bank.
 Out of this 1044.85 Ha Non-forest land, 290 ha Non-forest land has been earmarked and allocated to the Sambarkund Medium Irrigation Project vide letter dated 30.04.2024 from user agency i.e Konkan Irrigation Development Corporation, Thane. As per DCF, Nanded report, 269 ha is suitable and remaining 21 ha is unsuitable for Forestry purpose.
 For diversion of 263.5406 Ha forest land for Sambarkund Medium Irrigation Project, the DCF, Nanded received 290 Ha non-forest land for Compensatory Afforestation. However, only 263.5406 Ha of non-forest land is required against Sambarkund Medium Irrigation Project as Compensatory Afforestation Land.
- xx. The Member Secretary drawn the committee attention towards 'THE DAM SAFETY ACT, 2021' which has been came into existence through Government of India Gazette Notification issued on 13.12.2021 and further apprised about an Act which aims to provide for surveillance, inspection, operation and maintenance of the specified dam for prevention of dam failure related disasters and to provide for institutional mechanism to ensure their safe functioning and for matters connected therewith or incidental thereto.
- xxi. The Nodal Officer, Government of Maharashtra apprised that this is a fresh proposal and the dam does not exist at present in the proposed forest land and

further, informed that the necessary approvals regarding design and stability of Dam shall be obtained by the user agency.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal, the Committee recommended the proposal for grant of '*in-principle*' approval for diversion of 263.5406 ha forest land for construction of Sambarkund Irrigation Project at Village Mahan, Taluka Alibag, District Raigad subject to general, standard and the following specific conditions:
 - i. The user agency shall furnish a report from the State Dam Safety Organisation (SDSO) regarding all technical aspects wrt the of the dam. The recommendations shall be implemented by the user agency to avoid any possible unforeseen conditions.
 - ii. Further, the State Government shall obtain approval of the National Dam Safety Authority (NDSA) on the recommendations made by the State Dam Safety Organisation (SDSO) and submit the same before Stage II approval along with the compliance of Stage I approval conditions.

Agenda No. 14

File No. 8-22/2022-FC

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 63.091 ha forest land at Village -Kagal, Taluka-Kagal, District Kolhapur for rehabilitation of Village Nivale in Chandoli Wildlife Sanctuary, Maharashtra State (Online No. FP/MH/REHAB/121398/2021) - regarding.

1. The agenda item was considered by the AC in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra were present in the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Maharashtra vide their letter No. FLD-2322/CR-73/F-10 dated 08.08.2022 submitted proposal to obtain prior approval of the Central Government, in terms of the Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 63.091 ha forest land at Village -Kagal, Taluka-Kagal, District Kolhapur for rehabilitation of Village Nivale in Chandoli Wildlife Sanctuary, Maharashtra State.
 - ii. The proposed 63.091 ha forest land involves 62.83 ha Unclassed Forest and 0.261 ha Protected Forest under Kolhapur Forest Division is having Eco-class 3 forest type with canopy density as 0.4. Further, 34,705 number of trees are to be affected in the present project.

- iii. The State Govt. has submitted that the proposal fulfills all the conditions laid down in the Ministry's Guidelines dated 20.05.2019.
- iv. The State Govt. has submitted that the Nivale village, which is being relocated, is situated in the core of the core of Sahyadri Tiger Reserve & Chandoli National Park and after rehabilitation of village Nivale non forest area of 158.81 ha will be made available to forest department.
- v. The State Government has mentioned that the village "Nivale" proposed for relocation has 73 PAP's as per list prepared by Revenue Department. All have given option II for rehabilitation. Total area will be inviolate after relocation of the village.
- vi. The State Government has informed that the 159.30 ha became inviolate with the relocation of Nivale Village and the basis of calculation of the total area getting vacated is as follows: Gaothan area & Agriculture area- 159.30 ha.
- vii. The DCF, Kolhapur in his Site Inspection Report has mentioned that the proposed forest area has been used for Compensatory Afforestation area and the said area was transferred to Forest Department under Patagaon Irrigation project for Compensatory Afforestation. The State has also clarified that 63.091 ha. forest land at Kagal, which is proposed for diversion is actually an area where compensatory afforestation has been done against Patagaon irrigation project. The forest department already has 159.30 ha. inviolate area inside the Chandoli National Park. The forest department will take up plantation of suitable fruit species in 63.091 ha land out of 159.30 ha. inviolate area obtained because of relocation. The plantation will be taken up in such a way that it will create suitable habitat for wildlife.
- viii. The State Govt. has informed that that all 73 PAP's from Nivale village were rehabilitated in the year 1999 as per the notification. The Maharashtra project affected persons rehabilitation Act, 1999 and Government of Maharashtra GR dated 17th July, 2000 issued villages relocated from for sanctuary/National park. As per the guidelines the PAP's were supposed to be given alternate agricultural land either forest land/revenue land in nearby area where they were relocated. The land to be given was decided based on these said policy since then no agricultural land has been given to all 73 PAP's due to non-availability of suitable land.
- ix. The State Govt. has informed that 63.091 ha. in Forest gat no.200, 201, 202, 203, 204, 205 & 181 is proposed for agricultural land purpose which includes main approach road and internal approach road. (Agricultural land - 53.45 ha. Main approach road - 0.261 ha. Internal approach road 9.38 ha.)
- x. The State Govt. has informed that 16 ha revenue land in Village Galgale, Taluka -Kagal was originally identified by the revenue department for agriculture purpose for 73 PAP's which was later returned back to original land holder as per the Hon'ble High Court order.
- xi. The Regional Office has recommended the proposal with the condition that: The purpose for which the diversion is proposed (i.e. agriculture) should not be changed. Further, the approval is subject to conditions mentioned in para 12.8 and 12.9 of the Guidelines.

- xii. The Advisory Committee noticed that the Nivale village for which the proposal has been submitted has been actually rehabilitated in the year 1999. All 73 PAP's from Nivale village were rehabilitated in the year 1999 as per the notification. The Maharashtra project affected persons rehabilitation Act, 1999 and Government of Maharashtra GR dated 17th July 2000 issued villages relocated from for sanctuary/National park. As per the guidelines the PAP's were supposed to be given alternate agricultural land either forest land/revenue land in nearby area where they were relocated. The land to be given was decided based on these said policy since then no agricultural land has been given to all 73 PAP's due to non-availability of suitable land.
- xiii. It was further noted that the State Govt. has informed that 16 ha revenue land in Village Galgale, Taluka -Kagal was originally identified by the revenue department for agriculture purpose for 73 PAP's which was later returned back to original land holder as per the Hon'ble High Court order. However now for the same no. of PAP's i.e. 73, the State Govt. has submitted a proposal for diversion of 63.091 ha out of which 53.45 ha is for agriculture purpose. The Nivale village for which the proposal has been submitted has been actually rehabilitated in the year 1999, therefore during the examination of the proposal the state was asked that all 73 families from Village Nivale were rehabilitated in the year 1999, which implies that the village has already been relocated in the year 1999 itself. The relocation in the year 1999 might have been done keeping in view the prevalent situation, rules/guidelines in force. The justification for seeking approval for a village already relocated in the year 1999 is not clear.
- xiv. The Advisory Committee noticed that the 63.091 ha forest land at Kagal, which is proposed for diversion is actually an area where compensatory afforestation has been done against Patagaon irrigation project.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Nagpur and Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Maharashtra, the Committee sought clarification on the following for further consideration in the matter:
- i. The justification for seeking approval for a village already relocated in the year 1999.
 - ii. The justification for seeking 53.45 ha land for agriculture now instead of 16 ha proposed earlier on revenue land.
 - iii. The Regional office has recommended the proposal subject to condition that the purpose for which the diversion is proposed (i.e. agriculture) should not be changed. Further, the approval is subject to conditions mentioned in para 12.8 and 12.9 of the Guidelines. The State shall give its comments/ recommendations in this regard.

Agenda No. 15

Proposal No. 8-02/2022-FC

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in f/o Department of Higher and Technical Education, Government of Mizoram for non-forestry use of 63.441 ha Reserved forest land for construction of National Institute of Technology in Aizawl District in the State of Mizoram (Online Proposal No FP/MZ/SCH/148602/2021)- regarding.

1. The instant proposal is being considered for the 4th time in AC meeting. The corresponding minutes of the meetings may be seen at www.parivesh.nic.in. The DDGF (Central), Regional Office, Shillong attended the meeting and Nodal Officer, Mizoram was not present in the meeting.
2. The instant proposal is for change of conditions of Stage-I approval dated 07.06.2023 issued by the Ministry for ex-post facto approval for construction of National Institute of Technology in Aizawl District in the State of Mizoram. The State Government had sought relaxation of the Penal CA, Penal NPV and boundary pillars provisions in the Stage-I approval.
3. The Advisory Committee (AC) observed that Nodal Officer, Mizoram is not present in the meeting to apprise the Committee with regards to the relaxation sought by the State Government and therefore, the matter may not be deliberated further. Accordingly, the Committee deferred the proposal.

Agenda No. 16

F. No. 8-32/1993-FC (vol. III)

Sub: Proposal for diversion of balance 41.819 ha of forest land (32.425 ha of DLC Forest land for mining and allied activities, safety zone area of 8.568 ha and greenery of 0.826 ha) in addition to already diverted 567.087 ha of Forest land in Joda East Iron & Manmora Manganese Mines in favour of M/s Tata Steel Ltd. in Keonjhar Forest Division of Odisha during 3rd RML period -regarding (Online proposal No. FP/OR/MIN/9318/2006)

1. The above mentioned subject proposal was considered by the Advisory Committee (AC) in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The PCCF cum Nodal Officer (FCA), Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. Proposal is for diversion of 41.819 ha of balance forest land (32.425 ha for mining and allied activities, safety zone area of 8.568 ha and greenery of 0.26 ha) in addition to already diverted 567.087 ha of forest land in Joda East Iron & Manmora Manganese Mines of M/s Tata Steel Ltd. in Keonjhar Forest Division of Odisha.
 - ii. Legal status of the land proposed for diversion is Reserved Forest (8.110 ha), KF (0.927 ha) and DLC (32.782 ha).

- iii. Total lease area is 671.093 ha, comprising of 608.906 ha of forest land and 62.187 ha of non-forest land. Approval for diversion of 567.087 ha of forest land was granted by the Central Government on 24.9.2007. Subsequently, 'in-principle' approval for change in the land use over and 567.087 of forest land was granted by the Ministry on 10.10.2017. Extant proposal is for balance forest area of 41.819 ha comprising of 32.425 ha for mining and 8.568 ha and 0.26 ha for safety zone and greenery, respectively.
- iv. Density of vegetation in the area proposed for diversion is reported to be between 0.1 to 0.2 with 1436 project affected trees. The area does not form a part of any National Park/Wildlife Sanctuary/ Elephant Corridor, but it falls within Elephant Habitat Zone –II as per ORSAC Report. It was assured that suitable plan shall be finalised for conservation of wildlife.
- v. The User Agency has obtained Environment clearance for this project, which has been granted by the Ministry in the year 2022.
- vi. Compensatory afforestation has been proposed over 32.425 ha, excluding the safety zone area. As per the guidelines in vogue area of safety zone should be included in the mining lease and accordingly, the provisions of compensatory afforestation will be applicable over the entire forest land applied for diversion.
- vii. Earlier, the proposal was considered by the Advisory Committee in its meeting held on 30.04.2015 and based on the recommendation of the Committee, the Ministry vide its letter dated 4.06.2015 sought additional information from the State Government.
- viii. The State Government vide their letter dated 30.11.2023 submitted reply as per observations of Advisory Committee, after a lapse of almost 8 years and reported as under:
 - a. Compensatory afforestation over equivalent non-forest land has been proposed excluding the area of safety zone, the area of safety zone should also be included in the total CA area proposed as per the latest guidelines issued by the Ministry.
 - b. As regards to action taken for the violations so noticed, One OR case vide OR No. 63CH of 2011-12 was booked & Prosecution Report vide PR No.20 of 2011-12 has been sanctioned and submitted to the Hon'ble JMFC, Barbil vide Letter No.1846 dated 12.03.2012 of DFO, Keonjhar Forest division for taking necessary legal action against the offenders.
- ix. The proposal was again considered by the Advisory Committee in its meeting held on 17.01.2024 and the Advisory Committee recommended that the forest area involved in the mining lease may be inspected by the Regional Office to provide inputs on present status of the project area, effectiveness of the measures taken against the violations in the same and status of compliance of conditions stipulated in the approval granted on 24.09.2007 and 10.10.2017.
- x. The RO has submitted their site inspection report on 23.04.2024 and reported as under:
 - a. As regards to the non-compliance/violation of the approved land use plan i.e. location of overburden dump in the Baitarani RF near ML

- pillar No.42 & 43 and illegal slurry pipeline, the area is included in the re-diversion proposal for which '*in-principle*' approval was granted by the MoEF&CC on 10.10.2017.
- b. With regards to violation over an area of 4.47 ha by undertaking illegal construction of stacking yard, buildings and crushing unit, the user agency has dismantled the Crusher Unit and the building. All the ML pillars have been serially numbered with chainage and bearing along with the GPS reading inscribed in them.
 - c. Reclamation and rehabilitation of mined out pits has been taken up through embankment and back filling with slime. The stabilization of two Iron Ore OB dump and one Manganese OB dump has been taken up through plantation.
 - d. As regards status of OR Case No.63CH of 2011-12 in JMFC Court, Barbil, the Regional Office informed that OR Case vide OR No.63CH of 2011-12 was booked and Prosecution Report vide PR No.20 of 2011-12 has been sanctioned and submitted to the Hon'ble JMFC, Barbil on 12.03.2012 by DFO, Keonjhar for taking necessary legal action against the offenders. Cognizance has been taken by the learned Court JMFC, Barbil. The Asst. Public Prosecutor has been requested to finalize the case at the earliest by taking efforts for speedy trial.
- xi. Regional Office has recommended the proposal for diversion of forest land subject to fulfilment of general and standard conditions. However, Regional Office, Bhubaneswar has not mentioned of either removal or regularisation of roads appears to be constructed unauthorizedly in the area proposed for diversion.
 - xii. The Nodal Officer, Odisha informed the Committee that a Kuchha road exists in the area proposed for diversion which is being used by the local villagers. It has been included in the diversion proposal of the user agency and it does not amount to unauthorized use of forest land by the user agency.
 - xiii. As reported, with regard to the reclamation of the mined-out forest land, 7 Nos. (Seven) Mining Leases are in Odisha State which are supplying requisite materials to the Steel Plant in Odisha State. The User Agency furnished the report regarding reclamation of mined out area, dumps and barren land in the mining leases.
 - xiv. The Regional Office and the State Government have earlier reported non-demarcation of safety zone area along the south-eastern railway tracks passing through the lease, construction of old age home, illegal mining pits, spillover of OB into the RF, laying of slurry pipeline, establishment of crusher unit & illegal road construction as violation of Adhinyam. The user agency in the past had undertaken the corrective measures on the violations.
 - xv. The Advisory Committee in its meeting held on 07.06.2024 had observed that although remedial measures on the non-compliances of the approval granted in the past, have been reported by the State and the Regional Office, however, it is not clear whether there was any unauthorized use of forest land by the user agency during the intervening period. The Committee, therefore, desired that the Regional Office of the MoEF&CC may clarify the status of use of road

and whether the same attracts the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- xvi. The Regional Office Bhubaneswar has reported that the road is very narrow road. During the inspection, the DFO, Keonjhar said that in the past it was used by villagers and now also sometimes the said road is being used by villagers as Pagdandi and not by the user agency for any mining activity. As this road is not being used by the user agency for any mining operation and sometimes used by villagers as Pagdandi, this is not a case of violation of Forest (Conservation) Act, 1980.
4. **Decision of Advisory Committee:** The Committee, after deliberations and discussion with the DDGF (Central), Regional Office Bhubaneswar and Nodal Officer, Govt. of Odisha has recommended the proposal for grant of **'in-principle'** approval for diversion of balance 41.819 ha of forest land (32.425 ha of DLC Forest land for mining and allied activities, safety zone area of 8.568 ha and greenery of 0.826 ha) in addition to already diverted 567.087 ha of Forest land in Joda East Iron & Manmora Manganese Mines in favour of M/s Tata Steel Ltd. in Keonjhar Forest Division of Odisha during 3rd RML period subject to the General, Standard and following specific condition:
- i. Details (i.e. KML file, SOI topo sheet, DGPS map, approved CA Scheme, site suitability certificate etc.) of non-forest land equal in extent to the forest land being proposed for diversion including the area for safety zone/green belt shall be submitted by the State Government along with the compliance report of the Stage-I approval.
 - ii. The non-forest land to be identified shall be transferred and mutated in favour of the State Forest Department and shall also be notified as RF/PF under IFA, 1927 or any state /local act before granting the Stage-II approval;

Agenda No. 17

F. No. 8-13/2023-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2(ii) of the Forest (Conservation) Act, 1980 in favour of M/s Kashvi Power & Steel Pvt. Ltd. for non-forestry use of 60.508 ha of forest land including 2.331 ha of safety zone in Dholta Pahar Iron Ore Block for iron ore mining in Bonai Forest Division under Sundargarh District, Odisha –reg. (Online No. FP/OR/MIN/150522/2021)

1. The above-mentioned subject proposal was considered by the Advisory Committee (AC) in its meeting held on 04.07.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The PCCF cum Nodal Officer (FCA), Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The Government of Odisha vide letter no. FE-DIV-FLD-00-0030-2023- 5799/ FE&CC dated 28.03.2023 seeking prior approval of the Central Government

under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Kashvi Power & Steel Pvt. Ltd. for non-forestry use of 60.508 ha of forest land including 2.331 ha of safety zone in Dholta Pahar Iron Ore Block for iron ore mining in Bonai Forest Division under Sundargarh District, Odisha.

- ii. Legal status of the proposed forest land is Reserve Forest and density is 0.6, Eco Class-I. Total 29,838 numbers of trees of have been enumerated for proposed to be felled. The area is not Vulnerability to erosion.
- iii. The proposed area is not part of National Park / Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. No RET species of flora and fauna found in the area. No heritage site/defence establishment or any other important monuments are located in the area proposed for diversion.
- iv. Total financial outlay of the CA scheme is ₹2,80,84,400/- All details of the CA along with site suitability certificate has been provided.
- v. No violation of FCA, 1980 has been committed by the User Agency. The requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. ToR vide letter no. 4224/SEIAA dated 15.03.2022 by State Environment Impact Assessment Authority.
- vi. Compensatory afforestation scheme has been proposed over 58.757 ha of Govt. Non-Forest land identified in village San-Sibnathpur under Gurundia Tehsil of Bonai Range in Bonai Forest Division. However, as per the new rules equivalent non-forest land is required for CA.
- vii. The User Agency has given an undertaking to produce the relevant certificate under FRA, 2006 after getting from Collector, Sundargarh for forest land of 60.508 ha involved in the Dholta Pahar iron ore Block leased out in favour of M/s Kasvi Power & Steel Pvt. Ltd.
- viii. State authorities in the State have recommended the proposal and it has been informed that in pursuant to the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral (Auction) Rules, 2015, Govt. of Odisha issued the notice inviting tender dated 07.07.2021 for commencement of the auction process to grant the mining lease for Dholta Pahar Iron Ore Block located in Koira Tahasil of Sundargarh district of Odisha. The e-auction process was conducted in accordance with the tender document and the mineral auction rule. 2015 for said mineral block and M/s Kashvi Power & Steel Pvt. Ltd. was declared as the preferred Bidder under-Rule 9(9) (iii) or Rule10(A) of Auction Rules having quoted a final price offer of 126.55%.
- ix. The PCCF & HoFF, Odisha has reported that M/s Kashvi Power & Steel Pvt. Ltd has made payment of ₹6,99,89,5871- (Rupees Six Crore Ninety-Nine Lakhs Eighty-Nine Thousand Five Hundred Eighty-Seven only) "through treasury challan on dated 21.10.2021 against the first instalment being twenty percent of the upfront money. Accordingly, the Government of Odisha have' issued Letter of Intent under Rule 10(2) of Mineral Auction Rules, 2015 to M/ s Kashvi Power & Steel Pvt Ltd for grant of Mining Lease for Dholta Pahar Block for iron ore over an area of 60.508 ha near Dengula village, Koira Tahasil of Sundargarh district of Odisha for a period of 50 years. This Letter of Intent is valid subject to the provision of the Act and the Rules made there under as amended from time to time and M/s Kashvi Power & Steel Pvt. Ltd. shall be designated as the Successful Bidder and subsequently granted, the mining lease only upon satisfactory compilation of all requirements under the Act and Rules made there under.

- x. As per the DSS report the proposed area is falling under the VDF category and inviolate under the decision Rule 1 and 2. The AC observed that the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity.
- xi. The State has given the justification for proposing the area under VDF and stated that the Mining is a site specific activity irrespective of the land status and Govt. of Odisha allocated this block through c-auction to carry out mining operation and exploitation of iron ore. M/s Kasvi Power and Steel Pvt. Limited has been declared as preferred bidder for grant of mining lease of Dholta Pahar Iron Ore Mines. As per the data provided by the Director of Mines, Steel and Mines Department, Government of Odisha,, the total mining lease DGPS surveyed area is 60.508 ha. The total area comes under Reserved Forest. The ore body needs to be judiciously exploited in view of systematic mining with optimum exploitation of ore to meet the growing demand of raw materials for indigenous steel plant, sponge iron plant, pellet plants etc. for ultimate production of Steel and also for export to earn foreign exchange for development of the country. Now, for grant of mining lease of Dholta Pahar iron ore Block and use of 60.508 ha of forest land for the mining and ancillary activities purposes, it is required to apply for diversion of forest land under Section 2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for approval of the Central Government.
- xii. Hence, diversion of 60.508 ha forest land under the Van (SES) Adhiniyam, 1980 is very much essential for grant of mining lease of Dholta Pahar iron ore Block in the district of Sundargarh of Odisha for systematic and scientific mining as well as optimum exploitation of iron ore in the project area. The proposed mining project will be beneficial to the peripheral community as there will be ingress of floating population along with cash flow and the affect will on the local economy by direct and indirectly through ancillary activities and through employment, CSR and other activities and infrastructural developments like roads, electricity, drinking water supply schools & hospitals.
- xiii. During the examination of the proposal, the Ministry asked the justification for proposing mining in this biodiversity rich area. However, no convincing reply from the State has been received.
- xiv. Since the area proposed for mining is within a pristine and very dense forest mining activities in this area would be requiring road, electricity, and water provisions. The State has informed that another proposal will be submitted for road connectivity. However, for electricity the User Agency will apply to NESCO to provide them 11 KV power line to their Mines and same will be drawn in the RoW of the proposed connecting road so that requirement of additional forest land will be avoided. In this regard the requirement of water, the User Agency have already obtained NOC from CGWA, Gol to draw groundwater to the tune of 97 m³/day.
- xv. Regarding non site specific activities the State Govt. has informed that the area earmarked for dumping is 7.265 ha as because during plan period, ore will not be exhausted in any place and hence the waste generated during mining operation has to be kept in the external dump. After exhaust of mineral the User Agency will not use any forest land for dumping purpose and waste materials will be used for reclamation. The area earmarked for storing of minerals is 6.021 ha for the purpose of storing of sub-grade ore (45%fe to

55%Fe) which has no market, and it has to be preserved as per Rule 14 of MCDR, 2017-"Separate stacking of non-saleable minerals. All the non-saleable or unusable minerals or ores above the threshold value of the mineral, as may be notified by Indian Bureau of Mines from time to time, or otherwise shall be stacked separately on the ground earmarked for the purpose. The balance area is for stacking & storing of Minerals. Considering the grade wise and size wise requirement of the consuming industries, the ore raised is to be segregated and stacked separately for sale purpose. Considering from the mineral conservation point of view, the Indian Bureau of Mines, Govt. of India is emphasizing on assessment of the iron ore reserve with the cut-off grade of 45%Fe and stacking of the sub grade ore properly. Presently, the good quality ore is only marketable and the sub-grade ore raised are normally not sold presently, which are required to be stacked separately for the future use. Again, for removal of ore from mining lease hold area, stacking of minerals is essential. The State Government vide notification 3973 dated 28.04.2021 have issued operational guideline for Stacking, Sampling & Chemical Analysis. As per the guideline each stack should not be more than 20000 MT and the height should not be more than 3 meters. To accommodate 20000MT, the required surface area is approximately more than 25005sq.M. Road has to be kept in between the stacks, so considering all the above, area required for each stack is 5000 Sq.M or 0.5 ha. Depending on the placement of Rakes, the average time for removal of one stacks take about a month. To dispatch 1 lakh tone of material every month and to achieve the quantity, 7 to 8 nos. of stack of different grade and size are required. So minimum 3 ha of land is required for stacking of Ore of processed ore. Again, some area is required for un-processed ore. Looking to the above, 6.021 ha. has been earmarked for Mineral storage.

- xvi.** The Regional Office in their SIR has reported that the proposed ML area of 60 ha is predominantly very dense forest with certain gaps on the top as it is situated on a plateau. There is no approach road to the proposed ML area. Road has been proposed and seen to be demarcated with pillar posting through the Sarkunda RF. The stream order 1 and 2 are seen to emanate from the proposed mining lease area as per the water shed map of the mining lease site. Hence, mining will impact the water table, water sources and may lead to contamination with nearby nallah and streams, if adequate precaution is not taken. Elephant movement along the water sources is noticed at 1.2 km from the proposed RF within the boundary of the Sarkunda RF. Mining and movement of heavy machinery in the Sarkunda RF will result in degradation of the forest and loss of habitat as is the case in many mines already operating in the area and may also result in human elephant conflict. 18 number of non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The area around the proposed mining lease area is already disturbed. However, the proposed mining lease area is on an elevated plateau within the Sarkunda RF with very dense vegetation that makes it inviolate. Moreover, the proposed mining area is placed almost in the middle of the Sarkunda RF, which does not have any mining activity at present and is undisturbed housing a very good chunk of forest at this point of time and the Sarkunda RF is a contiguous and intact patch of Sal forest in the heavily mined periphery and its strategic location on

an elevated area makes it vulnerable to contamination of water sources down streams in case of mining in the proposed site.

- xvii.** The RO in his SIR has reported that the studies need to be conducted on the impact of mining in Sarkunda RF on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant. Studies on impact of mining on the hydrological regime of Sarkunda RF as well as the watershed of the proposed mining lease area within 10 km zone of influence need to be undertaken. Also studies on the eco-cultural linkages of the local communities with the Sarkunda sal forest needs to be studied to find the organic link between the forest and the people of the region which is already heavily mined district, and this forest chunk of 1901.108 ha appears to be a contiguous patch of forest in the mining dominated landscape.
- xviii.** The RO in his SIR has also reported that the 18 number of non-working mines; 12 number of working mines; and 2 auctioned mines are present in the 10 km radius of the proposed mining lease area. The proposed mining area is at a distance of 3.6 km from SAIL mines and 1.8 km distance from C P Sharma mines and reported that the proposal may be considered after receipt of the satisfactory compliance of the mitigative measures suggested in the SIR.
- xix.** The above facts were considered in the Advisory committee meeting held on 29.11.2023 and after thorough deliberation and discussion with Nodal Officer (FCA), GoO and DDGF (Central), RO Bhubaneswar considering the fact that the proposed area is falling under the VDF category and inviolate under the decision Rule 1 and 2 of the DSS and the area proposed for mining is within a pristine and very dense forest and the proposal will have an impact on the biodiversity, the Advisory Committee recommended to reject the proposal.
- xx.** It is noted that the State Government has submitted the same proposal under section 2 (iii) which has also been rejected by the Ministry.
- xxi.** Now the State Government vide their letter dated 09.04.2024, has forwarded the representation of the user agency for re-consideration of the proposal. Following submissions made by the user agency which have also been forwarded by the PCCF cum Nodal Officer, Govt. of Odisha for reconsideration of the proposal:
- a. The user agency has submitted a representation dated 22.02.2024 and 20.03.2024 for reconsideration of their proposal and undertaken to comply any other conditions that the MoEF&CC may impose in the interest of afforestation, conservation and management of flora and fauna in the area.
 - b. The PCCF (FD&NO, FCA) O/o the PCCF & HOFF, Odisha vide his letter dated 05.04.2024 based on the information received from the RCCF, Rourkela Circle and adverting to the submissions made by the user agency, has stated there are 16 Nos. of Mining leases located within a radius of 8 (Eight) km within which the Dholtapahar Iron Ore mines is also located. The mining leases located in the periphery and the status of approval (EC/FC) all these mines have been provided by the State Government.
 - c. There is no wildlife corridor situated in the area and human habitation is also located on the western side of the lease. Although the area has biodiversity, it does not serve as any connecting corridor for wildlife. However, in case of any likely Impact on wildlife due to the project, the same will be effectively mitigated with a site-specific

Wildlife Management Plan to be prepared and implemented by the State Forest Department in the area located around the lease.

- d. As per inspection report of the DFO, the crown density of the area is 0.6. The area falls under MDF Category and not under Very Dense Category. It is further supported by the total number of trees enumerated in the 16 sample plots of the lease area. Out of the total 7890 nos. of enumerated trees (6114 Sound and 1776 un-sound), 2,820 falls below 60 cm girth category while only 5070 trees fall above 60 cm girth category. The trees making up the crown density of the lease area comes to be approx. 317 trees per ha which may be considered under MDF category.
- e. There are existing kuccha roads in the area which are used by the villagers for their connectivity. To the possible extent and to cause minimum disturbance to the local ecosystem, the company will use such kuccha roads for evacuation of the ore deposits and after carrying out detailed survey, the road alignment will be finalized in consultation with the Forest Department. Further, the power lines for the proposed mining leases will be laid along the road to keep the disturbance at the minimum. Once the mining operations is resumed/ started, the possibility to construct the conveyor belt till the major road head will also be explored and if, found feasible the entire transportation of ore in the forest area will be carried out through conveyor bells.
- f. For the purpose of constructing a road from Dholtapahar Iron Ore Block to PWD road Dengula, a proposal for diversion of forest land has been submitted vide Proposal No. FP/OR/ROAD/440392/2023 and same has been examined by the Project Screening Committee. The Project Screening Committee raised EDS to comply.
- g. Further, the Collector, Sundargarh has issued FRA Certificate in Form-I for this linear project vide No.2333 dated 8.09.2023. Enumeration of trees in non-forest land has already completed.
- h. No non- site-specific activity has been proposed in the mining lease area. OB dump area is an integral part of the mining lease as the overburden dumped in the OB areas is to be used for the reclamation of the mining lease at the end of the mining lease period as per the provisions of the Mining Plan. Locating the OB at a distant location is not feasible scientifically, technically, environmentally and economically. The requirement of the area for the various components including OB dump has been kept at barest minimum keeping in view the geology of the area and the stripping ratio of the mine.
- i. As stated by the user Agency, Iron ore occurs mostly in this Joda-Koira belt predominantly having good forest growth areas. Rejecting this auction block will jeopardies the future auction in the State. Since, mining is site-specific, it should be allowed with proper precautionary measures and miligative measures should be adopted to minimize the impact.
- j. Touching upon the crucial strides made by India's Steel Sector, large-scale augmentation will be done to double the production from the present capacity of 150 million tonnes per annum to 300 million

tonnes per annum by 2030, India has already emerged as the second largest steel producer in the world and our per capita steel consumption has gone up from 57 kg to 78 kg during the last nine years. To cater to the need of 300MTPA of steel production, India needs to produce around 600MTPA of Iron Ore.

- xxii.** In view of the above submissions made by the user agency, the PCCF & Nodal Officer, Odisha has endorsed the representation of the user agency for the consideration of the representation of the user agency subject to following certain conditions:
- a. The User agency has to undertake CSR and other activities and Infrastructural developments like roads, electricity, drinking water supply schools & hospitals for local communities.
 - b. The User agency has to transport the minerals as per the NEERI recommendation.
 - c. The comprehensive Action Plan (CAP) for the conservation of elephants and mitigation of Human-Elephant Conflict (HEC) in Odisha to be prepared in consultation with the State Forest Department.
 - d. The Site-Specific Wildlife Conservation Plan (SSWLCP) has to be prepared as per approved guidelines of the State Govt. Prescription like specific interventions for the protection of Forest and Wildlife, prevention of forest fire, Habitat Management, Mitigation of Human-Elephant Conflict, Public Awareness, Community Participation and Eco-Development activities etc. must be focused while preparing the SSWLCP.
 - e. The State Government, adverting to the submission made by the user agency and conditions recommended by the PCCF has forwarded the same to the MoEF&CC with a request to consider the representation of the user agency for reconsideration of their proposal.
- xxiii.** It may be noted that when similar proposal was considered in the Advisory Committee pertaining to the State of Odisha and a decision was taken that the State government shall submit only holistic proposals in future including of all linear and ancillary proposals w.r.t. to main proposal in future.
- xxiv.** Comprehensive proposal along with all ancillaries' activities have not been submitted by the State Govt. Further, a proposal for construction of the road was examined by the PSC wherein EDS has been raised.
- 4. Decision of the advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar, the Committee has considered the facts submitted by the State Government for re-consideration of the proposal and decided to *defer* the proposal for seeking following information from the State Government and as well as Regional Office Bhubaneswar:
- i.** The State Government shall submit a valid and cogent reasons that why a comprehensive proposal including all ancillaries activities have not been submitted in accordance with the decision of the Advisory committee meeting held on 20.10.2023.
 - ii.** The State Government shall provide the comments on the issues raised by the Regional Office is their SIR regarding:

- a. Studies need to be conducted on the impact of mining in Sarkunda RF on loss of habitat of wildlife including mesopredator and small mammals, movement and dispersal of elephant.
 - b. Studies on impact of mining on the hydrological regime of Sarkunda RF as well as the watershed of the proposed mining lease area within 10 km zone of influence need to be undertaken.
 - c. Studies on the eco-cultural linkages of the local communities with the Sarkunda Sal forest needs to be studied to find the organic link between the forest and the people of the region, which is already heavily, mined district and this forest chunk of 1901.108 ha appears to be a contiguous patch of forest in the mining dominated landscape.
 - d. The RO in his SIR has also reported that agriculture patches area also seen in one corner of the plot. Here regeneration of Sal is quite good and needs adequate protection, watch and ward and fencing. Hence, instead of 1600 plants/ha over 52 ha and 1000/ha over 5 ha, a maximum of 400 plants (Sal and associates need to be planted in the CA site). The balance proposed sapling can be taken up in additional CA land. The proposal for CA needs to be revised accordingly.
- iii. CA has been proposed on 58.757 ha non-forest Got. land (excluding 2.331 ha earmarked for Safety zone) however, equivalent NFL to the extent of the area is being proposed for diversion i.e.60.508 ha is required as per the latest guidelines issued by the Ministry in this regard.
- iv. The Regional office shall examine the facts submitted by the State Government for re-consideration of the proposal and submit comments along-with specific recommendations.
- v. DDGF, Regional Office, Bhubaneshwar shall make a presentation on actual status of land and the studies recommended by him in the area, with special reference to the whole mining landscape of the district.

Agenda No. 18

File No. FC-11/58/2022-FC

Sub: Diversion of 08.45 ha. of Forest Land for mining of silica sand ML No. 16/1966(9/1998 R) in favour of Sh. Harish Vyas District Tonk, Rajasthan –regarding

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 04.07. 2024. The corresponding details of the agenda may be seen at www.parivesh.nic.in. DIGF (Central) Regional Office, Gandhinagar and Additional PCCF & Nodal Officer, Rajasthan were present in the meeting.
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 Member Secretary before the Advisory Committee (AC). Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:

- i. Government of Rajasthan vide their letter No F.16 (Mining)2022/FCA/PARMUVAS/4393 dated 06.01.2013 requested the Ministry for views/clarification in connection with a proposal for diversion of 08.45 ha. of Forest Land for mining of silica sand ML No. 16/1966(9/1998 R) in favour of Sh. Harish Vyas District Tonk, Rajasthan.
- ii. Shri Harish Vyas was granted mining lease for Silica Sand for a period of 20 years i.e 23.07.1969 to 22.07.1989 over an area of 152.66 ha.
- iii. First renewal of Mining lease was done vide Govt order No. P-2(55)/Mine/2/89 dated 08.02.1990 by Mines Department, Government of Rajasthan from 23.07.1989 to 22.07.1999 for an area of 135.39 ha.
- iv. The Hon'ble Supreme Court in W.P. (c) 202/95 dated 12.12.96 ordered that all the mining leases granted/renewed were closed and the State Govt. directed to submit proposals for diversion of forest land.
- v. Shri Harish Vyas accordingly submitted the proposal for diversion of forest land 8.45 ha where the State Govt vide its letter No P.1(38) Forest/98 dated 23.07.1998 submitted the diversion proposal to the Govt. of India for a period of 23.07.1989 to 22.07.1999.
- vi. The Govt. of India vide letter No 8B/05/1730/98/FC dated 27.10.1999 accorded '*in-principal*' approval on certain conditions. On compliance of conditions imposed in principle approval, the final approval was accorded vide letter dated 23.09.2002 mentioning the certain conditions which also includes the following :

Condition No 3- "*Due to violation of Forest (Conservation) Act, 1980, penal compensatory afforestation (Penal CA) and maintenance will be done on 7.00 ha degraded forest land.*"

Condition No 10- "*The lease period of mines has already been expired therefore the diversion of forest land period is co- terminus with lease renewal period. Further, mining lease cannot be renewed without prior approval of diversion of forest land under Forest (Conservation) Act, 1980 from the Central Govt.*"
- vii. Mines Department, Government of Rajasthan renewed the mining lease for 20 years w.e.f. 23.7.1999 to 22.07.2019 vide order dated 2.6.2005.
- viii. The Regional Office, Lucknow vide letter No. 8B/Raj/05/32/1998/FC/664 dated 23.07.2010 informed the State Government that the State Govt/lessee has submitted proposal for diversion of forest land for regularization of violation of Forest (Conservation) Act, 1980 for the period from 23.07.1989 to 22.07.1999 and the Govt of India has also accorded the diversion of forest land for the above-mentioned period but the State Government has renewed the mining lease of Shri Harish Vyas for a period of 20 years in the year 2005 vide order dated 02.06.2005 from 23.07.1999 to 22.07.2019 without submitting diversion proposal of forest land to the Govt. of India under the provisions of Forest (Conservation) Act, 1980. Therefore, the order of the State Mining Department was illegal and directed that illegal.
- ix. Regional Office also stated that mining is in operation during the site visit which was violation of Hon'ble Supreme Court Order dated 08.04.2005 in which State Government is restrained mining activity in Aravali Hills of Rajasthan where permission have been granted after 16.12.2002.
- x. State Government was requested that illegal renewal of mining lease of Shri Harish Vyas in Reserve forest area shall be cancelled with immediate effect and if lessee is interested for mining in future the lessee should be directed to apply the diversion proposal for second renewal as per the provisions of Forest

- (Conservation) Act, 1980, the guidelines issued by the Ministry of Environment & Forests and directions of the Hon'ble Supreme Court from time to time.
- xi. Accordingly, The State Govt. vide order dated 18.06.2012 cancelled the lease and the possession of the forest land was taken over by the forest department in the year 2012.
 - xii. A Revision Application filed by Shri Harish Vyas against the order dated 18/06/2012 passed by the State Government of Rajasthan. The revision application was dismissed by Joint Secretary and Revision Authority vide order dated 13.06.2018.
 - xiii. Shri Harish Vyas approached the High Court and his petitions were subsequently transferred to NGT which on 15.12.2014 inter-alia observed that the contention of the Regional office and the order of DFO Tonk stopping mining activities does not require interference and the renewal of the mining lease w.e.f. 1999 to 2019 was considered as bad under law. Further, it was also ordered that: *"If the applicant submits a fresh application for consideration of renewal and grant of forest clearance for the period from 1999 to 2019 the same may be considered. As far as the above prayer is considered at present, it is hypothetical, nonetheless. It's observed that in case any application is submitted the same may be considered in accordance with law."*
 - xiv. The original owner of the lease expired during 2016. Thereafter, the concerned appellate authority decided and rejected the revision petition on 13.06.2018 and upheld the decision to terminate the mining lease taken in the year 2012.
 - xv. A modification /clarification filed before National Green Tribunal, Central Zone, Bhopal. In this application, the NGT vide order dated 04.09.2018 reconsidered and ordered that: *"In the instant case, the Forest Clearance was granted to the Applicant on 23 September, 2002 with certain conditions. Subsequently mining was extended up to July 2019. The learned counsel for the applicant has invited our attention to the letter dated 30 September, 2017 issued by Ministry of Environment and Forest wherein it has been mentioned inter-alia that the existing period of validity of Forest Clearance granted for diversion of Forest land shall be for the period co-terminus with the period of mining Lease. In such view of the matter, it is clarified that the Forest Clearance granted in favour of the petitioner shall be valid during the period of extension of mining lease."* The matter again went to High Court of Rajasthan which keeping in view the fact that the original lessee has expired, passed an order dated 09.03.2022 and set aside the order dated 13.06.2018 of the appellate authority for the termination of the lease. The court also ordered for the reconsideration of the revision petition on merit by the authority now competent to decide the matter as per the provisions of the MMDR Act.
 - xvi. The competent authority under MMDR Act decided the revision petition in favour of the user agency and upheld the renewal of the lease in favour of the legal heir/son of Sh Harish Vyas.
 - xvii. The Nodal Officer , Government of Rajasthan stated that the User Agency was involved in mining activities during the period from 1999 to 2012 after expiry of FC clearance in violation of Forest Conservation (Act), 1980 or Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - xviii. The Advisory Committee noted that the Ministry has granted forest clearance approval for certain period i.e. 23.7.1989 to 22.7.1999. The approval granted in 2002 was for regularization of forest clearance approval for a limited period. After

1999 to till date, there is no valid forest clearance approval under Forest (conservation) Act, 1980 or Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Therefore, any mining activity after 1999 shall be considered as violation of Forest (conservation) Act, 1980 or Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), RO, Gandhinagar and Nodal Officer, Government of Rajasthan after going through the facts of the proposal, observed the following:-
- i. The Ministry has granted forest clearance for certain period i.e. 23.7.1989 to 22.7.1999. After 1999 to till date, there is no valid forest clearance approval under Forest (conservation) Act, 1980 or Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Accordingly, State Government shall do the needful.
 - ii. As stated by Nodal officer, Government of Rajasthan, mine was in operation in during the period from 1999 to 2012 without valid forest clearance approval and is a case of FC violation. In this regard, State Government shall take necessary action with regard to violation and submit the report to this Ministry.
 - iii. The US/State Govt. shall submit the proposal for regularization of violation and fresh approval for diversion of forest land u/s 2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980 for carrying out the mining in broken up/ fresh area.

Agenda No.19

File No. 8B/UP/06/34/2018

Sub: proposal for diversion of 0.0768 ha of forest land for construction of approach road to retail outlet located on Aligarh-Ramghat Road (MDR-105) km. Ch. 15.150 at Khasra No. 1470, village Ukhlana, Tehsil Kol, District Aligarh , Uttar Pradesh (Proposal No: FP/UP/Others/13881/2015)

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 04.07. 2024. The corresponding details of the agenda may be seen at www.parivesh.nic.in. DDGF (Central) Regional Office, Lucknow was present in the meeting during the discussion of the above proposal. The Chairman of the Advisory Committee took a note and conveyed his displeasure on the absence of Nodal Officer, Uttar Pradesh during the meeting without any prior intimation.
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 Member Secretary before the Advisory Committee (AC). Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. Government of Uttar Pradesh vide their letter No 619/14-2-2017-800(56)/2017 dated 03.08.2017 forwarded a proposal to Regional Office, Lucknow to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 0.0768 ha of forest land for construction of approach road to Essar Oil Limited retail outlet located on Aligarh-Ramghat Road (MDR-105) km. Ch. 15.150 at Khasra No. 1470, village Ukhlana, Tehsil Kol, District Aligarh .

- ii. The proposed area is 0.0768 ha of Protected Forest (PF) falls under Social Forestry Division, Aligarh District, Uttar Pradesh.
 - iii. The proposed forest area is a protected forest with a canopy density of 0.00 (Eco Class 1) and nil trees have been proposed to be felled.
 - iv. The proposals processed at the level of the Ministry require site inspection report of the Regional Office. However, in view of the fact that the proposal is recommended by the REC which is headed by the Regional Officer, the report/ recommendation of the REC was considered by the committee in place of the site inspection.
 - v. Violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been reported. The Forest Ranger, Dhanipur, Aligarh had inspected the site on 23.2.2019 and found that construction of entry/exit road has already been carried out without prior approval of Central Government by the user agency and Forest Department has registered Case No. 32/18-19/Aligarh dated 23.02.2019 for violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - vi. The total CA area proposed is 0.1536 ha in degraded forest land in Reserve Forest Section 20 in Cherrat Block under Social Forestry Division, Aligarh with total Financial Outlay of Rs. 3.105 lakh for CA Scheme.
 - vii. The proposal was discussed in the Regional Empowered Committee (REC) meeting held on 21.12.2022, 28.03.2023, 10.08.2023 and 12.12.2023. In the meeting dated 12.12.2023, the REC recommended the proposal for consideration with following penal provisions and decided to forward the same to Ministry (HQ) after receipt of a detailed note from the concerned DFO on action taken against the officials for not being able to prevent violation of FCA:-
 - a. Five times penal NPV with 12% simple interest.
 - b. Penal CA twice of the proposed CA.
 - viii. The Regional Office, Lucknow has received a reply from State Government vide letter No.3294/11-C-FP/UP/Approach/13881/2015 dated 29th April, 2024 in which the action taken against the officials has been elaborated.
 - ix. Accordingly, proposal was received in the Ministry on 08.06.2024 from RO, Lucknow.
- 4. Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), RO Lucknow, and after going through the facts of the proposal, recommended the proposal for granting '*in-principle*' approval of the Central Government under Section 2 (1) (ii) of the Adhiniyam, for diversion of 0.0768 ha of forest land in favour of M/s Essar Oil Limited, Noida for construction of approach road to Essar Oil Limited retail outlet located on Aligarh-Ramghat Road (MDR-105) km. Ch. 15.150 at Khasra No. 1470, village Ukhana, Tehsil Kol, District Aligarh subject to the general, standard and with following specific condition:
- i. Five times penal NPV along with 12% simple interest from the date of raising of such demand shall be paid by the user agency.
 - ii. Penal CA twice of the proposed CA shall be carried out at cost of User Agency..

Sub: Change of the condition with respect to the following proposals for continued mining of minor minerals in Uttarakhand and Himachal Pradesh to be dealt similarly along with an agenda of a policy issue-:

S. No.	File No.	Subject	State	Area (in ha)
a.	8-61/1999-FC pt. IV	Collection of Minor Minerals (Reta, Bajri, Boulder) to existing course of natural water from River Gaula	UK	1497
b.	8-34/2016-FC	Collection Of Minor Minerals from Nandhor and Kailash river.	UK	468
c.	8-61/1999-FC pt. VI	Collection Of Minor Minerals (Reta,Bajri,Boulder) to existing Course of Natural water from Kosi River	UK	181
d.	8-61/1999-FC pt. V	Collection Of Minor Minerals (Reta,Bajri,Boulder) to existing Course of Natura water from Dabka River	UK	112
e.	8-61/1999-FC pt. VII	Collection of Minor Minerals (Reta, Bajri, Boulder) to existing course of natural water from Sharda River	UK	384.69
f.	8B/UCP/05/166/2016	Extraction of RBM in Swarna Nadi	UK	23.75
g.	8-62/1999-FC vol.	Collection of Minor Minerals From Song 1, 2, 3 and Jakhan 1, 2 of Dehradun Forest division	UK	628.8
h.	8-16/2000-FC PT.	Rawason first	UK	99.79
		Rawason second		100.5
		Kotawali river		74.66
		Ganga river Shyampur		219.442
		Ganga river Bishanpur		237.918
		Ganga river Chidiyapur		325.75
		Ganga river Bhogpur		190.57
o.	8-03/2020-FC	Proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 for non-	HP	54.668

		forestry use of 54.668 ha. of forest land for extraction of sand, stone and bajri from bed of river Yamuna mining project by Randeep Singh, Mauza and Mohal Bhagani, District Sirmour, within the jurisdiction of Paonta Forest Division, District, Sirmour Himachal Pradesh (Online Proposal No. FP/HP/MIN/34137/2018)		
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1. The above listed proposals were discussed with the agenda mentioned in policy issue no. 1 and all will be dealt as per the decision of the policy issue after approval from the competent authority.

Policy Issues

Agenda No. 1

Sub: Extension of sand mining permission till June every year instead of existing permission up to May of every year in respect of sand mining located in the forest areas – regarding.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 4.07.2024. The Nodal Officer, Forest Department, Government of Himachal Pradesh and DDGF(Central), Regional Office, Dehradun also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after examination of the matter, observed as under:
 - i. The Chief Secretary, Government of Uttarakhand, vide his letter dated 17.05.2024 in respect of sand mining proposals located in forest areas in Uttarakhand and M/s Randeep Singh (User Agency) in their representation dated 29.5.2024 made in respect of their proposal located in District Sirmour of Himachal Pradesh, requested the Ministry to amend/extend the period of sand mining stipulated in the approvals granted by the Ministry for quarrying of sand to bring uniformity in the approvals granted for sand mining in the forest areas.
 - ii. The Chief Secretary, Government of Uttarakhand has mentioned that in most of such approvals permission for the sand quarrying from the forest areas has been granted till May every year i.e. activity is prohibited during the Monsoon season and due to dissimilarity or non-uniformity in the period mentioned in the various approvals granted by the Central Government, it is necessary to bring uniformity in such approvals.
 - iii. The Chief Secretary, Uttarakhand also mentioned the list of important rivers where such approvals have been granted by the Ministry and requested to extend the period till June every year to bring uniformity besides ensuring smooth quarrying operations in the interest of the State.

- iv. A similar request has also been received in respect of a proposal pertaining to the State of Himachal Pradesh wherein, it has been requested to extend the period of working till July which is currently allowed till May.
- v. The following proposals, referred by Uttarakhand and user agency from Himachal Pradesh, have been granted approval by the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980:

S. No.	Proposal Name	Area (in ha)	Time period allowed for mining
1.	Collection of Minor Minerals (Reta, Bajri, Boulder) to existing course of natural water from River Gaula over an area of 1497 ha	1497	1 st October to 31 st May, every year
2.	Collection Of Minor Minerals from Nandhor and Kailash river.	468	1 st October to 31 st May, every year
3.	Collection Of Minor Minerals (Reta, Bajri, Boulder) to existing Course of Natural water from Kosi River	181	1 st October to 31 st May, every year
4.	Collection Of Minor Minerals (Reta,Bajri,Boulder) to existing Course of Natural water from Dabka River	112	1 st October to 31 st May, every year
5.	Collection of Minor Minerals (Reta, Bajri, Boulder) to existing course of natural water from Sharda River	384.69	1 st October to 31 st May, every year
6.	Extraction of RBM in Swarna Nadi	23.75	
7.	Collection of Minor Minerals From Song 1, 2, 3 and Jakhan 1, 2 of Dehradun Forest division	328.8	1 st November to 31 st May every year
8.	Rawason first	99.79	1 st October to 31 st May, every year
	Rawason second	100.5	
	Kotawali river	74.66	
	Ganga river Shyampur	219.442	
	Ganga river Bishanpur	237.918	
	Ganga river Chidiyapur	325.75	
	Ganga river Bhogpur	190.57	
9.	Himachal Pradesh		
	Extraction of sand, stone and bajri from bed of river Yamuna mining project by Randeep Singh, Mauza and MohalBhagani, District Sirmour, HP	54.668	1 st October to 31 st May, every year

- vi. The Committee, after perusals of the above proposals, observed that in majority of cases, the permission for sand mining has been granted for the period starting from 1st October and ending on 31st May every year and i.e. no mining has been allowed during the Monsoon period which generally lasts from June to September, every year.
- vii. The Committee also noted that the Central Government has issued Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020 to ensure that sand and gravel mining is done in an environment sustainable and socially responsible manner. It has been inter-alai recommended in the Enforcement and Monitoring Guidelines for Sand Mining,

2020 under para 8.1(vii) that there shall be no riverbed mining operation allowed in monsoon period. The period as defined by IMD Nagpur for each state shall be adhered.

- viii. The period of mining allowed in the approval granted by the Central Government in the past was stipulated as standard conditions, generally stipulated in such proposals. However, now the Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020 have been notified by the Ministry to ensure sustainable mining wherein it has been advised to adhere to the meteorological data of IMD, Nagpur for the purpose of deciding the Monsoon period. The Committee, therefore, opined that instead of stipulating separate time period for mining in each approval, it will be more appropriate to stipulate a general condition permitting no sand mining during the monsoon period and the later to be decided as per the monsoon period defined by the IMD, Nagpur.

4. **Decision of Advisory Committee:** The Committee, after deliberations and discussion with the DDGs of the various Regional Offices observed that since the India Meteorological Department Nagpur, has categorically defined the Monsoon period for each State of the country and the same has also been mentioned and recommended in the Sustainable Sand Mining Guidelines to be abided in case of sand mining. The Committee further noted that it will ensure uniformity in the approvals granted by the Ministry in the past as well as the proposes to be considered in future. Therefore, the Committee, with regards to the period of mining, recommended to amend the existing conditions of approvals already granted and to stipulate the same in the proposals to be considered in future:

- i. No mining operations should be carried out during the monsoon period and to assess the duration of Monsoon in a particular State/UT, the meteorological data of the India Meteorological Department, Nagpur shall be referred by the concerned authorities.
- ii. The validity of sand quarrying operations, as stipulated in the approvals granted by the Ministry under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in the past stands modified to the extent as mentioned in the condition (i), as stated above.
- iii. The State Government and Union territory Administrations shall ensure adhere to the provisions of the Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020 issued by the Ministry to ensure sustainable sand quarrying from the rivers beds in the forest areas.

Agenda No. 2

(File No. 11/79/2023-FC)

Sub: Request received from Ministry of Power for amendments in clause 1 of notification dated 29.11.2023 of MoEF&CC to extend the exemption of survey granted to HEPs/PSPs at par with the mining activities - reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 4.07.2024. The DDGF (Central), from various Regional Offices, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after examination of the matter, observed that the Secretary, Ministry of Power vide his DO dated 28.05.2024 made the following submission for the consideration of the Ministry:
 - i. The Ministry of Power has issued the guidelines in June 2023 for accelerating development of Pump Storage Projects (PSPs) for increasing the share of renewable energy in the country's energy mix to tackle climate change. At the same time, the MoP is also coming up with a new Hydro Policy in order to give boost to development of hydro power projects for clean energy with a view to reduce dependence on fossil fuel based electricity. Over 55,000 MW of PSPs are at various stages of Survey and Investigation (S&I)/ DPR preparation as on today.
 - ii. Currently, the hydroelectric project developers are required to carry out activities like exploratory core drilling/drift works, rock testing etc. for preparation of DPR. As per current norms, the survey for hydel projects in the forest areas is restricted to clearing of bushes and lopping of trees branches for purpose of sighting, therefore, invariably the user agency needs to abide by the entire process of approval as envisaged in the Adhiniyam.
 - iii. Ministry in its notification dated 29.11.2023 has allowed certain extent of drilling of bore holes and felling of trees for undertaking mining survey in the forest area without requiring permission from the MoEF&CC.
 - iv. With a view to reduce the time line by almost 3 months for formulation of DPR of HEPs/PSPs, the Secretary, M/o Power has requested for extension of exemption to HEP/PSP projects as given to surveys for mining projects.
4. The Committee further noted the following:
 - i. As per the provisions of sub section (2) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, the Central Government, in its notification dated 29.11.2023, has specified the terms and conditions subject to which survey in the forest area will not be treated as non-forest purpose.
 - ii. As per the provisions of clause 1 of the Notification dated 29.11.2023, the hydel and other development projects, except mining, are exempted from the purview of the Van (Sanrakshan Evam Samvardhan) Adhiniyam as long as these project do not involve breaking of forest land and felling of trees i.e. only reconnaissance surveys which involves cutting or lopping bushy growth for the purpose of sighting. As drilling of bore hole involve breaking of forest land, prior approval under the Adhiniyam is required to be obtained by the user agency.
 - iii. Further, in case of mining projects, drilling of 25 bore holes of 4-inch diameter per 10 sq km involving felling of up to 100 trees in the entire prospecting area and 80 shot holes of 6.5-inch diameter per square kilometre are exempted from the purview of Adhiniyam. In such cases, the local Forest Department allows the agencies to carry out the survey and investigation within the limit

as prescribed in the notification and permission for entry in the forest area is given under the Indian Forest Act, 1927. Any drilling beyond the permissible number of bore holes or trees is not treated as non-forest purpose and in such cases prior permission under the Adhiniyam is required to be obtained by the user agency.

- iv. The Ministry of Power has requested to extend the dispensation already granted to the mining projects to hydel projects as well i.e. drilling of up to 25 bore holes of 4 inch diameter per 10 sq km has been requested to be granted to Hydel and Pump storage projects as well.
5. The Nodal Officer, Government of Rajasthan, also apprised the Committee survey for railway projects also involves drilling of boreholes of relatively lesser intensity as compare to mining. Such surveys are crucial to assess the soil profile while finalizing the alignment of a rail line. However, for want of enabling provisions, despite being a temporary activity of relatively lesser intensity, such proposals also need to be submitted for prior approval of the Central Government, resulting delay in the preparation of preliminary project report.
6. The Committee further observed that survey-involving drilling for hydel and other developmental projects is a temporary activity which is generally carried out to study and assess the geological information of the site. It is relatively confined to small area as compared to mining proposals and is crucial for the preparation of Detailed Project Report including preparation of financial provisions of a developmental project.
7. **Decision of the Committee:** The Committee, after deliberations and discussion with the DDGs of the various Regional Offices and Nodal Officers of the States observed that surveys involving drilling for hydel and other developmental projects in the forest area are of relatively lesser intensity and does not result any permanent change in the forest land use. Such preliminary drilling are crucial for project design, preparation of DPR and estimating the financial provisions of the proposed development project. The Committee further noted that it's a prerequisite activity for such development projects and in any case, if the finding of such drillings indicate the involvement of forest land during their project implementation, the prior approval of the Central Government under section 2(2) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam will be required by the user agency. Accordingly, the Committee recommended that Ministry may consider extension of provisions of clause (2) of the Notification No. 5075(E) dated 29.11.2023 relating to surveys in the forest areas for mining projects to other development projects including Hydel/Pump Storage Projects subject to following:
 - i. Sample collected from the site after drilling shall be used exclusively for research purpose and in no way it shall be used for any commercial purpose.

Agenda No. 3

(File No. 11/5/2024-FC)

Sub: Restoration of the framework that allows the construction of transmission lines based on the provisions of the working permission under the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 4.07.2024. The DDGF (Central), from various Regional Offices, and Nodal Officers of the States also attended the meeting.
2. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
3. The Advisory Committee, after examination of the matter, observed that the Secretary, Ministry of Power vide his DO dated 13.01.2024 requested to allow the construction of transmission line based on the working permission. The Secretary Power has made the following submission for the consideration of the Ministry:
 - i. As per the guidelines dated 8.08.2014, the tree cutting and commencement of project work were allowed based on the Working Permission granted by the State Government, after payment of all compensatory levies to facilitate the speedy execution of transmission line projects.
 - ii. Recently notified Van (Sanrakshan Evam Samvardhan) Rules, 2023 defined the working permission which excluded the concretization work and charging of transmission line i.e. civil works on the forest area are allowed only after obtaining 'final' approval under the Adhiniyam and compliance of FRA, 2006 under the Forest Rights Act, 2006
 - iii. These restriction will delay the execution of the transmission line projects from existing 14 months to 22 months which impact all transmission line projects
 - iv. In view of the above, the Secretary, Power has requested to restore the framework that allows the construction of transmission lines based on the provisions of the working permission.
4. The Committee, after deliberating on the request made by the Secretary Power further observed that:
 - i. The Ministry on 29.11.2023 has notified the Van (Sanrakshan Evam Samvardhan) Rules, 2023 wherein sub rule (10) of rule 10 provides that working permission, in respect of linear project, may be considered by the State Government/UTs after in-principle approval and deposition of compensatory levies, as applicable, notification of the land identified for raising compensatory afforestation and compliance of other statutes including the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
 - ii. Further, the Van (Sanrakshan Evam Samvardhan) Rules, 2023, defined the Working Permission as under:

(v) "working permission" means permission granted to linear projects before final approval to mobilise the resources to commence the preliminary project work other than black topping, concretisation, laying of railway tracks, charging of transmission lines, etc. or as specified in the in-principle approval;
 - iii. Works such as concretization is more relevant to final phase or finalization of project works where it entails project completion. Tendencies were observed among the agencies not to press for 'final' approval after the completion of concretization or project completion, which may lead to violation of the Van

(Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Rules framed thereunder. Therefore, to deter the agency from creating such situations, the definition and provisions of working permission have been incorporated in the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

- iv. In case of transmission lines projects, the charging of transmission lines is the final stage which entail project completion of the project accordingly, charging of transmission line has also been incorporated into the definition of 'working permission' given in the rules. However, for want of clarity on the context of the incorporating concretization in the definition, the same is being applied to the transmission line project also i.e. authorities based on the textual perception are applying the same to transmission lines.
 - v. Erection of towers is one of the preliminary works for the construction of transmission lines. For construction of towers, foundation is to be made which involves concretization; however, concretization works in the construction of transmission lines is not a major activity. Therefore, as per the definition of working permission, as far as transmission lines are concerned, it includes all preliminary works other than charging of transmission line, which is a final stage of commissioning and implementation of the project.
5. The Committee further noted that the Ministry of Power, in their letter dated 13.01.2024 has also requested the MoEF&CC to de-link the compliance of Forest Right Act, 2006 from Working permission granted to transmission line project after 'in-principle' approval by the State Government. The request has been made in light of the fact that no acquisition of land is involved and there is no restriction on the movement of any tribal community or any infringement on their livelihood in the corridor of the transmission line.
6. On the issue of de-linking of working permission from the compliance of Forest Rights Act, 2006, the Committee observed that grant of working permission also entails handing over the forest land to the user agency to carry out the intended non-forestry activity. Therefore, to avoid contravention of other Acts, including ensuring settlement of rights under the Forest Rights Act, 2006 and Wild Life (Protection) Act, 1972, the provisions making its compliance mandatory for the State before granting working permission, were included in the new rules notified by the Central Government on 29.11.2023. The Committee accordingly opined that it might not be prudent for the Ministry to de-link the compliance of FRA, 2006 from the working permission.
7. **Decision of Advisory Committee:** The Committee, after deliberations and discussion with the DDGs of the various Regional Offices and Nodal Officers of the States on the submissions made by the Ministry of Power, recommended the following:
- i. The following clarification, on the applicability of working permission and to eliminate ambiguity in respect of transmission line projects, may be considered by the Ministry:
Laying of foundation for erection of towers is one of the preliminary works for the construction of transmission lines; therefore, given the definition of working permission, as far as transmission lines are concerned, it includes all preliminary works other than charging of transmission line, which is a final stage of commissioning and implementation of the project.

- ii. Given the provisions of Rule 10 (10) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and to ensure compliance of other applicable Acts and rules and to avoid *fait accompli* situations, it may not be prudent for the Ministry to de-link the compliance of FRA, 2006 from the provisions of working permission granted after 'in-principle' approval.

(Not present)

Dr. Naveen Chandra Bisht
(non-official Member)

(Not present)

Shri S. D. Vora
(non-official Member)

(Confirmed through E-mail)

Shri Manoj Pant
(non-official Member)

(Confirmed through E-mail)

Dr. Mehraj Sheikh
Deputy Commissioner (NRM)
(Member)

(Confirmed through E-mail)

Shri Sushil Awasthi
Additional Director General of Forests (WL)
(Member)

(Confirmed)

Shri Anjan Kumar Mohanty
Additional Director General of Forests (FC)
(Member)

(Confirmed)

Shri Ramesh Kumar Pandey
Inspector General of Forests
(Member Secretary)

(Approved)

Shri Jitendra Kumar
(Director General of Forests and Special Secretary)
(Chairperson)

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DC Law Chambers <dclaw160@gmail.com>

Additional Affidavit on behalf of the Appellant in Appeal No. 04 of 2020 Bimal Gogoi Vs. Union of India & Ors.

2 messages

DC Law Chambers <dclaw160@gmail.com>

Sat, Sep 21, 2024 at 11:19 AM

To: assambioboard@gmail.com, Anamika Pandey <legumjure@gmail.com>, rahulpratap.adv@gmail.com, "mrdey@rediffmail.com" <mrdey@rediffmail.com>, shayamvar_deb@hotmail.com
Cc: Kaustav Dhar <kaustav11feb@proton.me>

Dear All,

Please find attached-Additional Affidavit on behalf of the Appellant in Appeal No. 04 of 2020 Bimal Gogoi Vs. Union of India & Ors.

Thanks & Regards

Counsel for the Appellant

**Additional Affidavi on behalf of Applicant.pdf**

2929K

Shayamvar Deb <shayamvar_deb@hotmail.com>

Sat, Sep 21, 2024 at 11:22 AM

To: DC Law Chambers <dclaw160@gmail.com>, "assambioboard@gmail.com" <assambioboard@gmail.com>, Anamika Pandey <legumjure@gmail.com>, "rahulpratap.adv@gmail.com" <rahulpratap.adv@gmail.com>, "mrdey@rediffmail.com" <mrdey@rediffmail.com>
Cc: Kaustav Dhar <kaustav11feb@proton.me>

Dear Sir,

I acknowledge receipt of the additional affidavit in the mail in trail filed by the appellant in the abovereferrred matter.

Regards,

SHAYAMVAR DEB

Advocate

High Court, Calcutta**Member:** Bar Assn. (Room No. 2)

City Sessions and Metropolitan Magistrates Court

The Learned CMM Court at [Calcutta](#)[2, Bankshall Street, Kolkata - 700 001](#)**Office:** 1, Crooked Lane, 1st Floor

Room No. 115, Kolkata - 700 069

Contact: (+91) 90386 88558**Email:** shayamvar_deb@hotmail.com

From: DC Law Chambers <dclaw160@gmail.com>**Sent:** 21 September 2024 11:19 AM**To:** assambioboard@gmail.com <assambioboard@gmail.com>; Anamika Pandey <legumjure@gmail.com>; rahulpratap.adv@gmail.com <rahulpratap.adv@gmail.com>; mrdey@rediffmail.com <mrdey@rediffmail.com>; shayamvar_deb@hotmail.com <shayamvar_deb@hotmail.com>**Cc:** Kaustav Dhar <kaustav11feb@proton.me>**Subject:** Additional Affidavit on behalf of the Appellant in Appeal No. 04 of 2020 Bimal Gogoi Vs. Union of India & Ors.

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