

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

ZONE, KOLKATA BENCH

IN

ORIGINAL APPLICATION NO. 42 OF 2024

IN THE MATTER OF:

Bimal Hembram ...Applicants

Vs.

Union Of India & Ors. ...Respondents

**Counter Affidavit On Behalf of Ministry of Environment,
Forest and Climate Change (Respondent No.3)**

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

IN

ORIGINAL APPLICATION NO. 42 OF 2024

IN THE MATTER OF:

Bimal Hembram ...Applicants

Vs.

Union Of India & Ors. ...Respondents

**Counter Affidavit On Behalf of Ministry of Environment,
Forest and Climate Change (Respondent No.3)**

IT IS MOST RESPECTFULLY SHOWETH:

I, Smt Padma Mahanti, d/o Shri Ambika Prasad Mahanti, aged about 47 years, working as Dy. Inspector General of Forests (Central), at Regional Office, of the Ministry of Environment, Forest and Climate Change ('MoEFCC', for short) at A/3, Chandersekharpur, Bhubaneswar – 751023,

do hereby solemnly affirm and state as follows:

1. That all averments made in the application, except those that are expressly admitted hereunder may be treated as denied.
2. That the allegation in the present Original Application is that Applicant Sri Bimal Hembram who is the villager of Jhatiapada in Byree Village Darpan Tahasil, Jaipur District where this project has started construction activity and the villagers are concerned of the illegal



Padma Mahanti

diversion of forest land for industrialization by IDCO Odisha without following the process laid down under Forest Conservation Act 1980.

3. That it is alleged that and impact on proximity to the village and school, ground water availability and other environmental parameters have not been considered.

Statement of Facts

4. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.
5. It is submitted that prior approval of the Central Government under Section-2 (1) (ii) of the Van (Santakshan Evam Samvardhan) Adhiniyam, 1980 (earlier known as Forest (Conservation) Act) is required for carrying out any non-forestry activity on forest land.
6. That the Respondent No. 3 i.e. the Ministry of Environment, Forest and Climate Change (MoEFCC), Regional Office, Bhubaneswar, requested factual information from the State Government regarding the



Padma Mahanti

land status and related issues referred to in the original application through letters dated 21.05.2024 and 11.09.2024.

The copies of the letters dated 21.05.2024 and 11.09.2024 are annexed as **Annexure-R3/1**.

7. That in response to this office's letter, a letter from the Divisional Forest Office, Cuttack Forest Division, dated 17.09.2024, was received, enclosing the counter affidavit filed by the Hon'ble Chief Secretary, Government of Odisha, on behalf of the District Collector, Jaipur, and Divisional Forest Officer, Cuttack Forest Division, dated 28.08.2024.

The copy of the letter dated 17.09.2024 is annexed as **Annexure-R3/2**.

8. It is respectfully submitted that EIA Notification, 2006 has decentralized the environmental clearance process by categorizing the developmental projects in two categories, i.e., Category 'A' project and Category B. The 'Category 'A' projects are appraised at Central level by the Expert Appraisal Committee (hereinafter referred to as "EAC") and Category 'B' projects are appraised at State Level Expert Appraisal Committee (hereinafter referred to as "SEAC"). State Level Environment Impact Assessment Authority (hereinafter referred to as "SEIAA") and SEAC are constituted to provide clearance to Category B projects.



Padma Mahanti

9. That the M/s Home Industries Pvt. Ltd. proposed to set up a cement grinding Unit which as per notification is a Category 'B' project and the Environmental Clearance (EC) has been granted by SEIAA.

Para-wise reply

10. That in reply to the averments made in Paras 1-5, the matter pertains to the records of the State Government. Hence, the Respondent has no comments to offer.

11. That in reply to the averments made in Para 6 - Para 7, as per the information provided by the State Government it is stated that the Hal plot No.4368 measuring an area of Ac.161.36 dec kisam-Patita recorded under Hal khata no.1298 (Abada Jogya Anabadi) of Vill-Byree. The Hal plot no.4368 relates to temporary plot No.3854, which relates to sabik plot No.2024 and the kisam of the said sabik plot recorded as "Padia". Therefore, the sabik kisam of the plot recorded as "Padia", does not attract the provision of Section-2 of Forest Conservation Act, 1980.



12. That in reply to the averments made in Para 8-11, it is a matter of records so the answering Respondent has no comments to offer.
13. That in reply to the averments made in Para 12, the answering Respondent has no comments to offer.
14. That in reply to the averments made in Para 13, as per the information provided by the State Government sabik kisam of the total area of

Padma Mahanta

Ac.50.60 dec leased out to the IDCO, Odisha Bhubaneswar comes under the non-forest category. Therefore, there is no requirement for Forest Diversion Plan.

15. That in reply to the averments made in Para 14-18, it is a matter of records so the answering Respondent has no comments to offer.

16. That in reply to the averments made in Para 19, this Ministry had requested the State government to provide information regarding the 33 KV electric poles which supply electricity to the concerned project. The State Government, through a letter dated 7th December 2024, has submitted the joint inspection report conducted by the Forest Department, TPCODL, Revenue Officials, and the user agency. According to the information provided by the DFO Cuttack, it is stated that a 33KV power line has been laid on temporary basis for the purpose of construction use of M/s My Home Industries Pvt. Ltd. The pillar No.19 to 26 & Pillar No.32 to 38 (total 15 nos.) poles are coming under Byree PF which is included in approved working plan of Cuttack Forest Division. Neither TPCODL nor My Home Industries Pvt. Ltd. has applied for forest diversion proposal for the above purpose. In this furtherance, the Regional Office of the answering respondent vide its letter dated 03.02.2025 requested the State Govt. to take necessary



Padma Mahanti

steps under the relevant Act and submit its report to the answering respondent.

The copy of the report along with the annexures and letter dated 03.02.2025 is annexed herewith as **Annexure-R3/3**.

17. That in reply to the averments made in Para 20-21, it is submitted that since EC was granted by the SEIAA and the same may also substantiate the facts on the matter.

18. That in reply to the averments made in Para 22- 26, it is stated that this Ministry received a proposal for "Construction of rail corridor in village Kadei under Tangi- Choudwar Tahasil Cuttack, Odisha by M/S My Home Industries Private Limited" (proposal no FP/OR/RAIL/438606/2023) on 08.02.2024 vide PARIVESH 2.0 portal.

19. Further, after proper scrutinization, this Regional Office processed the proposal and various information was sought from the State Government vide PARIVESH 2.0 portal on 21.12.2023. The queries raised are as follows:



1. "The State Govt. reported IPICOL has recommended 80.61 Acre of land for setting up of a Cement Grinding Unit which includes key plant activities along with in plant railway yard. However, the State Govt. has not informed whether forest land is involved in 80.61 Acres of land? If involved, the reason for

Padma Mahanti

submitting separate proposal for construction of instant railway line proposal may be asked from the State Govt.”

2. “As per DSS, a metalled road (0.15 ha.) & Agricultural encroachments are observed and 0.14 Ha. (approx.) of area land and encroachment free land is falling under Pond over the CA Patch. This may be clarified by the State Govt. in view of the suitability of CA”
3. ‘The distance of CA patch from the nearest PF/RF has not been informed by the State Govt.:
4. “In the Tangi-Chowdwar area there is movement of elephant and human wildlife conflict is reported. Hence, construction of railway line to private industry cannot be termed as a public utility project and further fragment the habitat and may further aggravate human elephant conflict. So, the proposal may be rejected”.



20. Furthermore, the State Government vide its letter dated 30th December 2024, has submitted the compliance to the information sought earlier vide PARIVESH 2.0 portal on 21.12.2023. That, after due consideration of the said proposal, the regional office of the answering respondent vide its letter dated 24.01.2025 granted Stage-I approval for diversion of 4.519 ha of forest land for construction of proposed Rail Corridor subject to fulfilment of certain conditions.

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A copy of the letter dated 30.12.2024, received from the State Government and copy of letter dated 21.01.2025 (Stage-I approval) is hereby annexed as **Annexure R3/4 (colly.)**.

21. That, as informed by the State Govt. the land on which the project is to be set up involves the plot No. 4368 (P) having kisam Patita. The Railway corridor of the project involves the revenues forest land over an area of 4.519 ha and the said area contains scrub growth and old cashew plantation which is regular movement path of Elephants. However, there is no report of any water bodies in the nearby areas being used by wild animals specially by elephants for drinking and bathing.

22. That in reply to the averments made in Para 27, it is submitted that the Ecologically Sensitive Zone (ESZ) of the Kapilash Wildlife Sanctuary was officially notified on June 17, 2015. The area under consideration is located 10 kilometers away from the ESZ boundary, therefore the provisions of the Wildlife Protection Act, 1972, do not apply to this area.

23. That in reply to the averments made in Para 28-39, it is a matter of records so the answering Respondent has no comments to offer.

24. That the submissions made in the preceding Paras may be read as part of reply to the grounds and the same are not repeated for the sake of brevity.



Padma Mahanti

25.The answering Respondent craves liberty to file additional information, if any, till pendente lite.

26.It is respectfully submitted that in view of the above-mentioned facts, the answering Respondent humbly prays that the Hon'ble Tribunal may be pleased to pass such order as deemed fit in the interest of the Justice.

Padma Mahanti
DEPONENT

डप वन महानिरीक्षक (के)/Dy. Inspector General of Forest (Central)
भारत सरकार/ Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग/Min. of Env Forest & CC
एकीकृत क्षेत्रीय कार्यालय/ Integrated Regional Office
भुवनेश्वर/ Bhubaneswar



VERIFICATION:-

I, the above named Deponent, do hereby verify that the contents of the above counter affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from. Verified at Bhubaneswar on this 13th day of, February 2025.

IDENTIFIED BY
S. Sankar
ADVOCATE, BHUBANESWAR
EN. NO. O-
Name: Sankar



Padma Mahanti
DEPONENT

डप वन महानिरीक्षक (के)/Dy. Inspector General of Forest (Central)
भारत सरकार/ Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग/Min. of Env Forest & CC
एकीकृत क्षेत्रीय कार्यालय/ Integrated Regional Office
भुवनेश्वर/ Bhubaneswar



The above named deponent(s) being duly identified by S. Sankar
Advocate
appears before me on 13 FEB 2025
at 2 P.M.
on oath the contents of his affidavit are true to the best of his/her/their knowledge and belief
Deponent(s) Notary, Bhubaneswar

JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO-CN-86/2012
Mob. No. - 9337121273



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, भुवनेश्वर / Regional Office, Bhubaneswar
ए ३, चंद्रसेखरपुर / A/3, Chandrasekharpur
भुवनेश्वर - ७५१ ०२३ / Bhubaneswar - 751 023



Telephone: 0674 - 2301213, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

Date 21.05.2024

File No. 8(33)387/2023-FCE

To

The Principal Chief Conservator of Forests & HOFF.
Forest Department.
Government of Odisha.
Aranya Bhawan, Chandrasekharpur, Bhubaneswar
Email: pccfodisha@gmail.com & nodal.pccfodisha@gmail.com

Sub: Original Application No.42/2024/EZ Bimal Hembram & Anr. Versus State of Odisha & Ors
before the Hon'ble National Green Tribunal, Kolkata, Eastern Zone -reg

Sir,

With reference to the subject cited above I am directed to state that the Ministry is to file an affidavit in the Original Application No.42/2024/EZ Bimal Hembram & Anr. Versus State of Odisha & Ors before the Hon'ble National Green Tribunal, Kolkata, Eastern Zone. In this regard the factual information pertaining to the status of the land & other related issues referred to in the writ petition may please be provided to this office. The copy of the petition is enclosed herewith for your kind reference.

It is therefore requested to kindly provide information pertaining to the averments made by the applicant in the petition for preparation of the counter affidavit, by this office at the earliest.

Yours faithfully,

Padma Mahanti

(Padma Mahanti)
Deputy Inspector General of Forests(C)

Encl: As above

Copy to:

1. The Divisional Forest Officer, Cuttack Division, Balisahi, Cuttack, Odisha 753012, dfo.cuttack@odisha.gov.in, for necessary action

COURT CASE-MOST URGENT



भारत सरकार / Government of India
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest & Climate Change
 क्षेत्रीय कार्यालय, भुवनेश्वर / Regional Office, Bhubaneswar
 ए३, चंद्रसेखरपुर / A/3, Chandrasekharpur
 भुवनेश्वर - ७५१ ०२३ / Bhubaneswar - 751 023



Telephone: 0674 - 2301213, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

File No. 8(33)387/2023-FCE

Date 11.09.2024

To

The Divisional Forest Officer,
 Cuttack Division, Balisahi,
 Cuttack, Odisha 753012,
dfo.cuttack@odisha.gov.in

Sub: Original Application No.42/2024/EZ Bimal Hembram & Anr. Versus State of Odisha & Ors before the Hon'ble National Green Tribunal. Kolkata, Eastern Zone -reg

Ref: 1. This office letter no File No. 8(33)387/2023-FCE dated 21.05.2024
 2. Memo no. 10966 dated 28.05.2024 from PCCF & HOFF office.

Sir,

With reference to the subject and references cited above I am directed to state that the Ministry is to file an affidavit in the Original Application No.42/2024/EZ Bimal Hembram & Anr. Versus State of Odisha & Ors before the Hon'ble National Green Tribunal. Kolkata, Eastern Zone in which information was sought from your office. The required information is awaited. In this regard the factual information pertaining to the status of the land & other related issues referred to in the original application may please be provided to this office. The copy of the petition is enclosed herewith for your kind reference.

It is therefore requested to kindly provide information pertaining to the averments made by the applicant in the petition for preparation of the counter affidavit, by this office at the earliest.

Yours faithfully,

Padma Mahanti

(Padma Mahanti)

Deputy Inspector General of Forests(C)

Encl: As above

Copy to:

1. **The Principal Chief Conservator of Forests & HOFF**, Forest Department, Government of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar Email: pccfodisha@gmail.com & nodal.pccfodisha@gmail.com, for necessary action

Through E-mail

**STATE FOREST HEADQUARTERS, ODISHA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF
PLOT NO. GD-2/12, ARANYA BHAWAN, CHANDRASEKHARPUR
BHUBANESWAR-751023**

E-mail:- nodal.pccfhoff@odisha.gov.in / nodal.pccfodisha@gmail.com

Memo No. **10966** /9F (OA) -364/2024
Dated, Bhubaneswar the **28th** May ' 2024

To

The Divisional Forest Officer
Cuttack Forest Division

Sub: Original Application No.42/2024/EZ Bimal Hembram & Anr. Vrs State of Odisha & Ors before the Hon'ble NGT ,Kolkata ,Eastern Zone. -Regarding.

Ref: File No.8(33)387/2023-FCE Dated-21.05.2024 of Regional Office ,BBSR, GoI

Enclosed, please find here with File No.8(33)387/2023-FCE Dated-21.05.2024 of GoI, MoEF &CC, Regional Office, BBSR, along with soft copy of complaints, you are requested to furnish the factual information pertaining to the status of the land & other related issues referred to ,in the writ petition to this office for onward transmission to the Dy Inspector General of Forests (c) RO, BBSR ,GoI .

Enclosure:

Soft copy of Original Application No.42/2024/EZ

28/5/2024
Chief Conservator of Forests (Nodal)

Memo No. **10967** /Dt. **28.05-2024**
Copy forwarded to Dy Inspector General of Forests (c), GoI, MoEF&CC, Regional Office, BBSR for information and necessary action.

28/5/2024
Chief Conservator of Forests (Nodal)

Annexure-R3/2



GOVERNMENT OF ODISHA

ବନଖଣ୍ଡ ଅଧିକାରୀ ତଥା ବନ୍ୟପ୍ରାଣୀ ଡ଼ଭାବଧାରକଙ୍କ କାର୍ଯ୍ୟାଳୟ, କଟକ ବନଖଣ୍ଡ , କଟକ
OFFICE OF THE DIVISIONAL FOREST OFFICER: CUTTACK FOREST DIVISION
AT: - GHATAKULA, NUAPADA, CUTTACK 753010
Tel:- 0671-2957611, Control Room:- 0671-2340343, Toll Free No.18003457473

Email: - dfo.cuttack@odisha.gov.in

Memo No 8525 / 5F/ (Forest Diversion) 48/2024

Dated, Cuttack the 17th September, 2024.

To

The Deputy Inspector General of Forests(C),
 Govt. of India,
 Ministry of Environment, Forest & Climate Change,
 Regional Office, Bhubaneswar.

Sub: - Original Application No. 42/2024/EZ filed by Bimal Hembram and another Vs. State of Odisha & others before the Hon'ble National Green Tribunal, Kolkata Eastern Zone-reg.

Ref: - Your File No. 8(33)387/2023-FCE dt. 11.09.2024.

Madam,

In inviting a kind reference to your letter cited above on the captioned subject, this is to inform that, the Hon'ble Chief Secretary, Govt. of Odisha has already filed counter affidavit on behalf of the District Collector, Jajpur and Divisional Forest Officer, Cuttack Forest Division on dt.28.08.2024 in connection with Original Application No. 42/2024/EZ filed by Bimal Hembram and another Vs. State of Odisha & others before the Hon'ble National Green Tribunal, Kolkata Eastern Zone.

In this regard, the copy of counter affidavit in connection with O.A No.42/2024/EZ is enclosed herewith for further action at your end.

This is for favour of kind information & necessary action.

Encl: - As above.

Yours faithfully,

[Signature]
 17/9/24
 Divisional Forest Officer
 Cuttack Forest Division
 (P.T.O)

-1/2/-

Memo No 8526 / Date 17-09-2024

Copy submitted to the Principal Chief Conservator of Forest & HoFF,

Odisha, Bhubaneswar for favour of kind information and necessary action with reference to his
Memo No. 10966 dt.28.05.2024.

plm
17/9/24

Divisional Forest Officer,
Cuttack Forest Division.Memo No 8527 / Date 17-09-2024

Copy submitted to the Regional Chief Conservator of Forest, Angul

Circle, Angul for favour of kind information and necessary action.

plm

Divisional Forest Officer,
Cuttack Forest Division.



भारत सरकार / Government of India

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest & Climate Change

क्षेत्रीय कार्यालय, भुवनेश्वर / Regional Office, Bhubaneswar

ए/३, चंद्रसेखरपुर / A/3, Chandrasekharpur

भुवनेश्वर - ७५१ ०२३ / Bhubaneswar - 751 023



Telephone: 0674 - 2301213, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

File No. 8(33)387/2024/FCE /102

Date: 03.02.2025

To

The Additional Chief Secretary,
Forest, Environment & Climate Change Department,
Govt of Odisha, Bhubaneswar,
At- New Forests Secretariat, Kharavela Bhawan
Gopa Bandhu Marg, Keshari nagar
Bhubaneswar
Odisha 751001

Subject: O.A. No. 42 of 2024 titled Bimal Hembram vs State of Odisha before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata Reg.

Ref: 1.Ministry letter no 10-30/2024-ROHQ dated 29th January 2025

2.State Government Letter no 24792/9F(OA)-364/2024 dated 7th December 2024 enclosing DFO letter no 10684/5F/FD

Sir,

With reference to the subject and citation above, I am directed to inform you that, as per the report of the joint verification conducted on 21.10.2024 by the Divisional Forest Officer along with Revenue Officials, TPCODL staff, and the User Agency, a 33KV electric transmission line has been laid in the Byree PF land. Non-forestry activity on forest land without prior approval from the Central Government constitutes a violation under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 2023. In light of this, it is requested that details of the action taken in this regard may be submitted to this office. If no action has been taken thus far, necessary steps should be taken under the relevant Act, and a report on the same should be submitted to this office.

A copy of the letter received from the Ministry is attached herewith for your information and necessary action.

Yours faithfully,

Padma Mahanti
(Padma Mahanti)

Deputy Inspector General of Forests(C)

Enclosures:

1. Joint Verification Report dated 21.10.2024.

Copy to:

1. **The Principal Chief Conservator of Forests & HOFF**, Government of Odisha. Bhubaneswar., Aranya Bhawan, Chandrasekharpur. Bhubaneswar- 751023, For Kind Information and necessary action please.
2. **The Regional Chief Conservator of Forests(RCCF), Angul**, Government of Odisha., For Kind Information and necessary action please
3. **The Divisional Forest Officer**, Cuttack Forest Division, Odisha. Government of Odisha, For Kind Information and necessary action please
4. **The Assistant Inspector General of Forests(ROHQ)**, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi – 110001, For Kind Information and necessary action please

Padma Mahanti

(Padma Mahanti)

Deputy Inspector General of Forests(C)



STATE FOREST HEADQUARTERS, ODISHA
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HoFF
PLOT NO. GD-2/12, ARANYA BHAWAN, CHANDRASEKHARPUR
BHUBANESWAR-751023

E-mail-: nodal.pccfhoff@odisha.gov.in / nodal.pccfodisha@gmail.com

No. 24792 /9F (OA) – 364/2024

Dated, Bhubaneswar the 07th December' 2024

To

The Dy. Inspector General of Forest (C)
Govt. of India, MoEF&CC
Regional Office, Bhubaneswar-751 023

Sub: Original Application No.42/2024/EZ Bimal Hembram & Anr -vrs-State of Odisha & Ors before the Hon'ble National Green Tribunal, Eastern Zone-Regarding.

Ref: Your Office File No.8 (33)392/2024-FCE Dated 23.10.2024

Madam,

In inviting a reference to the cited subject and reference, I am directed to furnish the required information submitted by the DFO Cuttack Division (Enclosed with) pertaining to the status of land in Para19 and other related issues referred to, in the O.A. No.42/2024/EZ .

This is for Your Kind information and necessary action.

Enclosure: Soft copy of information

Your's faithfully

[Handwritten Signature]

Chief Conservators of Forests (Nodal)

Memo No. 24793 Dt. 07.12.2024

Copy forwarded to the Principal Chief Conservator of Forests & HoFF for information and necessary action.

[Handwritten Signature]

Chief Conservators of Forests (Nodal)



GOVERNMENT OF ODISHA

ବନଖଣ୍ଡ ଅଧିକାରୀ ଓଆ ବନ୍ୟପ୍ରାଣୀ ଡ଼ାବଧାରକଙ୍କ କାର୍ଯ୍ୟାଳୟ, କଟକ ବନଖଣ୍ଡ , କଟକ
OFFICE OF THE DIVISIONAL FOREST OFFICER: CUTTACK FOREST DIVISION
AT: - GHATAKULA, NUAPADA, CUTTACK 753010
Tel:- 0671-2957611, Control Room:- 0671-2340343, Toll Free No.18003457473

Email: - dfo.cuttack@odisha.gov.in

Memo No 10684 / 5F/ (Forest Diversion) 48/2024

Dated, Cuttack the 04 th December, 2024.

To

The Chief Conservator of Forests (Nodal),
 O/o the Principal Chief Conservator of Forests & HoFF,
 Odisha, Bhubaneswar.

Sub: - Original Application No. 42/2024/EZ filed by Bimal Hembram and another Vs. State of Odisha & others before the Hon'ble National Green Tribunal, Kolkata Eastern Zone-reg.

Ref: - File No. 8(33)392/2024-FCE dt. 23.10.2024 of DIGF(C), MOEF & CC, Govt. of India to your address.

In inviting a kind reference to your letter cited above on the captioned subject, this is to inform that, you have intimated to provide information related to paragraph 19 of the Original Application which states *"That the 33 Kv electric poles which supply electricity to the concerned project are taken through forest land without having the forest clearance, and also the project is in the forest land."* vide your letter under reference.

In the view of the above, a Joint Verification had been conducted on dt.21.10.2024 in the presence of the staffs of TPCODL, Forest and Revenue Officials with the user agency. On Joint verification, it is observed that, a 33KV power line has been laid on temporary basis for the purpose of construction use of M/s My Home Industries Pvt. Ltd. from kaimatia Feeder as per the Agreement dt.03.09.2023 entered between TPCODL & My Home Industries Pvt. Ltd. The pillar No.19 to 26 & Pillar No.32 to 38 (total 15 nos.) poles are coming under Byree PF which is included in approved working plan of Cuttack Forest Division. Neither TPCODL nor My Home Industries Pvt. Ltd. has applied for non forest use of forest land for the above purpose.

(P.T.O)

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Further, the TPCODL has submitted an agreement that, the same will be dismantled after availability of operational power. The copy of the agreement dt.03.09.2023, Joint Verification and Copy of GPS Coordinated Photographs of Electric Poles are enclosed herewith for further action at your end.

This is for favour of kind information & necessary action.

- Encl: - 1. Joint Verification Report.
2. Copy of the Agreement dt.03.09.2023.
3. GPS Coordinated Photographs of Electric Poles.

[Signature]
04.12.2024
Divisional Forest Officer
Cutback Forest Division

Memo No 10685 / Date 04.12.2024
Copy submitted to the Regional Chief Conservator of Forest, Angul Circle, Angul for favour of kind information and necessary action.

[Signature]
Divisional Forest Officer,
Cutback Forest Division.

Memo No 10686 / Date 04.12.2024
Copy submitted to the Deputy Inspector General of Forests(C), Govt. of India, Ministry of Environment, Forest & Climate Change, Regional Office, Bhubaneswar for favour of kind information and necessary action with reference to his File No. 8(33)392/2024-FCE dt. 23.10.2024.

[Signature]
Divisional Forest Officer,
Cutback Forest Division.



Joint Verification of 33KV Electric Line Supplied to M/s My Home Industries Pvt. Ltd.

In pursuance of Memo No. 9221 dt. 18.10.2024 of the Divisional Forest Officer, Cuttack Forest Division, and the joint verification of 33 KV Electric Line supplied to M/s My Home Industries Pvt. Ltd. From Kaimatia Feeder has been conducted on dt. 21.10.2024 in the following schedule of land in presence of the staffs of TPCODL, Forest and Revenue Officials as well as the User Agency is details given below :-

Land Schedule:-

Sl. No.	Name of the Mouza	Name of Tahasil	Khata No.	Plot No.	Kissam/Land Type
1	Amiyajhari	Darpan	361	1212	Patita
2	Amiyajhari	Darpan	361	1214	Patita
3	Amiyajhari	Darpan	361	1268	Patita
4	Byree	Darpan	1301	4369	Gramya Jungle
5	Byree	Darpan	1298	4368	Patita

Details of Joint Verification Report:-

Sl. No.	Pole No.	Length	Khata No.	Plot No.	Kissam	Whether found in Forest or Not	Remarks
1	2	3	4	5	6	7	8
1	1-2	31 Mtr.	361	1212	Patita	No	
2	3-5	71 Mtr.	361	1214	Patita	No	
3	6-14	294 Mtr.	361	1268	Patita	No	
4	15-41	1139 Mtr.	1301	4369	Gramya Jungle	Yes	Pillar No. 19 to 26 & Pillar No. 32 to 38 (Total 15 Nos.) Poles is coming under Byree PF which is included in Working Plan of Cuttack Forest Division Details of KML file is attached herewith
5	42-49	322 Mtr.	1298	4368	Patita	No	

Byree Section
Forester

Deputy Range Officer
I/C, Dalijora Range, Byree

However, it has been observed that the 33KV power line has been laid on temporary basis for the purpose of construction use as per the Agreement dt. 03.09.2023 entered between TPCODL & My Home Industries Pvt. Ltd. As per agreement the same will be dismantled after availability of operational power.

Encl. : Copy of the Agreement dt. 03.09.2023

Sub-Divisional Officer
Electrical Sub-Division
BADACHANA

Byree
Dt. 21-10-2024
MANUE INSPECTOR

GPS CO-ORDINATES OF ELECTRIC POLES OF MY HOME INDUSTRIES PVT. LTD

Pole No.	Distance	Latitude			Longitude			Remarks
		D	M	S	D	M	S	
1	31 m	20	37	28.0	86	0	22.0	
2	66 m	20	37	27.0	86	0	22.0	
3	29 m	20	37	26.0	86	0	24.0	
4	42 m	20	37	26.0	86	0	25.0	
5	58 m	20	37	25.0	86	0	26.0	
6	42 m	20	37	25.0	86	0	28.0	
7	29 m	20	37	24.0	86	0	29.0	
8	66 m	20	37	24.0	86	0	30.0	
9	29 m	20	37	23.0	86	0	32.0	
10	42 m	20	37	23.0	86	0	33.0	
11	25 m	20	37	22.0	86	0	34.0	
12	27 m	20	37	21.2	86	0	34.1	
13	34 m	20	37	20.3	86	0	34.2	
14	41 m	20	37	19.2	86	0	34.3	
15	27 m	20	37	19.9	86	0	35.5	
16	31 m	20	37	20.2	86	0	36.4	
17	30 m	20	37	20.7	86	0	37.4	
18	31 m	20	37	21.1	86	0	38.3	
19	51 m	20	37	21.8	86	0	39.1	Inside Byree PF (included Working plan of Cuttack Forest Division) boundary line as per KML provided by Division Office, Cuttack Forest Division
20	42 m	20	37	21.7	86	0	40.8	--do--
21	50 m	20	37	21.7	86	0	42.3	--do--
22	58 m	20	37	22.0	86	0	44.0	--do--
23	29 m	20	37	22.0	86	0	46.0	--do--
24	29 m	20	37	22.0	86	0	47.0	--do--
25	58 m	20	37	22.0	86	0	48.0	--do--
26	29 m	20	37	22.0	86	0	50.0	--do--
27	58 m	20	37	22.0	86	0	51.0	
28	29 m	20	37	22.0	86	0	53.0	
29	58 m	20	37	22.0	86	0	54.0	
30	87 m	20	37	22.0	86	0	56.0	
31	31 m	20	37	22.0	86	0	59.0	

Savitri
Forester
Byree Section

R. P. Singh
Deputy Range Officer
i/c, Dalijora Range, Byree

Pole No.	Distance	Latitude			Longitude			Remarks
		D	M	S	D	M	S	
32	42 m	20	37	23.0	86	0	59.0	Inside Byree PF (included Working plan of Cuttack Forest Division) boundary line as per KML provided by Division Office, Cuttack Forest Division
33	29 m	20	37	24.0	86	0	58.0	--do--
34	29 m	20	37	24.0	86	0	59.0	--do--
35	66 m	20	37	24.0	86	1	0.0	--do--
36	29 m	20	37	23.0	86	1	2.0	--do--
37	58 m	20	37	23.0	86	1	3.0	--do--
38	42 m	20	37	23.0	86	1	5.0	--do--
39	29 m	20	37	22.0	86	1	6.0	
40	29 m	20	37	22.0	86	1	7.0	
41	58 m	20	37	22.0	86	1	8.0	
42	62 m	20	37	22.0	86	1	10.0	
43	31 m	20	37	20.0	86	1	10.0	
44	62 m	20	37	19.0	86	1	10.0	
45	31 m	20	37	17.0	86	1	10.0	
46	29 m	20	37	16.0	86	1	10.0	
47	42 m	20	37	16.0	86	1	11.0	
48	66 m	20	37	17.0	86	1	12.0	
49		20	37	16.0	86	1	14.0	

Sanku
Forester
Byree Section

Banta
Deputy Range Officer
UC, Dalijora Range, Byree

TPCODL

No. TPCODL/Comm-KCG/ 6043

Date: 03/10/2023

To

The Superintending Engineer (Elect.),
Electrical Circle, Cuttack.
 The Executive Engineer(Elect.)
 CED, Cuttack.

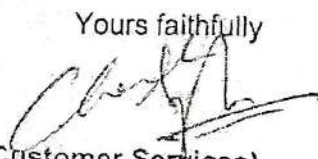
Sub: Execution of agreement for power supply of **108KW/120KVA** under 'General Purpose Service' category with **M/s My Home Industries Pvt.Ltd., At: Plot No.4368/1298, Vill: Byree, Tahasil – Darpan, Jajpur-754082(CA No.80035761685, Notification No.5001750441)** under CED,Cuttack.

Sir,

Enclosed, please find herewith copy of the agreement of **M/s My Home Industries Pvt.Ltd., At: Plot No.4368/1298, Vill: Byree, Tahasil – Darpan, Jajpur-754082(CA No.80035761685, Notification No.5001750441)** for power supply of **108KW/120KVA** load in 'General Purpose Service' category at 33KV under CED, Cuttack for your information & necessary action.

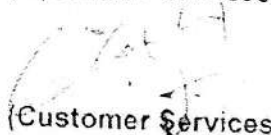
Encl: As above.

Yours faithfully


 Head (Customer Services)

Memo No. 6044, dtd. 03/10/2023
 Copy along with copy of the agreement forwarded to the Chief (Operation Services).
 TPCODL for favour of information.

Encl: As above.


 Head (Customer Services)

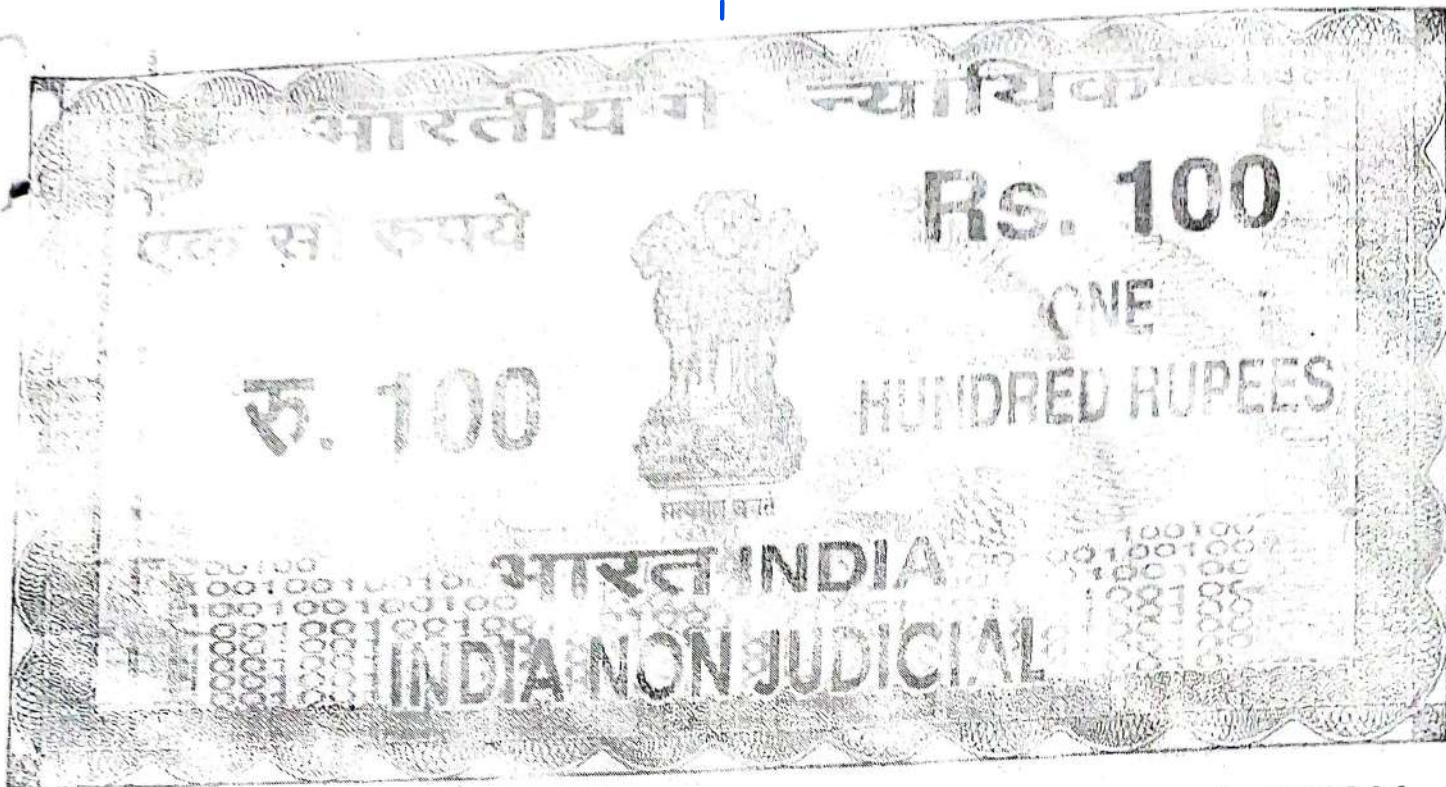
Memo No. 6045, dtd. 03/10/2023
 Copy forwarded to TA to CEO/ TA to CCS/ TA to CGM (Commercial)/ CFO/ Head (RCM),
 TPCODL Headquarters for favour of information.


 Head (Customer Services)

Memo No. 6046, dtd. 03/10/2023
 Copy along with the original copy of agreement forwarded to **M/s My Home Industries Pvt.Ltd., At: Plot No.4368/1298, Vill: Byree, Tahasil – Darpan, Jajpur-754082** for information & necessary action.

Encl: As above.


 Head (Customer Services)



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R 130298

**AGREEMENT FOR SUPPLY OF ELECTRICAL ENERGY BY THE
TP CENTRAL ODISHA DISTRIBUTION LIMITED.**

THIS AGREEMENT is made on the 30th day of September Two Thousand and Twenty-three between the TP Central Odisha Distribution Limited, 2nd Floor, IDCO Towers, Janapath, Bhubaneswar represented through Head (Customer Services), TPCODL Bhubaneswar (Hereinafter called "the Licensee" which expression, unless repugnant to the subject or context, shall include its successors and assigns) of the ONE PART

And

M/s My Home Industries Pvt. Ltd., At: Plot No.4368/1298, Vill: Byree, Tahasil -Darpan, Jajpur- 754082 (CA No.80035761685, Notification No.5001750441) represented through Sri Jagadish Kodali, Sr. President (Projects & Development) (Thereinafter called "THE CONSUMER" which expression, unless repugnant to the subject or context, shall include his heirs, successors and assigns) of the OTHER PART.

WHEREAS the consumer has requested the licensee to supply Electrical energy to the premises of the consumer situated at over Plot No.4368/1298, Vill: Byree, Tahasil -Darpan, Jajpur- 754082 for the purpose of construction use, temporary power supply and the licensee has agreed to supply the same on terms and conditions stipulated hereunder.

NOW THESE PRESENTS WITNESS that in consideration of the payment to be made by the consumer as hereinafter contained, it is hereby MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO as follows:-



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27/06/2013

I Broul of my Home *Indesdud prf ca*
Both *3d/par*


 22 JUN 2013
 Treasury Officer,
 Cuttack

Dr. [unclear]


 22 JUN 2013
 Treasury Officer,
 Cuttack

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भारत ODISHA

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1. **DURATION OF AGREEMENT:-**

This agreement shall commence from the date of its execution and shall continue to be in force until the expiry of (06) six months from the date of supply and thereafter, if required it shall be extended on further approval.

CONDITION OF SUPPLY:-

The consumer has obtained and perused a copy of the OERC Distribution (Conditions of Supply) Code, 2019/ Electricity Act.2003/Central Electricity Authority Installation & Operation of Meter) Regulation.2006, understood its contents and undertakes to observe and abide by all the terms and conditions stipulated therein to the extent they are applicable to him. The said Code/Act/ Regulation as modified from time to time, to the extent they are applicable shall be deemed to form a part of this Agreement.

2. **QUANTUM OF SUPPLY:-**

Subject to the provisions hereinafter contained and during the continuance of this Agreement, the licensee, represented by the "engineer" shall supply the consumer and the consumer shall take from the licensee, a supply up to but not exceeding a contract demand of 108KW/120KVA as per Notification No.5001750441 under General Purpose category on temporary supply.

Further as per the consumer representation vide letter no MHIPL/OCU/PROJ/08/2023 dated 29th August 2023, after four months consumer will apply the load enhancement separately in order to avail the contract demand of 250 KVA Phase-II and 555 KVA Phase -III and accordingly separate agreements shall be executed for contract demand of Phase-II and Phase-III.


Out of the aforesaid contract demand the consumer may utilize nil KW in his residential colony for use by himself or his employees and other


Signature


Signature

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27/06/2023

Sub of my Home Indusheey part of
Bunni Jeta


30 MAY 2023
Treasury Officer,
Cuttack





30 MAY 2023
Treasury Officer,
Cuttack





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3. **TYPE OF SUPPLY :-**

The aforesaid supply shall be from a three phase 50Hz alternating current system at a normal pressure of 33 Kilo Volts. The quantum of supply shall be measured by a suitable metering equipment of 33 Kilo Volts.

4. **SECURITY DEPOSIT:-**

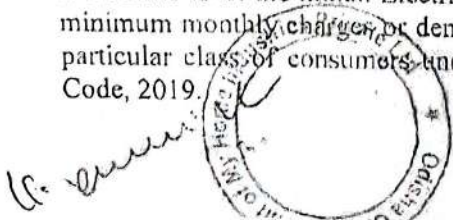
In pursuant to the OERC Distribution (Conditions of Supply) Code, 2019 and as per RST order for the FY.2022-23 effective from 01.04.2022, the consumer has deposited total security amount of Rs.37,85,188/- (Rupees Thirty-seven lakh Eighty-five thousand One hundred eighty-eight) only vide Money Receipt No.1044/1044000870, dtd.23.12.2022 in favour of the Executive Engineer, CED, Cuttack.

The consumer undertakes to make any additional security deposit as and when called upon by the Engineer.

5. **CHARGES TO BE PAID BY THE CONSUMER:-**

The Consumer shall pay to the Engineer, for power demanded and electrical energy supplied under this Agreement "demand charges", 'energy charges' and 'other charges' in accordance with the provisions of OERC Distribution (Condition of Supply) Code, 2019 and as notified in the Tariff Notifications from time to time.

Provided that annual Sum payable by any individual consumer under the proviso to Section 45 of the Indian Electricity Act, 2003, shall not be deemed to be part of the minimum monthly charges or demand charges if any, payable by the consumer or the particular class of consumers under the OERC Distribution (Condition of Supply) Code, 2019.



3088 214
27/6/2023

5. Bond of my Home Indulged P&P
Bam Syon

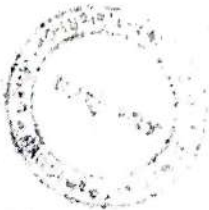


Q. Amount

30 MAY 2023
Treasury Officer,
Cuttack



J. SAMANT
District Engineer
Cuttack





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Provided further that the consumer shall pay electricity duty or such other levy, tax or duty as may be prescribed under any other law in addition to the charges, fuel surcharge, reliability surcharge and transformer loss payable under the OERC Distribution (Conditions of Supply) Code, 2019.

6. The tariff and conditions of supply mentioned in this Agreement shall be subject to any revision that may be made by the licensee from time to time.

7. SAFETY OF SUPPLY AND APPARATUS:-

That all Electrical Works done within the premises are as per Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010 and have been carried out by a licensed electrical contractor (in case the Applicant is an owner and wiring in the premises is new) Or

That all Electrical Work done within the premises are as per Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010 to the best of our knowledge (where application is for reconnection or Applicant is occupier of the premises).

8. To indemnify the licensee against all proceedings, claims, demands, costs, damages, expenses that the licensee may incur by reason of a fresh service connection given to the Applicant.

9. The licensee is indemnified against any loss accrued to the applicant on this account. Further, applicant agrees that if there is any harm/loss to the property of the licensee due to the fault in Electrical work within the premises of Applicant, liabilities shall be borne by the Applicant.

[Handwritten signature]

[Handwritten signature]



30/89 *ML*
27/6/2025

J. Board of my Home Industries
Dear Sir -

J
30 MAR 2023
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le. amine

[Signature]

3. BARRISTER
Barrister
Notary Public
Cotton





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10. If any existing construction power is available to the premises shall be disconnected/dismantled in safety ground.

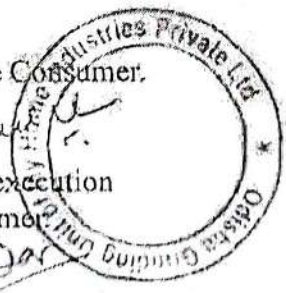
11. **STAMP DUTY:-**

The consumer agrees to bear the cost of the stamp duty and all costs incidental to the execution of this Agreement in full.

IN WITNESSES WHERE OF the parties hereto have put their hands and seals this the day of 30th September' 2023.

Signature of the Consumer.

[Handwritten Signature]
Witness to the execution
by the consumer



1. *[Handwritten Signature]*
DEEPAK KUMAR PANDA
MY HOME INDUSTRIES PVT LTD
2. *[Handwritten Signature]*
MY HOME INDUSTRIES PVT LTD.
Bhubaneswar, Odisha.

Signature of the Head (Customer Services) acting for and on behalf of the licensee.

Witness to the execution
by the Head (Customer Services)

1. *[Handwritten Signature]*
Alisha Patra



[Handwritten Signature]

2019/20 2-120
27/06/2023

Journal of my Home budgeting
Beverly Fisher

30 MAY 2023
Treasurer, Fisher

to account

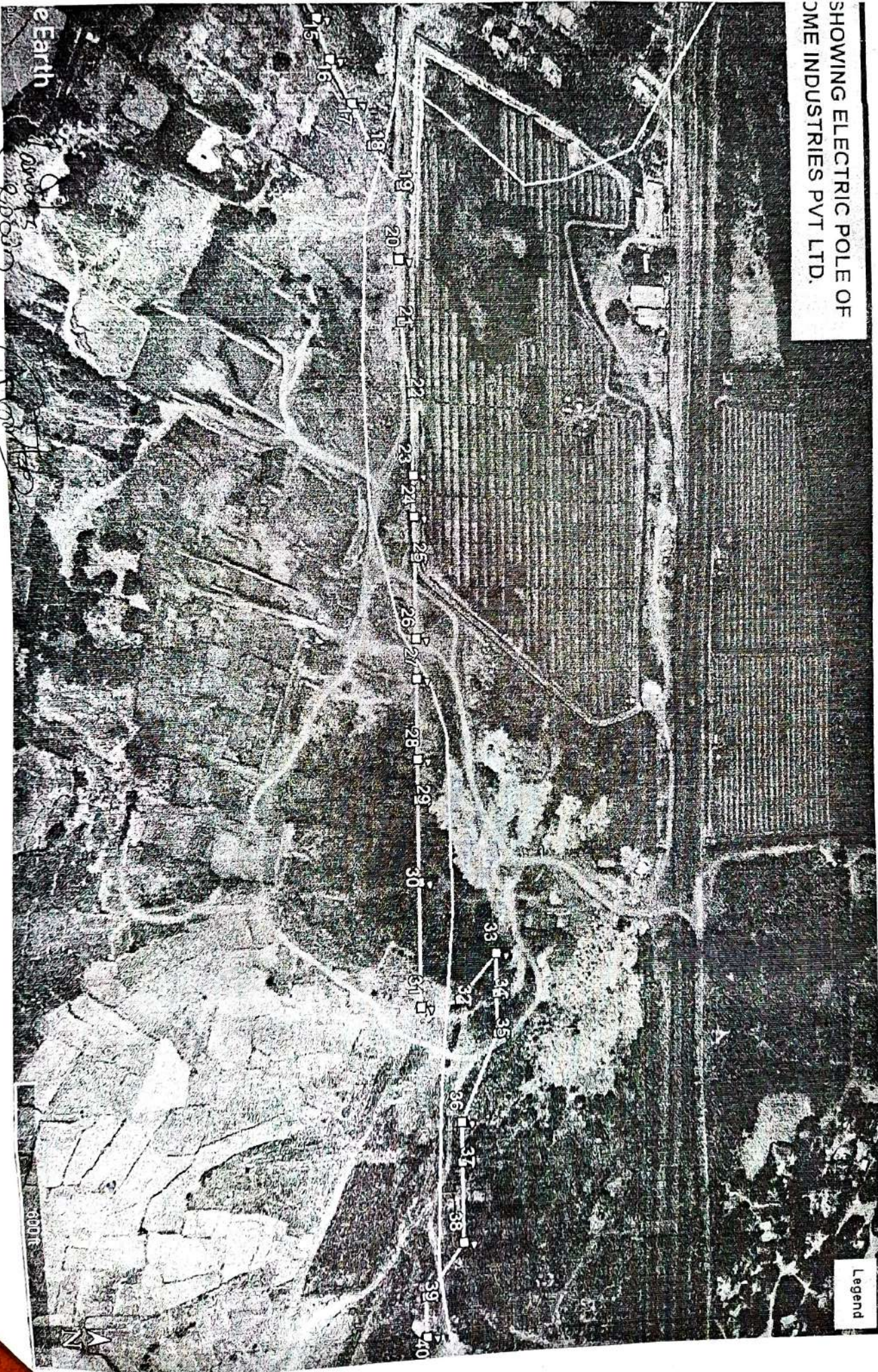
[Signature]

BARBARA FISHER
Treasurer

[Circular stamp]

SHOWING ELECTRIC POLE OF
CME INDUSTRIES PVT LTD.

Legend

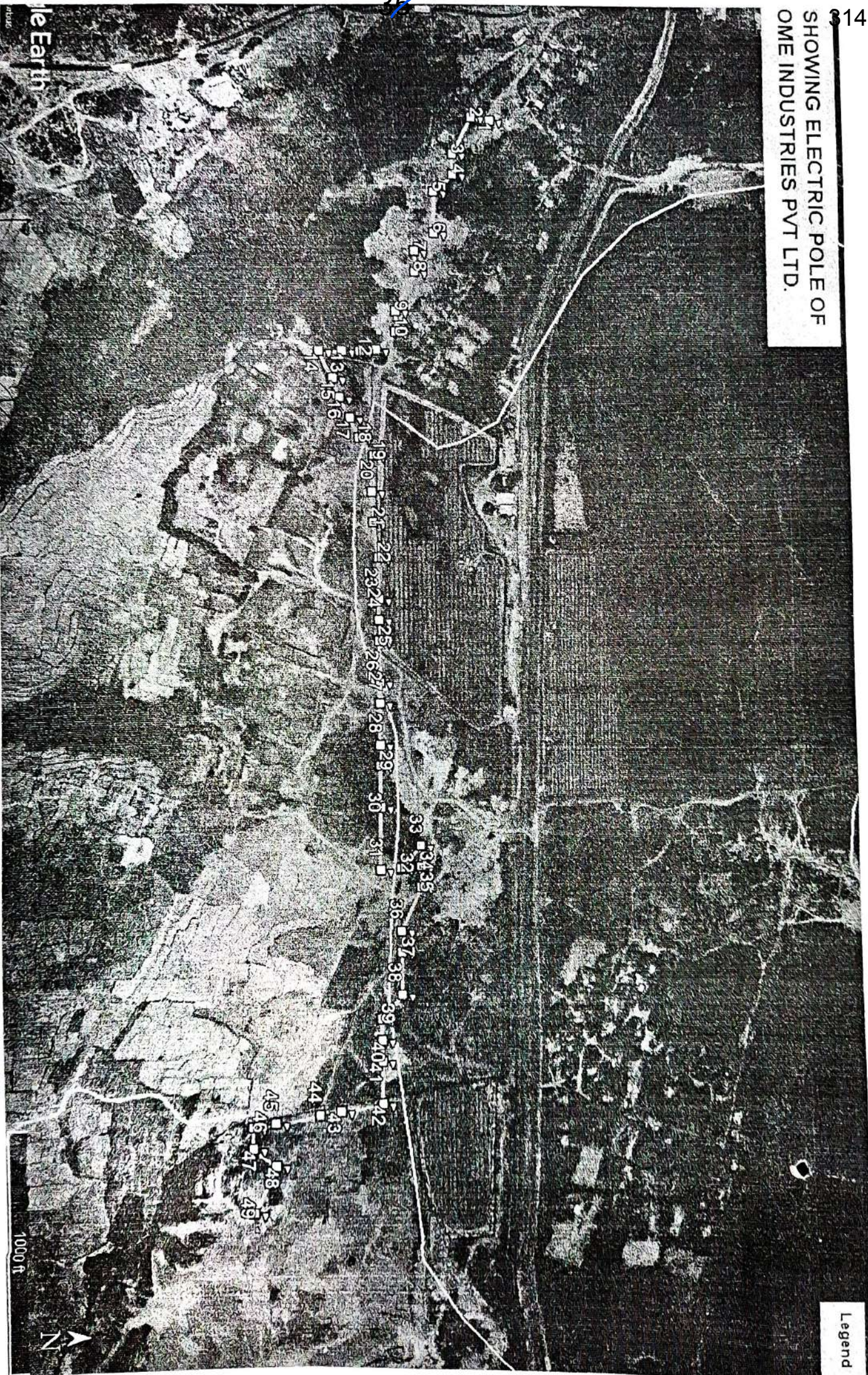


eEarth

Forester
Byroo Section

Deputy Range Officer
in Nairica Range, Byroo

SHOWING ELECTRIC POLE OF
OME INDUSTRIES PVT LTD.



Legend

Sawyer's
Byree
Forester
Byree Section

Deputy Range Officer
w/c
Deputy Range Officer
w/c

the Earth

GOVERNMENT OF ODISHA
FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

No.FE-DIV-FLD-0106-2023- 26151 /FE&CC, Date 30.12.24

10F (Cons) 80/2024

From

Sri Lingaraj Otta
OSD-cum-Special Secretary to Government

To

The Deputy Director General of Forests (Central),
Government of India, MoEF&CC,
Regional Office, A/3, Chandrasekharpur,
Bhubaneswar-751023.

Sub: Proposal for diversion of 4.519 ha of forest land for construction of proposed Rail Corridor in village Kadei under Tangi Choudwar Tahasil of Cuttack District in Cuttack Forest Division by M/s My Home Industries Pvt. Ltd.

(Proposal No.FP/OR/RAIL/438606/2023, SW No.SW/138310/2023 dt.07.08.2023)

Ref: Online EDS dated 21.12.2023 of Gol, MoEF&CC, RO, Bhubaneswar.

Sir,

With reference to the captioned subject, I am directed to send herewith the compliance to the EDS dtd.21.12.2023 raised by MoEF&CC, RO, Bhubaneswar for kind information and necessary action.

EDS Point No.1: In the Tangi-Choudwar area there is movement of elephant and human wildlife conflict is reported. This railway line will further fragment the habitat in the area. Since this is not public utility project why the project was recommended. The comments of CWLW, Odish may be furnished.

Compliance: In compliance to the above mentioned observation, as reported by the Principal CCF (FD&NO, FC Act), O/o the PCCF & HoFF, Odisha vide his Memo No.13925 dtd.16.07.2024 (copy enclosed), the Principal CCF (Wildlife) & Chief Wildlife Warden, Odisha has given his comment vide Memo No.7786 dtd.11.07.2024 along with its enclosures, which is enclosed with the aforesaid Memo of the PCCF (FD&NO, FC Act).

The PCCF (WL) & CWLW, Odisha in his aforesaid Memo had informed that the DFO, Cuttack Forest Division vide letter dtd.23.04.2024 reported that the proposed area for construction of Rail corridor is frequently visited by wild elephants throughout the year. He has also reported that compassionate payment for crop & house damage due to wild elephant in adjoining villages is being made for the period from 2019-20 to 2023-24. He had submitted map showing elephant movement and crop/ house damage within 03 Km radius of the proposed rail corridor. The DFO, Cuttack Forest Division vide Memo dtd.06.07.2024 had further reported that construction of rail corridor may pose threat for movement of elephants due to fragmentation of their habitat which may

aggravate Human-Elephant Interface. So, he has suggested alternatives to prevent fragmentation of habitat of elephants. Out of three alternatives suggested by DFO, Cuttack Forest Division vide his Memo dtd.06.07.2024, the PCCF (WL) & CWLW, Odisha has opined that the Option-1 i.e. sharing of existing railway link of M/s Dalmia Cement Ltd is the best alternative to facilitate transportation by M/s My Home Industries as well as prevent fragmentation of habitat and Human-Elephant Conflict. Failing which, there will be only railway lines and no elephants in the area in future.

In the meantime, Sr. President (Projects & Development), My Home Industries Pvt Ltd. vide letter dtd.19.07.2024 (copy enclosed) has submitted that Indian Railways including East Coast Railways has introduced a full-fledged system called Intrusion Device System (IDS) to protect elephants and other wildlife for track crossing. The system has already working on the Chennai-Howrah mainline which also includes Kapilash-Byree section. This will definitely mitigate the apprehension for elephant protection and requested this Department to finalize and execute rail line project to start simultaneously the main construction activities of cement grinding unit after incorporating necessary Site Specific Wildlife Management Plan to adopt suitable Eco-friendly measures and interventions to mitigate impacts of upcoming Linear infrastructure on Wildlife to safeguard the Wildlife Protection Act. The views of the PCCF (WL) & CWLW, Odisha on the representation of the User Agency was sought for. The PCCF (WL) & CWLW, Odisha had opined that it will be clear from the map showing the location of the elephant movement as per data of IWLMS., the railway line will bifurcate the elephant corridor leading to more human wildlife conflict. The report also mentions about presence of good no. of elephants along the corridor and 20 instances of damaged between 2019-20 to 2023-24 in and around the rail corridor. Thus, he stated to consider the views of the Chief Wildlife Warden vide his Letter No.7786 dtd.11.07.2024 in disposing the representation of My Home Industries Private Ltd.

The project was discussed in the 53rd State Project Monitoring Group (SPMG) meeting held under the chairmanship of Chief Secretary on 06.08.2024 at 3:00 PM wherein it was decided that a separate meeting to be held at the level of PCCF (Nodal) with concerned DFO and work out a mitigation plan within 15 days (copy of the Minutes of the 53rd SPMG is enclosed).

The Sr. President (Projects & Development), My Home Industries Pvt Ltd. vide letter dtd.13.08.2024 (copy enclosed) had proposed some mitigation measures to be adopted for rail connectivity to their proposed 2x1.5 MTPA cement grinding unit at village Byree under Darpan Tahasil of Jajpur District and requested to finalize and permit execution of eco-railway approved rail line project after incorporating necessary Site Specific Wildlife Management Plan to adopt suitable Eco-friendly measures and interventions to mitigate impacts of upcoming Linear infrastructure on Wildlife to safeguard the Wildlife Protection Act.

As per the decision taken in the 53rd SPMG meeting held on 06.08.2024 under the Chairmanship of the Chief Secretary, a meeting to settle the forest & wildlife issues for processing the forest diversion proposl for construction of Rail Corridor by My Home Industries Pvt. Ltd was held on 16.08.2024 at 11.00 AM through VC mode under the Chairmanship of PCCF, Forest Diversion & Nodal Officer, FC Act who was also the PCCF

(WL) & CWLW, Odisha. The meeting was attended by the Principal Secretary, Industries Department, MD, IDCO, OSD-cum-Special Secretary, FE&CC Department and DFO, Cuttack Forest Division. In the meeting, the PCCF (WL) & CWLW, Odisha highlighted that the proposed area for construction of rail corridor is frequently visited by wild elephants. The Principal Secretary to Government, Industries Department informed that My Home Cement Industries has been invited to set up a cement plant at Kalinga Nagar where land had been allocated. However, in view of non-availability of railway line to the said land, the plant had to be relocated at Byree on the borders of Cuttack-Jajpur district. He also intimated that there is another Cement plant namely M/s OCL for which a railway line has already been set up after obtaining necessary clearance. While it was discussed to utilise OCL railway line for the new cement plant of My Home Industries, the required NOC from the company could not be obtained. The Principal Secretary to Government, Industries Department requested the PCCF (WL) & CWLW, Odisha to relook their decision and recommend the diversion proposal by incorporating necessary mitigation measures. It was decided that a report from the Industries Department may be obtained in this regard and Govt. instruction may be communicated to the PCCF (WL) & CWLW, Odisha to relook their decision on the matter.

The views of the Industries Department with respect to the forest clearance of 4.519 ha of land in favour of My Home Industries was obtained vide UOI Note dtd.04.09.2024 (copy enclosed). In the said correspondence of the Industries Department, the Principal Secretary to Government, Industries Department had furnished justification for locating the project in the proposed site and requested that necessary forest clearance may please be expedited for the upcoming railway line incorporating necessary mitigation plan so as to minimize any chances of likely obstruction to wildlife in the area.

After obtaining necessary Govt. approval, the PCCF (WL) & CWLW, Odisha was requested to relook their decision and recommend the proposal by incorporating appropriate mitigation measures if feasible.

When the matter stood thus, the Chief Conservator of Forests (WL-II), O/o the PCCF (WL) & CWLW, Odisha vide letter No.14440 dtd.28.11.2024 addressed to the User Agency with copy to this Department vide next Memo of even date has conveyed the approval of the PCCF (WL) & CWLW, Odisha for the Site Specific Wildlife Conservation Plan at a total financial outlay of Rs.413.97 Lakh only as per the details of activities mentioned in the plan. A copy of the Memo No.14441 dtd.28.11.2024 of Chief Conservator of Forests (WL-II), O/o the PCCF (WL) & CWLW, Odisha along with the approved SSWLCP (Eco-Friendly Measures to Mitigate Impacts of Linear Infrastructure on Wildlife for Proposed Rail Corridor in village Kadei under Tangi-Choudwar Tahasil, Cuttack, Odisha from Shri Jhadeswar PH Station to proposed Cement grinding unit in village Byree under Darpan Tahasil, Jajpur, Odisha over a distance of 1.7 Km of M/s My Home Industries Pvt. Ltd.) received with the Memo are enclosed herewith for kind consideration.

In the matter the Chief Wildlife Warden, Odisha has stated that DFO, Cuttack Division has submitted the Site-Specific Wildlife Conservation Plan for the project which has been approved by the PCCF (WL) & CWLW, Odisha and proposal is submitted for necessary consideration.

EDS Point No.2: The State Govt. reported IPICOL has recommended 80.61 Acre of

land for setting of a Cement grinding Unit which includes key plant activities along with in plant railway yard. However, the State Govt. has not informed whether forest land is involved in 80.61 Acre of land? If involved the reason for submitting separate proposal for construction of instant railway line proposal may be asked from State Govt.

Compliance: The PCCF (FD&NO, FC Act) has submitted necessary compliance on the above EDS vide Memo No.13925 dtd.16.07.2024 addressed to this Department. The copy of the aforesaid Memo of the PCCF (FD&NO, FC Act) is submitted herewith for kind consideration of the compliance.

EDS Point No.3: As per DSS, a metalled road (0.15 ha) and Agricultural encroachments are observed and 0.14 ha (Approximately) of area is falling under pond over the CA patch. This may be clarified by the State Govt. in view of the suitability of CA land and encroachment free land.

Compliance: The PCCF (FD&NO, FC Act) has submitted necessary compliance on the above EDS vide Memo No.13925 dtd.16.07.2024 addressed to this Department. The copy of the aforesaid Memo of the PCCF (FD&NO, FC Act) is submitted herewith for kind consideration of the compliance.

EDS Point No.4: The distance of CA patch from the nearest PF/RF has not been informed by the State Govt.

Compliance: The PCCF (FD&NO, FC Act) has submitted necessary compliance on the above EDS vide Memo No.13925 dtd.16.07.2024 addressed to this Department. The copy of the aforesaid Memo of the PCCF (FD&NO, FC Act) is submitted herewith for kind consideration of the compliance.

Yours faithfully,

Encl: as above.

do
30.12.2024

OSD-cum-Special Secretary to Government

Memo No. 26152 /FE&CC, Date 30.12.24

Copy forwarded to the Special Secretary to Government, Industries Department for information and necessary action with reference to his UOI No.40/Ind dtd.04.09.2024.

do
30.12.2024

OSD-cum-Special Secretary to Government

Memo No. 26153 / FE&CC, Date 30.12.24

Copy forwarded to the Principal Chief Conservator of Forests & HoFF, Odisha/ Addl. Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha/ Addl. Principal Chief Conservator of Forests (FD&NO, FC Act), O/o the PCCF & HoFF, Odisha for information and necessary action.

do
30.12.2024

OSD-cum-Special Secretary to Government

Memo No. 26154 /FE&CC, Date 30.12.24

Copy forwarded to the Commerce & Transport (Transport) Department/ Revenue & Disaster Management Department/ Steel & Mines Department/ Director, Environment-

cum-Special Secretary to Government, FE&CC Department/ Member Secretary, State Pollution Control Board, Odisha/ Collector, Cuttack for information and necessary action.

OSD-cum-Special Secretary to Government

Memo No. 26155 /FE&CC, Date 30.12.24

Copy forwarded to the Regional Chief Conservator of Forests, Angul Circle/ Divisional Forest Officer, Cuttack Forest Division for information and necessary action.

OSD-cum-Special Secretary to Government

Memo No. 26156 /FE&CC, Date 30.12.24

Copy forwarded to the Deputy General Manager Projects, M/s My Home Industries Pvt. Ltd., 9th Floor, Block-3, My Home Hub, Madhapur, Hyderabad, Telangana-500081 for information and necessary action.

OSD-cum-Special Secretary to Government





सत्यमेव जयते

Government of India

Ministry of Environment, Forest & Climate Change

Regional Office, Bhubaneswar, Odisha



Online Proposal No.: **FP/OR/RAIL/438606/2023**



Dated: **24/01/2025**

To,

The Addl. Chief Secretary,
Forest, Environment & CC Deptt.,
Government of Odisha,
Bhubaneswar – 751 001

Subject:

Diversion of 4.519 ha of forest land for construction of proposed Rail Corridor in village Kadei under Tangi Choudwar Tahasil of Cuttack District in Cuttack Forest Division by M/s My Home Industries Pvt. Ltd.

Sir/Madam,

I am directed to refer to State Govt. letter No.FE-DIV-FLD-0106-2023-25213/FE&CC dated 05.12.2023, No.26151/FE&CC dated 30.12.2024, No.2072/FE&CC dated 21.01.2025 and Online Proposal No.FP/OR/RAIL/438606/2023 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

2. After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys '**Stage-I/in-principle**' approval for diversion of 4.519 ha of forest land for construction of proposed Rail Corridor in village Kadei under Tangi Choudwar Tahasil of Cuttack District in Cuttack Forest Division by M/s My Home Industries Pvt. Ltd., subject to the fulfillment of the following conditions.

1. General Conditions

S. No	Conditions
1.1	The legal status of forest land proposed for diversion shall remain unchanged.
1.2	The user agency shall transfer online, the Net Present Value (NPV) of 4.519 ha forest land being diverted under this proposal, as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No.5-3/2011-FC (Vol-I) dated 06.01.2022, and 22.03.2022.

S. No	Conditions
	The requisite funds shall be transferred through online portal in CAMPA account of the State concerned.
1.3	The non forest land of 4.654 ha identified in village Chhotapadagon under Tangi Choudwar Tahasil of Cuttack District under Cuttack Forest Division for raising compensatory afforestation shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval.
1.4	The user agency shall transfer the cost of raising and maintaining the CA/Addl. CA at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
1.5	Compensatory afforestation shall be raised over 4.654 ha identified in village Chhotapadagon under Tangi Choudwar Tahasil of Cuttack District under Cuttack Forest Division within two years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department as per approved plan/scheme and maintained thereafter, at the cost of user agency.
1.6	Addl. Compensatory afforestation shall be raised over 5.2 ha of degraded forest land identified in Kaliamba PRF of Dalijoda Range under Cuttack Forest Division within two years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department as per approved plan/scheme and maintained thereafter, at the cost of user agency.
1.7	The species to be planted in the CA scheme shall be of native species of the area. At least 18 month old seedlings should be planted. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals.
1.8	A Site Specific Wildlife Conservation Plan shall be prepared and duly approved by Chief Wildlife Warden, Odisha shall be implemented at project cost. The fund for implementation of Site Specific Wildlife Conservation shall be deposited by the user agency after duly vetted by Regional Office, MoEF&CC, Bhubaneswar.
1.9	At the time of payment of Net Present Value (NPV) at the then prevailing rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
1.10	The KML files of the area to be diverted and the CA areas shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.
1.11	All the funds received from the user agency under the project shall be transferred/ deposited in CAMPA account only through e-portal (https://parivesh.nic.in/). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
1.12	The compliance report of the Stage-I approval shall be uploaded on e-portal (https://parivesh.nic.in/).
1.13	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

S. No	Conditions
1.14	The boundary of the proposed forest land for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.
1.15	The user agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
1.16	Speed regulating signage will be erected along the railway line at regular intervals in Protected Areas/Forest Areas.
1.17	The State Govt. shall ensure controlled speed limit of 20 Km/Hr, if the trains passing through the forest portion to enable the trains drivers to react to the sudden appearance of the wild animals on the track. As and when required speed of train shall be regulated in consultation with CWLWL of the State Govt. There should be regular communication with the local forest department to know the presence/movement of elephant near the track.
1.18	The designing of culverts/bridges, if any over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water logging, and also does not hamper movement of wild animals including elephant.
1.19	The reclamation of quarry, if any, should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
1.20	The user agency shall take up Avenue Plantation on either side of alignment of the track at its own cost in consultation with the DFO.
1.21	The user agency shall explore the possibility of successful transplantation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
1.22	No labour camp shall be established on the forest land and the user agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
1.23	No additional or new path will be constructed inside the forest area for any activity related to the project work.
1.24	The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
1.25	The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
1.26	The forest land shall not be used for any purpose other than that specified in the proposal.
1.27	The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.

S. No	Conditions
1.28	No damage to the flora and fauna of the adjoining area shall be caused.
1.29	The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
1.30	The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and concerned Regional Office of this Ministry by the end of March every year.
1.31	Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.
1.32	The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
1.33	Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in Para 1.16 of Consolidated Guidelines and Clarification issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 vide Ministry's letter dated 29.12.2023.

2. Standard conditions

3. Specific Conditions

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

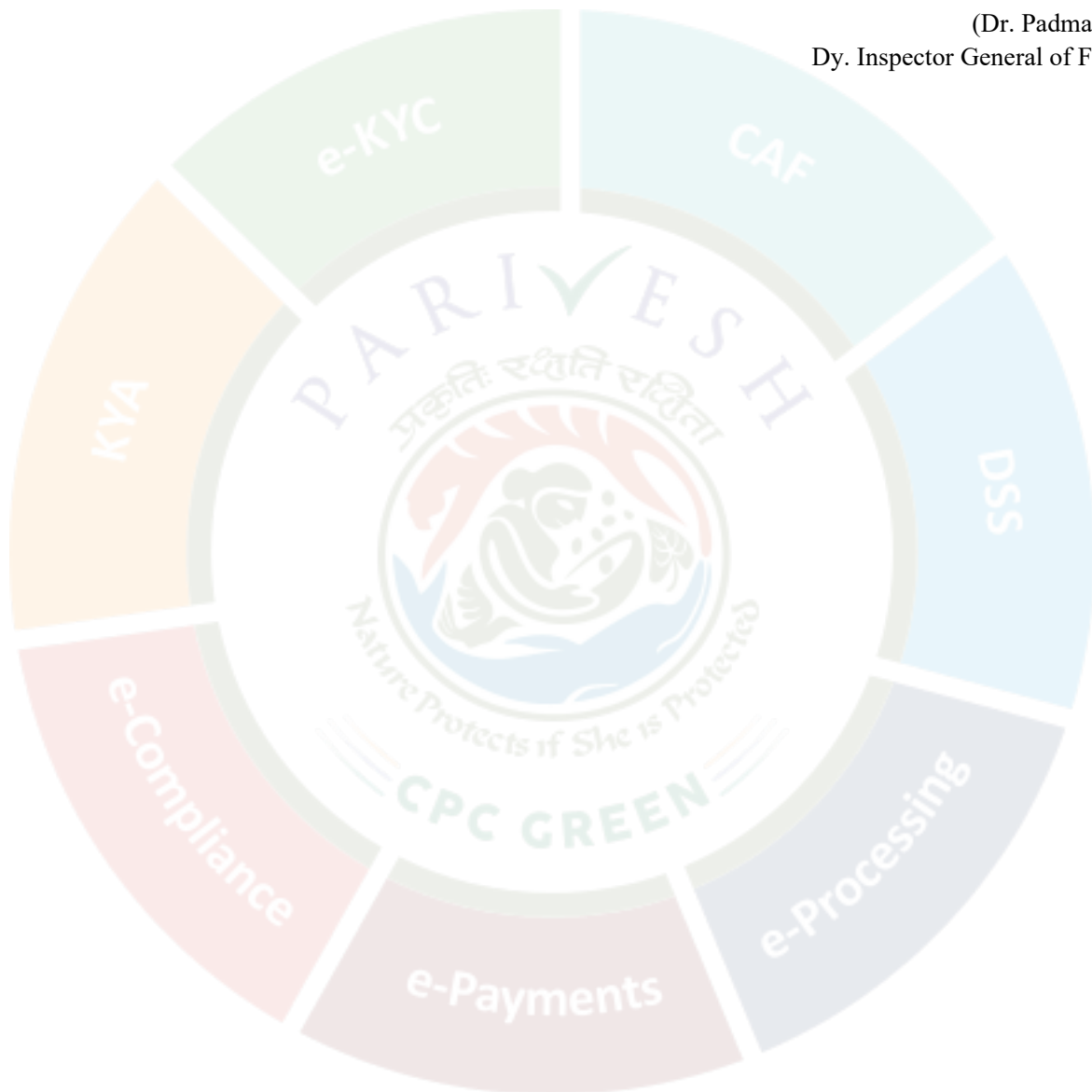
4. "The State Govt. or a Senior Office not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Govt. can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year ("**working permission**" means permission granted to linear project before final approval to mobilize the resources to commence the preliminary project work other than black topping, concretization, laying of railway tracks, charging of transmission lines, etc.). Such order shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), Wildlife conservation Plan, plantation of dwarf species of medicinal plants, and all other compensatory levies, specified in the Stage-I (in-principle) approval from the User Agency, and where ever applicable, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department, declaration of PF/RF and compliance of other statues including ST&OTFD (Recognition of Forest Rights) Act, 2006" as stipulated in Para 11.1 of Chapter-11 of Consolidated Guidelines and Clarification issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 vide Ministry's letter dated 29.12.2023.

Copy To

1. The Inspector General of Forests (ROHQ), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi – 110003.
2. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.
3. The Deputy General Manager (Projects), M/s My Home Industries Pvt. Ltd., 9th Floor, Block-3, My Home Hub, Madhapur, Hyderabad-500081, Telangana.

Your's faithfully

(Dr. Padma Mahanti)
Dy. Inspector General of Forests (C)



Signature Not Verified

Digitally Signed by : PADMA MAHANTI
Deputy Inspector General of Forest, IRO

Date: 24/01/2025