

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

Original Application No. 187 of 2024

Dillip Kumar Pradhan & Anr .....APPLICANTS

V E R S U S

State of Odisha & others .....RESPONDENTS

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Cuttack

Dt. 10.03.2025

  
ADVOCATE FOR RESPONDENT NO.5  
PRONOY MOHANTY  
ENROLMENT NO.734/2016  
MOBILE NO.8658525777



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

Original Application No. 187 of 2024

Dillip Kumar Pradhan & Anr .....APPLICANTS

V E R S U S

State of Odisha & others .....RESPONDENTS

**COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT  
NO.5 (ODISHA INDUSTRIAL INFRASTRUCTURE  
DEVELOPMENT CORPORATION)**

I, Sri Harischandra Rout, aged about 57 years, S/o-Birabhadra Rout, at present working as Addl.CGM(Land), Odisha Industrial Infrastructure Development Corporation, (IDCO), Janpath, Bhubaneswar, Dist- Khurda, do hereby solemnly affirm and state as follows:

1. That, I have been duly authorized to swear this affidavit on behalf of Respondent No.5 in this case.
2. That, I have gone through the contents of the original application and have understood the same. I am also otherwise acquainted with the facts of the case.
3. That, in the original application, the applicants have prayed for the following direction:
  - (a) Restrain the private respondents and IDCO from accessing and using the forest land for non forest activity until the approval of the central Govt. is obtained under the forest conservation Act of 1980.

*Harischandra Rout*  
Addl. Chief General Manager (Land)  
IDCO, Bhubaneswar

**PRADIPTA KUMAR MOHANTI**  
Notary, Cuttack Town  
Regd.No-ON-04/1995

- (b) Hold and declare that the lease granted in favour of IDCO and subsequent transfer to the NALCO as illegal and void for the want of forest clearance
- (c) Hold and declare that the lease granted in favour of IDCO and subsequent transfer to NALCO as illegal and void for the want of forest clearance.
4. That, the applicants have made the aforesaid prayer on the basis of all misconceived facts and law, which are traversed in view of the averments made herein below, while in course of replying to the averments made in the original application, in view of which the O.A is liable to be dismissed, being not sustainable in the eye of law.
5. That, the averments made in para-1 to 3 of the OA, needs no reply.
6. That, the averments made in Para-4 of the Original Application are not true. The averment made by the petitioner in the para is misinterpretation of fact, so is not acceptable to this Respondent (IDCO). In this regard the Letter No. 19468 dt.03.11.09 enclosed as **Annexure-2** of the OA may please be gone through in details. In the said letter it is clarified that the ADM, Anugul had intimated regarding the growth of thick forest over 90% of the schedule of land mentioned in the earlier alienation proposal so in the last para of the said letter it has been requested to drop the earlier proposal for acquisition of area measuring Ha.51.30 (Ac.126.76) and to proceed afresh with the proposal for leasable land measuring Ha.21.9360 (Ac.54.20) in the Village –Kosala.

The subsequent proposal by IDCO for acquisition of land measuring Ac.54.20 did not relate to any land of Kissam-Forest so the averment made by the petitioner is not maintainable in the eye of

Law. Besides from the kissam column of the ROR of the requisition land it can be seen that the Kissam of the land was never Jungle. The copy of the letter dtd.03.11.09 is annexed herewith as Annexure-A/5.

7. That, in reply to the averments made in para- 5 to 15 of the original application, it is humbly submitted that, the Collector, Angul had sanctioned Ac.54.20 non-forest Government land in village Kosala ,Tahsil –Chendipada in the District of Angul in favour of IDCO vide sanction order No.1351 Dtd.03.06.2011 for establishment of industry. (R&R Colony). Lease Deed had also been executed between Collector, Angul and IDCO vide Document No.10011108291 Dtd.14.12.2011. Thus the impugned land had been acquired by the Respondent No.5 through the District Administration.

In this regard it may be pertinent to quote the Section 1A (1) of the Forest (Conservation) Amendment Act ,2023 which provides that the provision of the clause shall not apply to such land which has been changed from forest use to non-forest purpose on or before the 12<sup>th</sup> December, 1996, in the instant case since the allegation of change in kissam has been approved by the competent authorities prior to the aforesaid date so the averment made by the petitioner in this regard is not maintainable under the said Act.

The Kissam of the sanctioned land has been mentioned as “PATITA” and KAJU BAGAYAT” but never mentioned as kissam “Jungle” or “Forest” in the remarks column so the allegation of Violation of Section 2 of the Forest Conservation Act,1980 does not arise in the instant case vide Annexure-2 of the OA.

  
Addl. Chief General Manager (Land)  
IDCO, Bhubaneswar

8. That, the averments made in para- 16 of the Original Application needs no reply.

9. That, in reply to the averments made in para -17 to 24 of the Original Application, it is humbly submitted that, Ministry of Coal, Government of India, New Delhi had allocated Utkal-E Coal Block in favour of NALCO for their use plant vide No.47011/7(60)/93-CPA/CPAM/CA Dtd.27. 08.2004. IPICOL, being the Nodal Agency had recommended 677.42 Ha. land in favour of NALCO for acquisition and alienation of land for the proposed Utkal-E Coal Mining Project.

On the request of the Project proponent- NALCO, IDCO had taken up the land acquisition & alienation works for Utkal-E Coal Mining Project which involves Ac.543.737 private land involving 5 villages i.e. Nandichhod @ Gopiballavpur, Gopinathpur Jungle, Kundajhari Jungle, Kosala and Korada under Chhendipada Tahasil of Angul District.

As per the Socio-Economic Survey conducted by Nabakrishna Choudhury Centre for Development Studies, about 417 nos. of families are likely to be displaced in village Nandichhod and Gopinathpur Jungle on account of acquisition of their residential houses and 811 families are likely to be partly affected due to acquisition of their agricultural land.

Rehabilitation and Periphery Development Advisory Committee (RPDAC) in its 1<sup>st</sup> meeting held on 01.02.2010 had approved the R&R site at village Kosala for establishment of R&R colony over land measuring Ac.67.77 under Chhendipada Tahasil for resettlement of the project displaced families as the report of Sub-

  
Anurag Kumar  
Addl. Chief General Manager (Land)  
IDCO, Bhubaneswar



Committee. The copy of the proceeding of the 1<sup>st</sup> RPDAC meeting is Annexed herewith as **Annexure- B/5**

NALCO authorities had requested IDCO for acquisition of private land Ac.13.07 and lease of Government land measuring Ac.54.20, totaling to Ac.67.27 for establishment of R&R Colony in village Kosala under Chhendipada Tahasil.

Accordingly, IDCO had filed requisition before the Tahsildar, Chhendipada for lease of Ac.54.20 Government land vide No.19468 Dtd.03.11.2009 & acquisition of private land measuring Ac.13.07 in village Kosala before the LAO, Angul for establishment of R&R Colony by NALCO.

Collector, Angul had sanctioned Ac.54.20 non-forest Government land in village Kosala in favour of IDCO vide sanction order No.1351 Dtd.03.06.2011 for establishment of industry.(R&R Colony). Lease Deed had also been executed between Collector, Angul and IDCO vide Document No.10011108291 Dtd.14.12.2011.

Out of which, land measuring Ac.33.98 has been transferred to Collector, Angul for eventual distribution of pattas to the respective PDFs to be settled in the R&R Colony being constructed by NALCO leaving the area of Ac.20.22 for development of common infrastructure in the R&R Colony by NALCO. <sup>as per letter No. 6012/dt. 22.03.2013 of IDCO.</sup> The copy of the letter no-6012 dtd.22.03.2013 of IDCO is annexed herewith as **Annexure- C/5**

From the available records of the revenue authorities and ROR, it is crystal clear that the land on which NALCO is proposing to establish rehabilitation and resettlement colony are non forest Government Land and it was never shown as "Jungle Kissam" in the remarks column of ROR so lands allotted to IDCO, surrendered to

*Rub*  
Addl. Chief General Manager (Land)  
IDCO, Bhubaneswar

Govt for issue of ROR to displaced families nor utilised by Nalco for settlement of RR colony are all non forest land, thus the allegation of violation of Section-2 of the Forest Conservation Act and the Judgment of the Hon'ble Supreme Court of India in T.N.Godavarman Case does not arise at all in the instant case.

10. That, in reply to the averments made in para-25 of the Original Application, it is humbly submitted that, As the sanctioned plots are non forest kissam of land the allegation of violation of Section 2 of the Forest Conservation Act 1980 does not arise. Besides as no forest land are involved in the instant case so the order passed by the Hon'ble Supreme Court of India in Godavarman Case are also not violated. That the petitioner has not come to the court in clean hands so the instant application may be dismissed for ends of Justice.

11. That from the aforesaid facts and circumstances, submissions and detail averments made herein above, it is clear that, the applicants have filed the present original application with ulterior motive by making all false and frivolous allegations, having no legs to stand and has not come in clean hands for having suppressed the real and relevant facts before this Hon'ble Tribunal. Thus, the original application is liable to be dismissed with cost.

12. That, the rest of the averments which have not been specifically admitted in this affidavit, may be deemed to have been denied.

13. That, in view of the averments made, considering the facts and circumstances of the case, the O.A. being devoid of any merit, is liable to be dismissed with exemplary cost, for filing such frivolous application and wasting the precious time of this Hon'ble Tribunal.

*Handwritten signature*  
Addl. Chief General Manager (Land)  
IDCO, Bhubaneswar

*Handwritten signature*

14. That, the deponent craves leave of this Hon'ble Tribunal, to file any such further affidavit, if so required, in the course of hearing, for proper adjudication of the matter.

15. That, the facts stated above are true to the best of my knowledge, belief & materials on record.

Identified by  
Ratikanta Barik  
Advocate & Clerk  
At 10-3-2025

*Harischandra Rout*  
DEPONENT  
Addl. Chief General Manager, (Land)  
IDCO, Bhubaneswar

**VERIFICATION**

I, Sri Harischandra Rout, aged about 57 years, S/o-Birabhadra Rout, at present working as Addl.CGM(Land), Odisha Industrial Infrastructure Development Corporation, (IDCO), Janpath, Bhubaneswar, Dist- Khurda, do hereby verify that the contents of the above affidavit are true to my knowledge, belief and materials on record, and nothing has been concealed there from.

Verified at 10th, on day of March, 2025.

*Harischandra Rout*  
VERIFICANT  
Addl. Chief General Manager (Land)  
IDCO, Bhubaneswar

**CERTIFICATE**

Due to non-availability of Cartridge Papers, Plain thick white papers have been used in this matter.

Cuttack.

Dt. 10.03.2025

*Pranoj Mohanty*  
ADVOCATE  
PRANOY MOHANTY  
ENROLMENT NO.734/2016  
MOBILE NO.8658525777

Solemnly sworn before  
me by.....*H.C. Rout*  
being identified by.....*R.K. Barik*  
at Cuttack Town Dated.....*10.3.2025*  
*10.3.2025*  
P.K. MOHANTY, Notary, Cuttack Town  
Regd. No. 31-04/1995



# ANNEXURE-2

## Orissa Industrial Infrastructure Development Corporation

(A Government of Orissa Undertaking)  
IDCO Towers, Janpath, Bhubaneswar - 751022, Orissa, India  
Phones (0674) 2542784, 2540820, Fax: 2540749, 2542956  
Email: md@idcolndia.com



ISO 9001 & 14001 CORPORATION

Recd  
gnt  
TO: Satish Hal 19468  
The Tahasildar,  
Chhendipada.

Dated October-2009  
03.11.09

Recd  
7/11/09

Sub:- Lease of Government (leasable) land measuring Ac.54.20 (21.9360 Ha.) in village Kosala under Chhendipada Tahasil for establishment of industries (R&R Colony).

Ref.:- This Office letter No.9869 Dt.4.6.09 & Memo No.1492 Dt.15.10.09 of ADM, Angul.

Sir,

Please refer to the letters cited above on the captioned subject in which application for lease of non-forest Government land measuring Ha.51.30 (Ac.126.76) in village Kosala has been filed before you for facilitating sanction of lease in favour of IDCO for in turn allotment to M/s. NALCO authorities for establishment of rehabilitation colony.

It has been intimated by Additional District Magistrate, Angul that 90% of the requisitioned area covers thick forest growth and is under the control of villagers of Kosala. Further he has suggested to drop the original requisition filed for the purpose and requested to file revised proposal afresh adjoining private as well as government plots including a portion of plot no.19, which was filed earlier.

In view of the above, we are sending herewith revised land schedule, land plan etc. in quadruplicate for leasable land measuring Ha.21.9360 (Ac.54.20) in the said village to facilitate process of alienation proposal. The alienation proposal filed earlier for Ha.51.30 (Ac.126.76) vide letter under reference may please be dropped.

Yours faithfully,

- Encl.:- 1. Land plan ✓ 04 copies
- 2. Land schedule ✓ 04 copies
- 3. From No. 1 ✓ 04 copies

[Signature]  
Chief General Manager(P&A)

Memo No.....Dt.  
Copy forwarded to the Collector, Angul/ Additional District Magistrate, Angul for kind information and necessary action.

Chief General Manager(P&A)

[Signature]  
TAHASILDAR  
CHHENDIPADA

[Handwritten notes]

**PROCEEDING OF 1<sup>ST</sup>. RPDAC MEETING FOR THE UTKAL -E-COAL BLOCK OF  
M/S. NALCO HELD ON 01.02.2010 IN THE DRDA  
CONFERENCE HALL, ANGUL**

**MEMBERS PRESENT:** As per Annexure - I.

The meeting was presided over by Mr. Jamil Ahmad Khan, I.A.S, RDC, (ND), Sambalpur - cum - chairman, RPDAC.

At the outset the Collector and Dist. Magistrate, Angul welcomed all the members and invitees present in the meeting and initiated the discussion on each item of the Agenda Notes circulated among all the members.

**1. STATUS OF LAND ACQUISITION :-**

This project is going to be established comprising with private land measuring area of Ac.543.737 in respect of Nandichhode @ Gopiballavpur, Gopinath Pur Jungle, Kundajhari Jungle, Kosala and Korada, out of which land in village Nandichhod @ Gopiballavpur, Gopinathpur Jungle, Kundajhari Jungle and Kosala has been acquired U/s. 6 (1) of the Act. The 6 (1) proposal in respect of Vill : Korada has been sent to Govt. for approval of estimated cost and issue of notification.

**2. MARKET VALUE OF LAND**

The market value of land of these villages has been determined basing on the Bench Mark Valuation and sale statistics of preceeding three year. The market value of all the villages except Korada has been approved by the Govt. in Steel and Mines Deptt.

**Kissam wise and villages wise market value :-**

Kissam of land	Name of village				
	Kosala	Gopinathpur jungle	Kundajhari jungle	Nandichhod	Korada
1	2	3	4	5	6
AREA	7.73	22.64	55.26	316.91	141.197
S.A.J.S.-I	-	1,13,312/-	-	5,74,840/-	1,41,197
S.A.J.S.-II	-	1,13,312/-	-	5,05,859/-	-
S.A.J.S.-III	-	1,10,800/-	-	5,05,859/-	-
TAILA	11,00,000/-	4,85,624/-	5,26,110/-	5,26,093/-	-
TAILA -II	-	-	-	-	4,21,423/-
TAILA -III	-	-	-	-	2,30,000/-
PATITA	7,50,000/-	4,49,202/-	5,26,110/-	5,26,093/-	-
GHRABARI	16,02,561/-	-	-	5,85,796/-	5,00,000/-
BAGAYAT -I	-	-	90,000/-	-	-
BAGAYAT -II	12,00,000/-	-	-	2,30,000/-	-
BAGAYAT -III	-	-	-	-	2,30,000/-
SARADA -I	-	-	-	-	1,38,000/-
SARADA -II	-	-	-	-	1,38,000/-
SARADA -III	-	-	-	-	2,30,000/-

**PROCEEDING OF 1<sup>ST</sup> RPDAC MEETING FOR THE UTKAL-E- COAL BLOCK OF  
M/S.NALCO HELD ON 01.02.2010 IN THE DRDA  
CONFERENCE HALL ANGUL**

**Members Present:** As per Annexure-I.

The meeting was presided over by Mr. Jamil Ahamad Khan, I.A.S. RDC (ND), Sambalpur-cum-Chairman, RPDAC.

At the outset the Collector and Dist. Magistrate, Angul welcomed all the members and invitees preset in the meeting and initiated the discussion on each item of the Agenda Notes circulated among all the members.

**1. STATUS OF LAND ACQUISITION:**

This project is going to be established comprising with private land measuring area of Ac.543.737 in respect of Nandichhode @ Gopiballavpur, Gopinath Pur Jungle, Kundajhari Jungle, Kosala and Korada, out of which land in village Nandichhod @ Gopibalhavpur, Gopinathpur Jungle, Kundajhari Jungle and Kosala has been acquired U/s.6(1) of the Act. The 6(1) proposal in respect of Vill:Korada has been sent to Govt. for approval of estimated cost and issue of notification.

**2. MARKET VALUE OF LAND:-**

The market value of land of these villages has been determined basing on the Bench mark Valuation and sale statistics of preceding three year. The market value of all the villages except Korada has been approved by the Govt. in Steel and Mines Deptt.

**Kissam wise and villages wise market value:**

Kissam of land	Name of village				
	Kosala	Gopinathpur Jungle	Kundajhari Jungle	Nandichhod	Korada
1	2	3	4	5	6
Area	7.73	22.64	55.26	316.91	141.197
S.A.J.S.-I	-	1,13,312/-		5,74,840/-	1,41,197
S.A.J.S.-II	-	1,13,312/-		5,05,859/-	
S.A.J.S.-III	-	1,10,800/-		5,05,859/-	
TAILA	11,00,000/-	4,85,624/-	5,26,110/-	5,26,093/-	
TAILA-II	-	-			4,21,428/-
TAILA-III	-	-			2,50,000/-
PATITA	7,50,000/-	4,49,202/-	5,26,110/-	5,26,093/-	
GHARABARI	16,02,561/-		-	5,86,796/-	5,00,000/-
BAGAYAT-I	-		90,000/-		
BAGAYAT-II	12,00,000/-			2,30,000/-	
HARFASAL					4,20,000/-
SARADA-I					1,98,000/-
SARADA-II					1,98,000/-
SARADA-III					2,50,000/-

*P.C. Ahamad Khan  
RDC  
Ad*

c. 9

The members of the RPDAC considering the demand of the land owners discussed about the market value of each kissam of land. It is realized that market value of Kosala appears to be high because of its characteristics and geographical location in comparison to other villages. Therefore the market value of Kosala needs no correction. So far as other four villages are concerned, the demand of higher compensation at par with Kosala was discussed in detail. It was realized that the market value of Kosala which appears to be high being a class - I village. Moreover, only 1.42% of total land of the project is going to be acquired in village Kosala. Hence, the market value of Kosala can not a base for other four villages. Eventually, it was decided that the demand for similar rate for other four villager at par with Kosala is not proper and justified.

However, in the case of these four villages the market value should be common as these are 2<sup>nd</sup> class villages and identical in nature. In such contingency the Chairman after discussion with other members handed over the responsibility of fixation of market value of these four villages except Kosala to the Sub-Committee. The Sub-Committee should decide the market value for payment of ex-gratia, if any, immediately.

**3. LEFT OUT PATCH :-**

After discussion and considering the demand of the villagers of Nandichhod it was decided and approved by the RPDAC that the left out private land measuring about Ac.42.46 in village Kundajhari Jungle should be acquired by both the projects M/s. NALCO Ltd. and TATA Sponge Iron Ltd. proportionately for their coal project as the above patch of land is lying within their mining area.

**4. REHABILITATION AND RESETTLEMENT ISSUES :-**

As per the Socio-Economic Survey conducted by Nabakrishna Choudhury Centre for Development Studies, about 417 nos. families are likely to be displaced in village Nandichhod and Gopinathpur Jungle on account of acquisition of their residential houses and 811 families are likely to be partly affected due to acquisition of their agricultural land.

The village wise list of displaced and affected families is given below.

Sl. No.	Name of village	No. of family to be displaced	No. of family to be affected	Remarks
1.	Gopinathpur Jungle	12	15	
2.	Kosala	-	150	
3.	Nandichhoda	405	290	
4.	Kundajhari Jungle	-	205	
5.	Korada	-	161	
	<b>Total</b>	<b>417</b>	<b>811</b>	

The members of the RPDAC considering the demand of the land owners discussed about the market value of each class of land. It is realized that, market value of Kosala appears to be high because of its characteristics and geographical location in comparison to other villages. Therefore, the market value of Kosala needs no correction. So far as other four villages are concerned, the demand of higher compensation at par with Kosala was discussed in detail. It was realized that, the market value of Kosala which appears to be high being a Class-I village. Moreover, only 1.12% of total land of the project is going to be acquired in village Kosala. Hence, the market value of Kosala can not be a base for other four villages. Eventually, it was decided that, the demand for similar rate for other four villages at par with Kosala is not proper and justified.

However, in the case of these four villages the market value should be common as these are 2<sup>nd</sup> class villages and identical in nature. In such contingency the Chairman after discussion with other members handed over the responsibility of fixation of market value of these four villages except Kosala to the Sub-Committee. The Sub-Committee should decide the market value for payment of ex-gratia, if any, immediately.

### 3. LEFT OUT PATCH:-

After discussion and considering the demand of the villagers of Nandichhod, it was decided and approved by the RPDAC that the left out private land measuring about Ac.42.46 in village Kundajhari Jungle should be acquired by both the projects M/s.NALCO Ltd. and TATA Sponge Iron Ltd. proportionately for their coal project as the above patch of land is lying within their mining area.

### 4. REHABILITATION AND RESETTLEMENT ISSUES:-

As per the Socio-Economic Survey conducted by Nabakrishna Choudhury Centre For Development Studies, about 417 nos. families are likely to be displaced in village Nandichhod and Gopinathpur Jungle on account of acquisition of their residential houses and 811 families are likely to be partly affected due to acquisition of their agricultural land.

The village wise list of displaced and affected families is given below:

SL. No.	Name of Village	No. of family to be displaced	No. of family to be affected	Remarks
1	Gopinathpur Jungle	12	15	
2	Kosala	-	150	
3	Nandichhoda	405	280	
4	Kundajhari Jungle	-	205	
5	Korada	-	161	
	<b>Total-</b>	<b>417</b>	<b>811</b>	

- i) The above list of displaced and affected families are approved by the RPDAC. This list should be displayed at Collectorate/Block/Tahasil/Panchayat and village as

*For Attested  
Date  
A.S.R.*

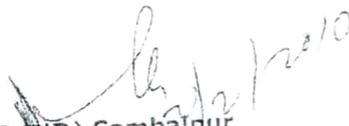
i) The above list of displaced and affected families are approved by the RPDAC. This list should be displayed at Collectorate / Block / Tahasil/ Panchayat and village as well as other conspicuous locations for general information and inviting objection, if any, as per para 4 ( c), R & R Policy 2006 of Govt. of Orissa.

ii) For resettlement of the project displaced families the Sub-Committee had visited the R.R. site at Kosala on 4.10.2008. The site has been selected on the consent of the displaced families. On the basis of the recommendation of the Sub-Committee Ac.67.77 of Govt. and private land in village Kosala is approved for construction of R & R Colony.

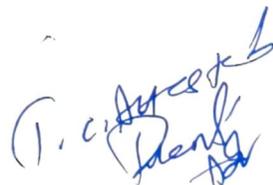
**5. GENERAL DEMANDS BEYOND R & R POLICY -2006**

The Chairman in consultation with other members advised the project proponent to implement R & R Policy -2006 of Govt. of Orissa in letter and spirit. M/s. NALCO Ltd. committed to follow R & R policy, 2006 of Govt. of Orissa.

The meeting ended with a vote of thanks to the chair

  
RDC (ND) Sambalpur  
-Cum- Chairman, RPDAC.





well as other conspicuous locations for general information and inviting objection, if any, as per para 4(c), R & R Policy 2006 of Govt. of Orissa.

- ii) For resettlement of the project displaced families the Sub-Committee had visited the R.R. site at Kosala on 04.10.2008. The site has been selected on the consent of the displaced families. On the basis of the recommendation of the Sub-Committee Ac.67.77 of Govt. and private land in village Kosala is approved for construction of R& R Colony.

5. **GENERAL DEMAND BEYOND R & R POLICY-2006**

The Chairman in consultation with other members advised the project proponent to implement R & R Policy-2006 of Govt. of Orissa in letter and spirit. M/s.NALCO Ltd. committed to follow R & R policy, 2006 of Govt. of Orissa.

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

RDC (ND) Sambalpur  
-cum- Chairman, RPDAC.

*For Selected  
District  
Adm.*

-12-

# Orissa Industrial Infrastructure Development Corporation

(A Government of Orissa Undertaking)

IDCO Towers, Janpath, Bhubaneswar - 751022, Orissa, India

Phones: (0674) 2542784, 2540820, Fax::2540749, 2542956

Email: md@idcoindia.com

Annexure - C/5

**idco**  
Your power to grow

ISO 9001 & 14001 CORPORATION

No.HO/P&A-LA-E-5513/09/

6012

Dated 22, March-2013

To

M/s.National Aluminium Company Ltd.,  
Utkal -E Coal Mining Project,  
Smelter & Power Complex,  
Nalconagar,  
Angul-759145

Sub:- Allotment of leased out non-forest Government land measuring  
Ac.20.22 in village Kosala under Chhendipada Tahasil in the  
District of Angul for establishment of R&R Colony by M/s.NALCO.

Ref.:- Your letter NALCO/GM(UECB)/273/2012 Dtd.16.6.12,  
No.NALCO/GM(UECB)/89/2013 Dt.21.02.13 & Letter  
No.112/PDRR Dt.11.06.12 of LAO-cum-PD, R&R, Angul.

Sir,

With reference to the above cited letters on the captioned subject and in pursuance of the recommendation of Sub-Committee of RPDAC in its meeting held on 13.10.2008 and subsequent approval of R&R plan communicated by Land Acquisition Officer-cum-Project Director, R&R, Angul, I am directed to inform you that Collector, Angul has sanctioned non-forest Government land Ac.54.20 land in village Kosala for establishment of R&R Colony. Out of which, land measuring Ac.33.98 has been transferred to Collector, Angul for eventual distribution of pattas to the respective PDFs to be settled in the R&R Colony being constructed by you. Now the residual land of Ac.20.22 is hereby allotted in your favour for providing and maintenance of infrastructure relating to the R&R Colony for the respective PDFs Nandichhod oraf Gopiballavpur village (Utkal-E Coal Mining Project) on the following terms and conditions:

1. You have already made payment of Rs.1,42,34,370/- (Rupees One crore forty-two lakh thirty-four thousand three hundred seventy) only towards the cost of Ac.54.20 land as per the following:

	Area surrendered	Area remained under possession	Total amount paid
Area	33.98	20.22	54.20
Area per acre	200000.00	200000.00	
Premium	6796000	4044000	10840000
Ground Rent	822316	489324	1311640
Cess	616737	366993	983730
Cost of Tree Growth	9404	5596	15000
Incidental chg.	679600	404400	1084000
<b>Total</b>	<b>8924057</b>	<b>5310313</b>	<b>14234370</b>
10% IDCO Charges	748500	445400	1193900
	<b>9672557</b>	<b>5755713</b>	<b>15428270</b>

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2. Out of this, land measuring Ac.33.98 is being transferred to Collector, Angul for eventual distribution of "pattas" to the respective PDFs in the R&R Colony. The balance land measuring Ac.20.22 is allotted for a period of 15 years for maintenance of infrastructure and common facilities of the R&R Colony and the same shall be surrendered as soon as the period of allotment is over.
3. The land shall be utilized for providing infrastructure and maintenance of R&R Colony and shall not be sub-leased for any purpose to any other institution/individual.
4. You shall pay Ground rent of **Rs.4,89,324/- (Rupees Four lakh eighty-nine thousand three hundred twenty-four) only** on the demised land @ 1% of the land value and Cess of **Rs.3,66,993/- (Rupees Three lakh sixty-six thousand nine hundred ninety-three) only** @ 75% of the Ground rent every year to IDCO. The above rate will be subject to revision consequent upon the appropriate decision taken by the Revenue Authority from time to time.
5. For any construction or addition or alternation to the existing building and for any additional construction, you shall submit the building plans and shall take up such construction, addition, alternation or additional construction only after obtaining necessary approval from the competent authority.
6. You shall obtain necessary clearances from the State Pollution Control Board for establishment of your project on the allotted land within six calendar months from the date of taking over physical possession of land but before taking up any civil construction / industrial activities and will maintain the environmental balance which might be required at the time of commission of your Industries.
7.
  - a) You shall also have to abide by all the applicable environment related laws/rules & regulations which are existing and which may be framed by the competent authority from time to time.
  - b) The liquid effluent discharge of/from the industries must meet OSPCB prescribed norms.
  - c) You shall have to obtain clearance from Ministry of Environment and Forest, Government of India. You shall abide by the provisions of prevailing forest laws, rules and guidelines issued by the State/ Central Government from time to time.
  - d) You shall have to obtain permission from Talcher` Angul Meramundali Development Authority (TAMDA) under the provisions of ODA Act 1982, in case the area comes under the jurisdiction of TAMDA.
8. You shall also abide by the decision of the State Government from time to time and shall abide by the guidelines of Govt. of Orissa.

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You shall abide by the provisions of OIIDC Act, 1980 and rules/regulations made there under, including the decision of the Board from time to time. You shall also have to abide by all the terms and conditions enumerated in the lease deed vide No.10011108291 Dtd.14.12.11, which is executed between the Collector, Angul and IDCO. You shall have to abide by all the terms and conditions stipulated by **IPICOL/RPDAC**. You shall abide by the guidelines of Orissa R&R Policy, 206 as well as of Industry Department's Resolution No.17045 Dt.1.10.03 and any revision made thereto from time to time.

10. You will take possession of the property on "as it is" condition and no further demand for any development such as earth filling, raising and the leveling etc. shall be entertained. Any other improvement or development is purely the responsibility of the allottee.
11. You shall not transfer your right/ title/ interest in land either in part or in full including change in the constitution of the company without prior written permission of IDCO.
12. You will have to start Civil Construction on the provisionally allotted land within six months and utilize the land within one year from taking over possession.
13. You shall submit the following documents.
  - A. Copy of Certificate of Incorporation.
  - B. Copy of the Memorandum & Article of Association.
  - C. A certified copy of the resolution passed by Board of Directors accepting the terms and conditions of this letter and authorizing any of your Director/ Representative to execute lease deed with IDCO and to take over possession of allotted land from IDCO on behalf of your company.
  - D. An affidavit regarding present and permanent address of the authorized Directors / Representatives of the company declaring their full names, age, present and permanent address.
  - E. A brief profile of your project.
  - F. Submission of consolidated map of your project, as well as the respective R&R Colony.
  - G. An undertaking to the effect that the R&R Colony area is within the recommended limit as prescribed by RPDAC in respect of the PDFs of your project.
14. You shall make necessary provisions for peripheral development along with provisions for development of ancillary industries at your own cost. These provisions shall have to be incorporated in your project report if not provided.
15. You shall make provisions for internal infrastructure development of allotted land including arrangement of roads, water supply and electricity for your PDFs at your own cost.

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16. If construction work is not started within 6(six) months, the allotment will be deemed to have been cancelled at the end of 6 month period. Further, if the land or any part of it is not utilized fully for the purpose for which it is sanctioned within a period of 1(one) year, the same shall revert to IDCO free from all encumbrances.
17. You shall have to maintain 10% of land for Green belt around your project site. The development of plantation shall be taken up at your own cost.
18. You shall abide by the provisions of prevailing Forest Laws, Rules and Government guidelines issued there under from time to time.
19. You shall have to take necessary clearance of the local DFO before felling of trees if any, in case of both acquired private and Government land allotted in your favour.
20. In case the project land (private or government or both) is interspersed with forest land, you have to allow free access to the local community till the same is alienated in your favour after obtaining due approval of the diversion proposal from the Ministry of Environment & Forest.
21. In case of Government land for felling of trees, as per the Revenue Laws, enumeration of the number of trees shall be done and necessary cost shall be deposited within the Government. In case of acquired private land, necessary clearance of the local D.F.O. shall be obtained by the project authority before felling of trees.
22. The rehabilitation site should be kept at a reasonable distance from the reserve/protected forest areas and the oustees should be provided with necessary agriculture and grazing land for sustenance.
23. Due opportunity should be provided to the local people to express their views in Grama Sabha meeting in the scheduled areas and public hearing shall be made by the Pollution Control Authority.
24. You shall develop green belt along Reservoir side to prevent pollution and also to ensure that no waste water of the industry shall be released to the reservoir. The user agency shall follow the guidelines of the Pollution Control Board.
25. Financial closure of the project shall be completed within one year from the date of allotment of land.
26. You shall transfer the land along the State Highway to the State Government as per requirement for development of common infrastructure/ public purpose, through gift deed, if desired by Government in future.
27. You shall have to take up rehabilitation and resettlement programme as per Orissa Resettlement & Rehabilitation Policy-2006 of Government of Orissa and prevalent practice followed in the area from time to time.

