

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No. 117/2025/EZ

IN THE MATTER OF:

Santanu Kerketta and Anr.

...Applicants

Versus

State of Odisha & Ors.

...Respondents

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Place: Kolkata

Respondent no. 3

Date: 24th February, 2026

Through

Dibyendra Narayan Ray

Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****ORIGINAL APPLICATION NO. 117/2025**

IN THE MATTER OF:

Santanu Kerketta & Anr.

....Applicants

Verses

State of Odisha & Ors.

....Respondents

**BEFORE THE NOTARY PUBLIC
AT BIDHANNAGAR
DIST-NORTH 24 PARGANAS**

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 - DEPUTY
DIRECTOR GENERAL OF FORESTS (C) MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, REGIONAL OFFICE, BHUBANESWAR.**

MOST RESPECTFULLY SHOWETH:

I, Shri Sujoy Dutta, S/o Shri Samir Dutta, aged about 45 years, working as Assistant Commissioner (Forestry) at the Sub office Kolkata of Bhubaneswar Regional Office under the Ministry of Environment, Forest & Climate Change, having its office at IB - 198, Sector- III, Salt Lake City, Kolkata - 700 106 do hereby solemnly affirm and state on oath as under: -

1. That I am the Respondent No. 3 in the above-mentioned Original Application and am well acquainted with the facts of the case based on official records. I am competent and duly authorised to swear this affidavit.
2. That the averments made in the Original Application, insofar as they relate to Respondent No. 3, are denied except those which are specifically admitted herein.

STATEMENT OF FACTS:

3. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, being the repository of land records, State Government has the

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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.

4. It is humbly submitted that prior approval of the Central Government under Section 2(1)ii of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (Formerly known as the Forest (Conservation) Act, 1980) is required for carrying out any non-forestry activity on forest land. The violation of the aforesaid provisions would attract the penal provisions of 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
5. It is humbly submitted that the Ministry of Environment, Forest and Climate Change received a proposal from the Government of Odisha seeking prior approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 86.479 ha of forest land in favour of M/s Odisha Mining Corporation Limited for construction of overhead piped conveyor belt from Kurmitar ML Boundary to proposed Railway Siding in Tahsil Lahunipara, District Sundargarh, Odisha.
6. It is humbly submitted that the said proposal was examined in the Ministry and was placed before the Advisory Committee constituted under Section 3 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Based on the recommendations of the Advisory Committee and the approval of the competent authority, the Ministry accorded the Stage-I approval with conditions to the aforementioned proposal vide letter dated 04.02.2021. (True Copy of the Stage I Approval is annexed as "**Annexure R3/1**")
7. That, after receipt of the compliance report on the conditions of the Stage I Approval from the State Government, the Ministry accorded the Stage-II approval vide letter dated 06.12.2021. Further, this Ministry vide letter dated 15.12.2021 issued a corrigendum in the matter rectifying an inadvertent typographical error. (True Copy of the

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Stage II Approval and the corrigendum is annexed as “**Annexure R3/2**”)

8. It is humbly submitted that no further compliance report of the conditions of the Stage-II Approval has been received from the State Government as yet.
9. It is humbly submitted that the execution of the project and ground-level compliance rests with the State authorities and the User Agency. Further, compliance of the conditions stipulated in the approval granted under the Adhiniyam is required to be continuously monitored and ensured by the State Government and the user agency during the construction as well as operational phases of the project. The State Government and the user agency are duty-bound to ensure that none of the approval conditions, on the basis of which diversion of forest land has been permitted, are violated by the User Agency at any stage of project implementation.
10. It is humbly submitted that the Answering Respondent does not grant permission for felling of trees or execution of work on forest land except on due procedure duly authorised under the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The permission for felling of trees and handing over of forest land is within the exclusive domain of the State Government in accordance with the approved Stage II Approval conditions.
11. That upon receipt of information regarding filing of the present Original Application, the Ministry of Environment, Forest and Climate Change issued a letter dated 19.09.2025, with subsequent reminders dated 28.11.2025 and 15.01.2026 to the State Government seeing a factual report on the allegations raised in the instant OA. It was also requested to ascertain as to whether any violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been reported. (A copy of the letters dated 19.09.2025, 28.11.2025 and 15.01.2026 are annexed herewith and marked as **Annexure-R3/3 - R3/5.**)
12. That Answering Respondent has not received any factual report or violation report from the State Government till date, and therefore,

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no action could be initiated in the absence of field-level information from the competent State authorities.

13. That the allegations regarding non-compliance of FRA, obstruction of streams, excess tree felling, dumping of muck, and establishment of labour camps pertain to site-specific factual issues which fall squarely within the jurisdiction and responsibility of the State Government and the User Agency.
14. That the Answering Respondent craves leave to file additional documents or information, if necessary, *pendente lite*.
15. That, this Hon'ble Tribunal may pass appropriate orders as it may deem fit in the interest of justice.

Sujoy Dutta
DEPONENT

VERIFICATION

I, the Deponent above named, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge and belief derived from official records, and that nothing material has been concealed therefrom.

Verified at Kolkata on this the th24 day of February, 2026.

Sujoy Dutta
DEPONENT


S. CHAUDHURI
★ NOTARY ★
GOVT. OF INDIA
Regd. No. -6584/06
Bidhannagar Court
Dist.-North 24 Pgs

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Annexure No. R3/1

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

Indira ParyavaranBhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 4th February 2021

To

The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar

Sub: Proposal seeking prior approval under the Forest (Conservation) Act, 1980 for non-forestry use of 86.479 ha of forest land, comprising of 85.175 ha of fresh forest land and 1.304 ha re-diversion of Forest land (which is a part of 11.912 ha forest land, granted Stage-II approval by ERO, MoEF&CC on 29.05.2020) in favour of M/s Odisha Mining Corporation Limited for construction of overhead piped conveyor belt from Kurmitar ML Boundary to proposed Railway Siding in Tahsil Lahunipara, District Sudergarh (Odisha) – reg.

Sir,

I am directed to refer to the Government of Odisha's letter No. FE-DIV-FLD-0049-2020-17053/F & E dated 02.11.2020 on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 for non-forestry use of 86.479 ha of forest land, comprising of 85.175 ha of fresh forest land and 1.304 ha re-diverted forest land (part of 11.912 ha forest land, granted Stage-II approval by ERO, MoEF&CC on 29.05.2020) in favour of M/s Odisha Mining Corporation Limited for construction of overhead piped conveyor belt from Kurmitar ML Boundary to proposed Railway Siding in Tahsil Lahunipara, District Sudergarh (Odisha) subject to fulfilment of the following conditions:

- A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval**
- 1. Compensatory Afforestation**
 - i. Compensatory Afforestation, in lieu of forest land being diverted, shall be raised over 85.175 ha of non-forest land by the State Forest Department at the cost of User Agency; and
 - ii. The cost of compensatory afforestation at the prevailing wage rates as per

compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

2. The State Government shall charge the Net Present Value(NPV) for the 162.394 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;
3. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through **e-portal** (<https://parivesh.nic.in/>);
4. On analysis on DSS it was observed that a seasonal water stream/nalah exists on South-west boundary of the proposed dispatch area-2 is adjoining a seasonal water stream/nalah. The area between the banks of this seasonal stream/ nalah and the proposed dispatch area-2 shall be mapped and a green belt with native species shall be raised and maintained at the cost of user agency to protect the seasonal stream/nalah. Soil and moisture conservation measures in the dispatch area shall be planned and implemented at the cost of the user agency and effective measures shall be used by the user agency to prevent Iron ore leaching from the dispatch areas.
5. It shall be ensured that the trestles (pillars) of proposed conveyer belt are sufficiently high so that the movement of wildlife particularly elephant in the area is not hampered. A Site-Specific Wildlife Conservation Plan shall be prepared and approved by the competent authority and the cost of its preparation and implementation shall be borne by the user agency. The user agency shall also make proportionate contribution towards the cost of the Regional Wildlife Management Plan prepared and approved by the competent authority.
6. The state Forest Department shall also prepare a scheme of Assisted Natural Regeneration of the forest in 500 meter perimeter of the dispatch areas with a view to create dense green cover so as to minimise dust and other pollution on rest of the forest, and implement it at the cost of the user agency.
7. The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department in the forest area being diverted. A scheme of the same shall be submitted along with compliance of Stage-I approval;
8. The User agency in consultation with the State Forest Department shall prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) for its implementation in right of way under the conveyer belt at the project cost;
9. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department; and
10. The State Government shall ensure that User Agency obtains clearance under the provisions of Scheduled tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the relevant

guidelines issued by the MoEF&CC in this regard and a report on the same is submitted to the Ministry along with compliance of Stage-I approval.

11. The KML files of diverted area and CA areas shall be uploaded on E green watch portal with all requisite details prior to Stage II approval

B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval

1. Legal status of the diverted forest land shall remain unchanged;
2. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency;
3. After construction of the proposed overhead conveyer belt, State government will ensure that transportation of ore from the mines through existing road gets discontinued in a phased and time bound manner. To maximize utilization of the conveyor belt facility user agency shall not transport any ore material through road beyond a permissible quantity as specified by the State Government from time to time;
4. It was noticed during DSS analysis that 0.983 ha forest area is proposed to be used for infrastructure purpose adjoining the dispatch area-1. Since this is an isolated area, use of forest land for non-forestry purpose was not allowed considering larger impact it will have on remaining forest. Moreover, the user agency has sufficient area available, for this purpose in the land which had already been diverted in its favour;
5. Earlier approval was accorded for the parent proposal, i.e. use of forest area for mining in Kurmitar Iron and Manganese Mines vide this Ministry letter no 8-113/2000-FC (Vol.II) dated 29th November 2018. Compliance of the conditions specified in the approval shall be submitted by the State Government;
6. Besides, it is also to be ensured that title of the proposal should get changed as it also includes 1.304 ha of forest area is for re-diversion. The title of the proposal stands modified as under to avoid any confusion for future reference:

Proposal for diversion of 85.175 ha of fresh forest land and 1.304 ha re-diversion of Forest land (which is a part of 11.912 ha forest land, for which Stage-II approval has already been accorded by ERO, MoEF&CC on 29.05.2020) for construction of overhead piped conveyor belt from Kurmitar ML Boundary of OMC Ltd to new proposed Railway siding at Barsuan for transportation of mineral with provision for one dispatch area in between the route and the other at terminal point at Barsuan.

7. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
8. Overburden, if any to be generated from the project, shall not be dumped outside the width of the proposed conveyor corridor. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes;
9. The boundary of the diverted forest land, mining lease and safety zone, as applicable, 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;

- 10.The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- 11.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;
- 12.The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- 13.The forest land shall not be used for any purpose other than that specified in the proposal;
- 14.The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- 15.No damage to the flora and fauna of the adjoining area shall be caused;
- 16.The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- 17.The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- 18.The mining lease holder shall, after ceasing mining operations, undertake re-grassing of the mining area and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.
- 19.The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- 20.The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
- 21.Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- 22.The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>); and
- 23.Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

After receipt of the compliance report on the fulfillment of the above mentioned conditions from the State Government, formal approval will be considered in this regard under Section - 2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,

Sd/-

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator Forests, Government of Odisha,
Bhubaneswar
2. Regional Officer, Integrated Regional Office of the MoEF&CC at Bhubaneswar
3. The Nodal Officer (FCA), O/o the PCCF, Government of Odisha,
Bhubaneswar
4. User Agency
5. Monitoring Cell of FC Division, MoEF&CC
6. Guard file

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,

Dated: 6th December, 2021

To,

The Addl. Chief Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: Proposal for diversion of 85.175 ha of fresh forest land and 1.304 ha re-diversion of Forest land (which is a part of 11912 ha forest land, for which Stage-II approval has already been accorded by ERO MoEF & CC on 29.05.2020) for construction of overhead piped conveyor belt from Kurmitar ML 3 boundary of OMC Ltd to new proposed Railway siding at Barsuan for transportation of mineral with provision for one dispatch area in between the route and the other at terminal point at Barsuan - re.

Sir,

I am directed to refer to the Government of Odisha's letter No. FE-DIV-FLD-0049-2020-17053/F&E dated 02.11.2020 on the above-mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal, and acceptance of the recommendation of the Forest Advisory Committee by the competent authority in the Ministry, 'in-principle' approval to the proposal under the Forest (Conservation) Act, 1980 was granted vide this Ministry's letter of even number dated 04.02.2021 read with 08.02.2021 subject to fulfilment of conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter No. 15517/9F(Misc)-51/2020 dated 07.09.2021 and letter no. 18889/9F(Misc)-51/2020 dated 09.11.2021, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 85.175 ha of fresh forest land and 1.304 ha re- diversion of Forest land (which is a part of 11912 ha forest land, for which Stage-II approval has already been accorded by ERO MoEF&CC on 29.05.2020) for construction of overhead piped conveyor belt from Kurmitar ML 3 boundary of OMC Ltd to new proposed Railway siding at Barsuan for transportation of mineral with provision for one dispatch area in between the route and the other at terminal point at Barsuan, subject to following conditions:

A. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Government

i. Legal status of the diverted forest land shall remain unchanged;

ii. Compensatory Afforestation

a. The State Government shall ensure that compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised within three years from the date of issue of Stage –II Clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency. At least 1000 saplings per ha shall be planted over admissible CA land. If it is not possible to

plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescription of the Working Plan at the cost of the User Agency. In such cases CA cost will be revised and duly approved by the competent authority and deposited online in the CAF managed by the CAMPA;

- b. 25% of the CA cost additionally will be spent towards soil and moisture conservation activities in the proposed CA area as per site requirement and funds deposited in CAF.

ii. Net Present Value

- a. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard. Additional NPV if becomes due as per final order of Hon'ble Supreme Court, shall be paid by the User Agency;
- b. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- iii. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
- iv. The State Government and the user agency shall ensure that area between the banks of seasonal stream/nalah and the proposed dispatch area-2 shall be mapped and a green belt with native species shall be raised and maintained at the cost of user agency to protect the seasonal stream/nalah. Soil and moisture conservation measures in the dispatch area shall be planned and implemented at the cost of the user agency and effective measures shall be used by the user agency to prevent Iron ore leaching from the dispatch areas.
- v. The State Government and the user agency shall ensure that the trestles (pillars) of proposed conveyer belt are sufficiently high so that the movement of wildlife particularly elephant in the area is not hampered.
- vi. The State Government and the user agency shall ensure implementation of approved scheme of Assisted Natural Regeneration of the forest in 500 meter perimeter of the dispatch areas to create dense green cover and o as to minimise dust and other pollution on rest of the forest implemented at the cost of the user agency.
- vii. The State Government and the user agency shall ensure that comprehensive soil conservation measures shall be implemented as per approved scheme at the project cost in consultation with the State Forest Department in the forest area being diverted.
- viii. The State Government and the user agency shall ensure that as per approved scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) shall be implemented in right of way under the conveyor belt at the project cost.
- ix. The User Agency shall pay towards cost of removal of trees enumerated before commencement of work on Stage-II approval and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Keonjhar Forest Division.

- x. The State Govt. shall ensure that User Agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
- xi. The User Agency shall pay the proportionate cost for implementation of Regional Wildlife Management Plan as per revised cost norm. Besides, the Site Specific Wildlife Conservation Plan for the project as well as its impact area shall be prepared by the user agency and approved by CWLW, Odisha for its execution at project cost.
- xii. The State Government shall ensure that correct KML files of diverted area, the CA areas, SMC works area and the WLMP area have been uploaded on the e-Green watch portal with all requisite details prior to handing over forest land to user Agency;
- xiii. The State Government shall ensure that after construction of the proposed overhead conveyer belt, transportation of ore from the mines through existing road gets discontinued in a phased and time bound manner. To maximize utilization of the conveyor belt facility, user agency shall not transport any ore material through road beyond a permissible quantity as specified by the State Government from time to time;
- xiv. DSS analysis that 0.983 ha of forest area is proposed to be used for infrastructure purpose adjoining the dispatch area-1. Since this is an isolated area, use of forest land for non-forestry purpose was not allowed considering larger impact it will have on remaining forest. Moreover, the user agency has sufficient area available, for this purpose in the land which had already been diverted in its favour;
- xv. The State Government and the user agency shall ensure that no additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xvi. The State Government and the user agency shall ensure that overburden, if any to be generated from the project, shall not be dumped outside the width of the proposed conveyor corridor. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes;
- xvii. The boundary of the diverted forest land, mining lease and safety zone, as applicable, 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;
- xviii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xix. The State Govt. and the user agency shall ensure that 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;
- xx. The State Govt. and the user agency shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government;

- xxi. The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
- xxii. The State Govt. and the user agency shall ensure that the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xxiii. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xxiv. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxv. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xxvi. The mining lease holder shall, after ceasing mining operations, undertake re-grassing of the mining area and any other areas which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.;
- xxvii. The State Govt. shall ensure that the User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year;
- xxviii. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxix. The State Govt. shall ensure that the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
- xxx. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

Sd/-
(Charan Jeet Singh)
Scientist 'D'

Copy to:

- i. Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
- ii. Regional Officer (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar.
- iii. Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
- iv. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
- v. Guard file.

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,

Dated: 15 th December, 2021

To,
The Addl. Chief Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Corrigendum

**Sub: Proposal for diversion of 85.175 ha of fresh forest land and 1.304 ha re-
diversion of Forest land (which is a part of 11.912 ha forest land, for which
Stage-II approval has already been accorded by ERO MoEF & CC on
29.05.2020) for construction of overhead piped conveyor belt from Kurmitar
ML 3 boundary of OMC Ltd to new proposed Railway siding at Barsuan for
transportation of mineral with provision for one dispatch area in between the
route and the other at terminal point at Barsuan.**

Sir,

I am directed to refer to this Ministry's letter of even no. dated 06.12.2021 wherein
Stage-II/Final approval of the Central Government was granted under Section-2 of the
Forest (Conservation) Act, 1980 to the proposal mentioned in the subject above and to say
the area **of 11912 ha** appeared in the subject and second para of the said letter may kindly
be read as **11.912 ha**

Yours faithfully,

Sd/-
(Charan Jeet Singh)
Scientist 'D'

Copy to:

- i. Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
- ii. Regional Officer (Central), Integrated Regional Office of the MoEF&CC at Bhubaneswar.
- iii. Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
- iv. User Agency
- v. Monitoring Cell of FC Divisions, MoEF&CC, New Delhi.
- vi. Guard file.



File No. 7/32/2025-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,
Dated: **As Per E-sign.**

To,

The Special Secretary, Forest & Environment Department,
Government of Odisha,
Bhubhaneshwar

Sub: OA No. 117/2025 (EZ) in the matter of Santanu Kerketta & Anr. Vs. State of Odisha & Ors. before NGT (EZ), Kolkata - reg.

Sir,

I am directed to inform you that the above stated matter is pending before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata. That the said OA has been filed challenging the construction of overhead conveyor on forest land allegedly without compliance of Forest Rights Act and in violation of conditions of Forest Clearance dated 04/02/2021, 06/12/2021, 18/12/2021 and EC dated 22/12/2020. Furthermore, various violations of the Stage I Approval and Stage II Approval dated 04.02.2021 and 06.12.2021 to M/s Odisha Mining Corporation Limited for construction of overhead piped conveyor belt from Kurmitar ML Boundary to proposed Railway Siding in Tahsil Lahunipara, District Sundergarh (Odisha) are also alleged in the OA. (Copy of the Original Application is enclosed.)

In view of above, the State Government is requested to submit a factual report with the documentary evidences on the contentions raised in the Original Application. The State Government is also requested to inform about as to whether any violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been reported in the instant matter. If any violation has been reported, the action taken report may also be submitted in the matter.

Yours' faithfully,

Encl./As above.

Digitally signed by
SUNEET BHARDWAJ
Date: 19-09-2025
09:42:50

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

Copy to:- The Deputy Director General of Forests, MoEF&CC, Regional

Office, Bhubaneswar with a request to pursue the matter with the state and provide a counter affidavit in the matter at the earliest.

**REMINDER-I**

File No. 7/32/2025-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,
Dated: **As Per E-sign.**

To

The Special Secretary, Forest & Environment Department,
Government of Odisha,
Bhubhaneshwar

Sub: OA No. 117/2025 (EZ) in the matter of Santanu Kerketta & Anr. Vs. State of Odisha & Ors. before NGT (EZ), Kolkata -reg.

Reference: This Ministry's letter dated 19.09.2025.

Sir,

I am directed to refer to the above stated matter which is pending before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata. The said OA has been filed challenging the construction of overhead conveyor on forest land allegedly without compliance of Forest Rights Act and in violation of conditions of Forest Clearance dated 04/02/2021, 06/12/2021, 18/12/2021 and EC dated 22/12/2020. Furthermore, various violations of the Stage I Approval and Stage II Approval dated 04.02.2021 and 06.12.2021 to M/s Odisha Mining Corporation Limited for construction of overhead piped conveyor belt from Kurmitar ML Boundary to proposed Railway Siding in Tahsil Lahunipara, District Sudergarh (Odisha) are also alleged in the OA. The Ministry vide its letter dated 19.09.2025 requested the State Government to provide a factual report in the matter. However, the same has not been received till date.

In view of above, the State Government is again requested to submit a factual report with the documentary evidences on the contentions raised in the Original Application. The State Government is also requested to inform about as to whether any violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been

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reported in the instant matter. If any violation has been reported, the action taken report may also be submitted in the matter.

Digitally signed by
Suneet Bhardwaj
Date: 28-11-2025
19:51:21

Yours' faithfully,

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

Copy to:- The Deputy Director General of Forests, Bhubaneswar is also reminded to provide a counter affidavit in the matter at the earliest.



REMINDER-II

File No. 7/32/2025-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 110003,
Dated: **As Per E-sign.**

To,

The Special Secretary, Forest & Environment Department,
Government of Odisha,
Bhubhaneshwar

Sub: OA No. 117/2025 (EZ) in the matter of Santanu Kerketta & Anr. Vs. State of Odisha & Ors. before NGT (EZ), Kolkata –reg.

Reference: This Ministry's letter dated 14.09.2025 and 28.11.2025.

Sir,

I am directed to above above stated matter which is pending before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata. The said OA has been filed challenging the construction of overhead conveyor on forest land allegedly without compliance of Forest Rights Act and in violation of conditions of Forest Clearance dated 04/02/2021, 06/12/2021, 18/12/2021 and EC dated 22/12/2020. Furthermore, various violations of the Stage I Approval and Stage II Approval dated 04.02.2021 and 06.12.2021 to M/s Odisha Mining Corporation Limited for construction of overhead piped conveyor belt from Kurmitar ML Boundary to proposed Railway Siding in Tahsil Lahunipara, District Sudergarh (Odisha) are also alleged in the OA. The Ministry vide its letter dated 14.09.2025 and 28.11.2025 requested the State Government to provide a factual report in the matter. However, the same has not been received till date.

2. In view of above, the State Government is reminded to submit a factual report with the documentary evidences on the contentions raised in the Original Application. The State Government is also requested to inform about as to whether any violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been reported in the instant matter. If any violation has been reported, the action taken report may also be submitted in the matter.

Yours faithfully,

Digitally signed by
CHARAN JEET SINGH
Date: 15-01-2026
17:50:52

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(Charan Jeet Singh)
Scientist 'E'
MoEF&CC

Copy to:-

The Deputy Director General of Forests, Regional Office, Bhubaneswar is also reminded to provide a counter affidavit in the matter at the earliest.