

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
APPEAL NO. 15 of 2026**

IN THE MATTER OF:

AJAYA MUDULI & ORS

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS.

...RESPONDENT(S)

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Dated: 24th June, 2026

Place: Bhubaneswar

Filed by:
Respondent No. 1

X

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**IN THE MATTER OF:
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**COUNTER AFFIDAVIT ON BEHALF OF UNION OF INDIA, MINISTRY
OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(RESPONDENT NO. 1)**

MOST RESPECTFULLY SHOWETH:

I, Shri Vasanta Kiran Babu, son of Late Shri V. Surya Rao, aged about 48 years, presently employed as Dy. Inspector General of Forest (C) in the Ministry of Environment, Forest, and Climate Change (MoEF&CC), Regional Office, Bhubaneswar do hereby solemnly affirm and declare the following:

PRELIMINARY SUBMISSION

1. That I am the authorised representative of Respondent No. 1 and am well acquainted with the facts of the present case based on official records. I am competent and duly authorised to swear this affidavit.
2. That the averments made in the writ petition, insofar as they relate to Respondent No. 1, are denied, except those which are specifically admitted herein.
3. That at the outset, all the allegations made in the present Appeal are denied unless specifically admitted hereunder.
4. That at the outset, it is submitted that the present Appeal challenges the Stage-I (In-Principle) Approval dated 23.12.2024 and Stage-II (Final) Approval dated 16.04.2026 granted by the Ministry under the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (formerly the Forest (Conservation) Act,


B.K. NAYAK
NOTARY
CUTTACK TOWN
Regd. No.ON-29/03

Vasanta Kiran Babu.

1980), as well as the final diversion order dated 07.05.2026 issued by the State Government for diversion of 157.212 hectares of forest land situated in Nagasari Reserve Forest, District Koraput, Odisha, for a bauxite mining project.

STATEMENT OF FACTS:

5. It is humbly submitted that the 'land' is a subject matter of the 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, the State Government has the primary responsibility to determine the 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.
6. It is submitted that the Ministry of Environment, Forests and Climate Change (hereinafter referred to as MoEF&CC) primarily deals with policy and regulatory issues, while the State Governments are responsible for the implementation of the policy at the ground level. The key role of the MoEF&CC is to frame policy, provide necessary directions, guidance as an advisory capacity, and approvals under the provisions of the relevant Central Acts.
7. 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.
8. That proposals received from the State Governments/Union Territory Administrations under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are examined with due diligence by the Advisory Committee, constituted under section 3 of the said Adhiniyam, in accordance with the provisions of Rule 10(5) (ii) of the Van (Sanrakshan evam Samvardhan) Rules, 2023 and Guidelines issued by the Ministry. The examination is undertaken with a view to avoiding, or minimizing to the extent possible, the diversion of forest land. Approval of the Central Government is accorded only in cases where the use of forest land is


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NOTARY
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Regd. No. ON-29/07

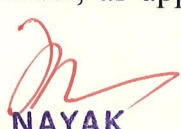
Varanta Kireu babu.

unavoidable and the proposed non-forestry use is site-specific in nature. Further, such approvals are subject to various statutory safeguards, including the raising of Compensatory Afforestation, payment of Net Present Value (NPV), and implementation of project-specific mitigation measures such as Wildlife Conservation Plans, Catchment Area Treatment Plans, Soil and Moisture Conservation works, wherever required.

9. It is submitted that the proposal bearing No. FP/OR/MIN/QRY/456733/2023 for diversion of forest land was examined in accordance with the provisions of the Adhiniyam and the rules and guidelines framed thereunder. The proposal was considered by the Advisory Committee in its meeting held on 28.11.2024 (Annexure). After detailed deliberations and discussions with the representatives of the State Government of Odisha, the Advisory Committee recommended the proposal for grant of Stage-I approval.
10. Pursuant to the recommendations of the Advisory Committee and upon approval of the competent authority in the Ministry, Stage-I (In-Principle) approval was accorded vide letter dated 23.12.2024.
11. Thereafter, the Government of Odisha submitted compliance of the conditions stipulated in the Stage-I approval through the PARIVESH Portal. Upon examination of the compliance report and after obtaining approval of the competent authority, Stage-II (Final) approval was accorded by the Ministry vide letter dated 16.04.2026.
12. It is submitted that the Stage-II approval specifically incorporated safeguards concerning compliance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the "FRA, 2006"). In particular, Conditions No. 1.22 of the Stage-II approval provide as follows:

Condition No. 1.22:

The State Government after receiving the 'Final Approval' of the Central Government under subsection (1) of Section 2 of the Adhiniyam, and after fulfilment and compliance of the provisions of the all-other acts and rules made thereunder, as applicable including ensuring of settlement of rights under the


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Vasanth Kishore

Scheduled Tribes or Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), shall issue order for diversion.

13. It is respectfully submitted that the aforesaid conditions unequivocally cast the responsibility of ensuring settlement of rights under the FRA, 2006 and compliance with all applicable statutory requirements upon the State Government before issuance of the final diversion order.
14. The Ministry, while granting Stage-II approval, specifically mandated compliance with the provisions of the FRA, 2006 and other applicable laws. Consequently, if any issue survives regarding settlement of rights under the FRA, 2006 or issuance of the diversion order, the same falls within the domain of the State Government, which is the authority responsible for implementation and verification of compliance with the said enactment.
15. The answering Respondent craves leave of this Hon'ble Tribunal to place on record such further documents, records or submissions as may be necessary and proper for adjudication of the present proceedings.
16. That, in view of the foregoing submissions, this Hon'ble Court may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case.

Varada K. Das Behr.

DEPONENT

उप-वन महानिरीक्षक (केन्द्रीय)

Dy. Inspector General of Forests (Central)

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Ministry of Environment, Forest & Climate Change

क्षेत्रीय कार्यालय/Regional Office

भुवनेश्वर/Bhubaneswar

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 Bhubaneswar on this the 24th day of June, 2026.

Varada K. Das Behr.

DEPONENT

उप-वन महानिरीक्षक (केन्द्रीय)

Dy. Inspector General of Forests (Central)

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Ministry of Environment, Forest & Climate Change

क्षेत्रीय कार्यालय/Regional Office

भुवनेश्वर/Bhubaneswar

The deponent being identified by

Self Adv/Clerk

swears on oath & solemnly affirms

before me on dt: *24/06/2026*

that the facts stated above are true

to his/her knowledge.

Manan
Notary for Cuttack Town

Govt. of Orissa

Regn. No. ON-29/03



सत्यमेव जयते

Government of India
Ministry of Environment, Forest and Climate Change
Minutes of Meeting for Advisory Committee



MoM ID FC/MOM/AC/963104/2024
Agenda ID FC/AGENDA/AC/458902/2024
Title of Meeting 10th AC meeting
Meeting Venue Krishna Conference Hall
Meeting Mode Physical
Meeting Dates & Time Start Date : 28/11/2024
 End Date : 28/11/2024

List of AC Members:

S.No.	Name	Designation	Email ID
1	Jitendra Kumar	Director General of Forest, MEF	dgfi*****@nic.in
2	Shri Sushil Kumar Awa sthi	Additional Director General of Forest (W ild life)	adgw*****@nic.in
3	Anjan Kumar Mohanty	Additional Director General of Forest, M OEFCC	adgf*****@nic.in
4	Ramesh Kumar Pandey	Inspector General of Forest, MEF	rame*****@nic.in
5	Shri Suramya Dolarray Vora	Member (EAC)	sura*****@gmail.co m
6	Manoj Pant	AC MEMBER	mpan*****@gmail.com
7	Dr. Mehraj A. Shaikh	AC MEMBER	ac.n*****@gov.in

Proposals considered during Meeting:

1. Project Name Shree Jagannath International Airport at Puri
Proposal Number FP/OR/Airport/426096/2023
User Agency Debadutta Suranjita Jena
Forest Land Area(Ha) 27.887
Division Puri WL Division
Recommendation Deferred

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through



E-file. The same is attached in PDF format

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format

Recommendation Remark:

deferred.

2. Project Name Raika Iron and Manganese Ore Mines, Shiv Dutt Sharma
Proposal Number FP/OR/MIN/QRY/444094/2023
User Agency SHAKTI RANJAN DASH
Forest Land Area(Ha) 17.032
Division Keonjhar Division
Recommendation Accepted

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Recommended for grant of 'in-principle' approval

3. Project Name Khondbond Iron & Mn Mine of M/s Tata Steel Ltd.
Proposal Number FP/OR/REDIV/442401/2023
User Agency Awnish Kumar
Forest Land Area(Ha)
Division Keonjhar Division
Recommendation Deferred

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Deferred.

4. Project Name

Ballada Bauxite Mining Project

Proposal Number

FP/OR/MIN/QRY/456733/2023

User Agency

Kassireddy Anil Kumar

Forest Land Area(Ha)

157.212

Division

Koraput Division

Recommendation

Accepted

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Recommended for grant of 'in-principle' approval

5. Project Name

Re-Diversion of 299.697 ha forest Land out of total 312.697 ha of Utkal D & E Combined.

Proposal Number

FP/OR/REDIV/456767/2023

User Agency

Anil Kumar Panda

Forest Land Area(Ha)

Division

Angul Division

Recommendation

Accepted

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Recommended for grant of 'in-principle' approval

6. Project Name Change in Land Use Pattern over an area of 6.910 Ha of Forest area in mining & allied activity over the ML area of 49.372 Ha of Raikela Tantra Iron Mines of M/s Penguin Trading & Agencies Limited, Raikela, Sundargarh Odisha

Proposal Number FP/OR/REDIV/431319/2023

User Agency Raman Rashmi Nayak

Forest Land Area(Ha)

Division Bonai Division

Recommendation Accepted

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Recommended for grant of 'in-principle' approval

7. Project Name Construction of approach road for New Urban Estate at village Sarki, on Batala – Jalandhar road, Tehsil Batala, Distt. Gurdaspur. (Punjab).



Proposal Number FP/PB/OTHERS/466079/2024

User Agency Jagvir Singh

Forest Land Area(Ha) 0.2045

Division Gurdaspur Division

Recommendation Deferred

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Deferred.

8. Project Name Diversion of 61.45 ha forest land for Ramdongri Manganese ore mine

Proposal Number FP/MH/MIN/QRY/409811/2022

User Agency JAYASWAL NECO INDUSTRIES LIMITED

Forest Land Area(Ha) 61.45

Division Nagpur Division

Recommendation Deferred

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Deferred.



9. Project Name Up-gradation to 2-lane with paved shoulders of Tuivai - Keifang road, NH-102B of Aizawl - Imphal Economic Corridor Under Champhai Division

Proposal Number FP/MZ/ROAD/400856/2022

User Agency BINOD KUMAR SRIVASTAVA

Forest Land Area(Ha) 12.136

Division Champhai Division

Recommendation Accepted

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Recommended for grant of 'in-principle' approval

10. Project Name Forest Clearance for mining Plan for the Embankment work in Imphal valley for Jiribam-Imphal new BG Railway link.

Proposal Number FP/MN/MIN/QRY/462825/2024

User Agency Md Samuel

Forest Land Area(Ha) 5.5

Division Kangpokpi Forest Division

Recommendation Deferred

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Deferred.

11. Project Name Proposed BPCL Retail Outlet on Nandrapur Bass-Rajsthan Border Road (ODR Road I D 1395) Near KM Stone-1 (RHS) Village Nandrapur Bass Tehsil & Distt. Rewari Haryana

Proposal Number FP/HR/PetrolPump/422338/2023

User Agency Eshu Kumar

Forest Land Area(Ha) 0.1601

Division Rewari Division

Recommendation Deferred

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

deferred.

12. Project Name Diversion of Forest land for Laying of 600MM i/d MS pipeline from Online Booster near Omaxe to Village - Charmwood in District – Faridabad (HR)

Proposal Number FP/HR/Pipeline/468226/2024

User Agency Jitender Singh

Forest Land Area(Ha) 0.555

Division Faridabad Division

Recommendation Accepted

Brief Description of Project:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Previous Deliberation Details:

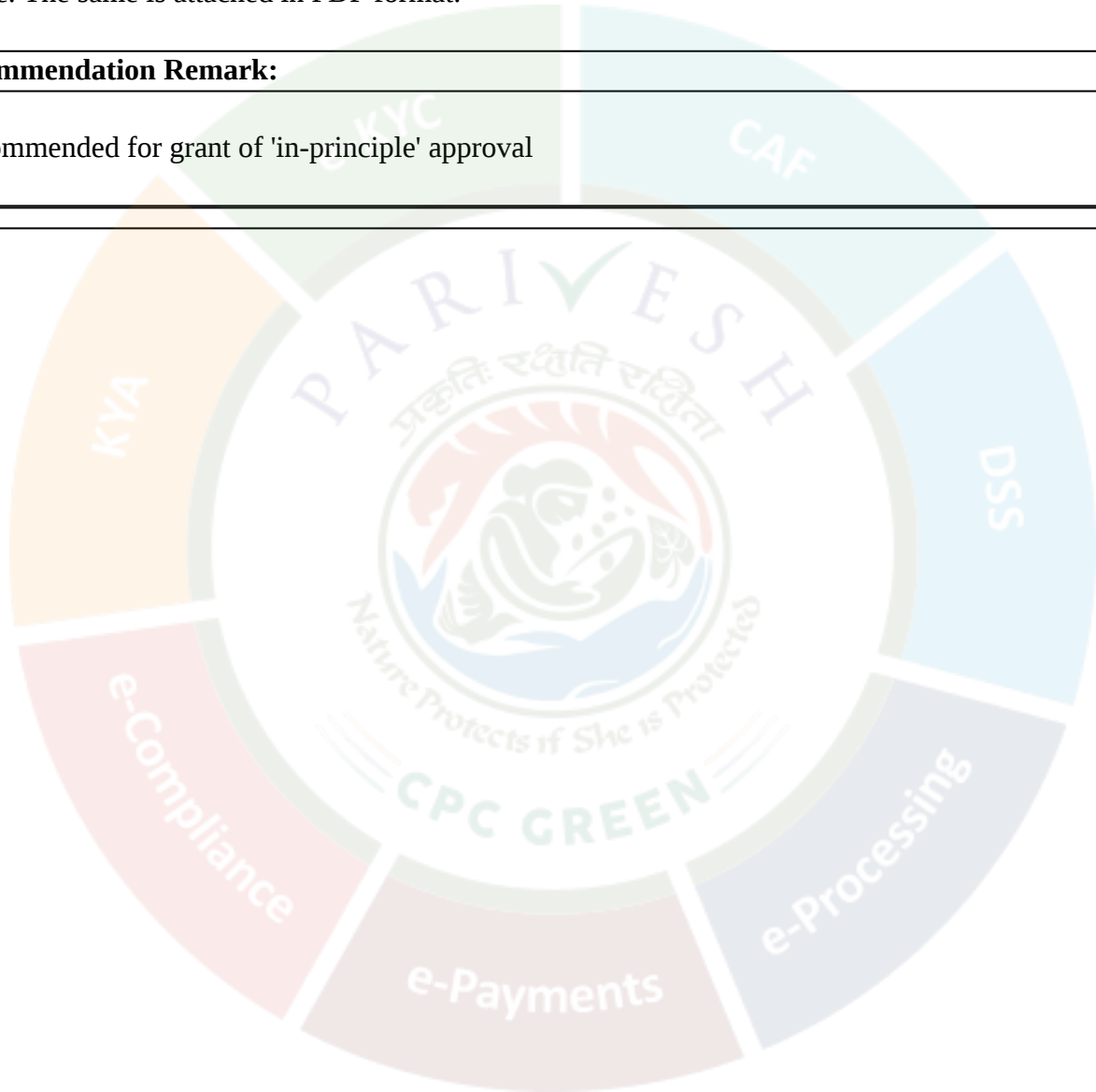
N/A

Current Deliberation Details:

The MoM for AC meeting held on 28.11.2024 has already approved by the Chairman of AC through E-file. The same is attached in PDF format.

Recommendation Remark:

Recommended for grant of 'in-principle' approval





PARIVESH 2.0

Recommendations of Advisory Committee in its meeting held on 28.11.2024

Agenda No. 1

Proposal No. FP/HR/Pipeline/468226/2024

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Faridabad Metropolitan Development Authority for non-forestry use of 0.555 ha of Protected Forest land for Laying of 600MM i/d MS pipeline for supplying gas from online Booster near Omaxe to Village- Charmwood in District- Faridabad in the State of Haryana (Proposal No. FP/HR/Pipeline/468226/2024)- regarding.

1. The agenda item was considered by the AC in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh and Addl.PCCF, Government of Haryana attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. State Government of Haryana vide online proposal no FP/HR/Pipeline/468226/2024, submitted the above mentioned proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the (Van Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 0.555 ha of Protected Forest land for Laying of 600MM i/d MS pipeline for supplying gas from online Booster near Omaxe to Village- Charmwood in District- Faridabad in the State of Haryana.
 - ii. The proposed diversion area is 0.555 ha and the density of vegetation is 0.2 having Eco-class 3. 135 trees are present in the area out of which 24 nos. of trees are proposed to be felled.
 - iii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
 - iv. Compensatory Afforestation has been proposed over 1.2 ha degraded forest land in Survey No. H43X3 in Village Pali notified U/s 4 & 5 of PLPA, Range- Faridabad, Division- Faridabad, Tehsil- Faridabad,



District- Faridabad and 0.9 ha in Survey No. H43X3 in Village Pali notified U/s 4 & 5 of PLPA, Range- Faridabad, Division- Faridabad, Tehsil- Faridabad, District- Faridabad.

- v. DFO, Sirsa has mentioned in his Part- II that violation of IFA, 1927 over an area of 0.015 (0.0075 & 0.0075) ha has been done by contractor in 2024 and F.O.R No. 075/0453 dated 20.03.2024 has been issued against the offender and work has been stopped. Further, DFO, Faridabad has also mentioned in his site inspection report that User Agency has violated provisions of Forest (Conservation) Act, 1980/ Indian Forest Act, 1927 and work was started without prior sanction. Further, it is also mentioned that F.O.R No. 075/0453 dated 20.03.2024 has been issued against the offenders, now work has been stopped by User Agency. Clarification in this regard was sought from the State Government on 08.08.2024. Accordingly, State Government in its reply stated that user agency i.e. FMDA without obtaining prior permission under Forest Conservation Act had dug trench over an area measuring 50 Mtr X 1.5 Mtr - 75M² and laid pipeline for which F.O.R No. 075/0453 dated 28.03.2024 was issued against contractor Kumarji Lal (Address DV/910. 4 civil line Palwal) working on the spot.
- vi. The proposal submitted by the State Government was examined in the Ministry and after examination, certain shortcomings were observed and the same was communicated to the State Government on 08.08.2024.
- vii. Accordingly, State Government submitted reply on 10.10.2024. Summary of the same are as under:

Sl. No.	Query raised by MoEF&CC on 08.08.2024	Reply from State Government on 10.10.2024
1.	DFO, Faridabad has mentioned in Part-II that violation of IFA, 1927 over an area of 0.015 (0.0075 & 0.0075) ha has been done by contractor in 2024 and F.O.R No. 075/0453 dated 20.03.2024 has been issued against the offender and work has been stopped. Whereas, in site inspection report of DFO, Faridabad has mentioned that User Agency has violated provisions of Forest (Conservation) Act, 1980/ Indian Forest Act, 1927 and work was started without prior sanction. Clarification from State Government in this regard needs to be submitted along with detailed violation report mentioning extent and nature of violation and action taken against the officers responsible for	It is mentioned that the user agency FMDA without obtaining prior permission under Forest Conservation Act had dug trench over an area measuring 50 Mtr X 1.5 Mtr - 75M ² and laid pipeline for which F.O.R No. 075/0453 dated 28.03.2024 was issued against contractor Kumarji Lal (Address DV/910. 4 civil line Palwal) working on the spot.



	violation needs to be submitted.	
2.	Since the proposal is for underground pipeline, exact area of violation done by the User Agency could not be verified by DSS. Hence, State Government is requested to submit revised KML file of area proposed for diversion highlighting places of violation.	Revised KML file of CA land has been submitted and the same has been verified through DSS.

viii. Further, the site inspection of the instant proposal was conducted by DIGF (C), Regional Office, Chandigarh on 27.06.2024 along with the officials of the State Forest Department and representatives of User Agency. Summary of the same are as under:

A. Background on the proposal:

The proposal is for laying of 600MM i/d MS pipeline from Online Booster near Omaxe to Village - Charmwood in District – Faridabad, under Faridabad Forest Division. The project is being implemented by the Faridabad Metropolitan Development Authority. The total length of the project is 3.7 km with 1.5 m length for laying the pipeline.

B. Whether proposal involves violation of Van (Sanrakshan evam Samvardhan) Adhiniyam 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:

The proposal involves violation as reported by DFO in Part-II. As submitted by the project proponent, out of ignorance, they broke open the land without prior approval for laying the underground pipeline, approximately 50 meter in length and the forest staff stopped the work immediately and got the proposal uploaded in the PARIVESH portal. The case has been dealt for violation of Indian Forest Act, 1927 by the State Forest Department. The copy of the damage report is uploaded at SN. 13 of the Common Application Form.

C. Whether land being diverted has any socio-cultural/religious value. Whether any sacred grove or very old grown trees/forests exists in areas proposed for diversion:

As per record, the land being diverted has no socio- cultural / religious value.

Situation w.r.t. any Protected Area:

As per record, the instant proposal is not falling in or around any protected area.

D. Field observations/ Actionable Points/recommendations:



Approx 50 m length X 1.5 m width (**0.0075 ha**) has been broken for laying the pipeline by the Contractor and rest of area is intact. Immediately after noticing laying of pipeline, the State Forest Department stopped the work and subsequently got the proposal applied for the seeking prior approval under Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980 and the work is stopped as of now. The project proponent has admitted to start the work in ignorance through contractor and officers of the said forest department acted promptly and took action as per the extant State Acts. There appears no malafide intention on the part of the both Project proponent and State Forest Department in breaking the part of land. Considering the public utility of the project, the proposal is recommended for the according prior approval subject to the imposition of the penal provision for the area of the forest land broken by the Project proponent without prior approval.

E. Recommendations of the Deputy Director General of Forests (Central), Regional Office, Chandigarh:

As mentioned in the report, the proposal is recommended and may be considered further as per the extant Rules and Guidelines under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023.

4. The Member Secretary pointed out that while submitting such proposals either by State Government and Regional Office to Ministry, it must be ensured, whether the violation involved in the matter is related to IFA-1972 or V(SES)A-1980 or both. In case the violation is with respect to guidelines, the same should also be clearly spelt out. In all the matters related to violation of V(SES)A 1980, the both the State and DDGF should provide the details of the violation and the names of the persons involved in the violation by the giving orders to carry out the work without prior approval of the central government. He also suggested that violation of the IFA-1927 alone should not be sent unless the proposal involves the provisions of the guidelines given in para 1.16.

5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Additional PCCF, State of Haryana, recommended the proposal for grant of '**in-principle**' approval for diversion of 0.555 ha of Protected Forest land for Laying of 600MM i/d MS pipeline for supplying gas from online Booster near Omaxe to Village- Charmwood in District- Faridabad in the State of Haryana subject to the general, standard and following specific condition:
 - i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
 - ii. Action under section 3A / 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 be taken by Regional Office, Chandigarh and intimated to the Ministry before Stage- II approval.



Agenda No. 2

Proposal No. FP/HR/PetrolPump/422338/2023

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Bharat Petroleum Corporation Limited for non-forestry use of 0.1601 ha of Protected Forest land for approach access to BPCL Retail Outlet on Nandrampur Bass-Rajasthan Border Road (ODR Road ID 1395) Near KM Stone-1 (RHS) Village- Nandrampur Bass, Tehsil & District- Rewari in the State of Haryana (Proposal No. FP/HR/PetrolPump/422338/2023)- regarding.

1. The agenda item was considered by the AC in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh and Addl.PCCF, Government of Haryana attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. State Government of Haryana vide online proposal no FP/HR/PetrolPump/422338/2023, submitted the above mentioned proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the (Van Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 0.1601 ha of Protected Forest land for approach access to BPCL Retail Outlet on Nandrampur Bass-Rajasthan Border Road (ODR Road ID 1395) Near KM Stone-1 (RHS) Village- Nandrampur Bass, Tehsil & District- Rewari in the State of Haryana.
 - ii. The proposed diversion area is 0.1601 ha and the density of vegetation is 0.1 having Eco-class 3. Trees proposed to be felled in the proposal are 09.
 - iii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect have been submitted by DFO concerned.
 - iv. Compensatory Afforestation has been proposed over 0.32 ha degraded forest land in Compartment No. Buroli Minor Km 0-2 L/Side in Range- Rewari, Division- Rewari, Tehsil- Rewari, District- Rewari. CA scheme



with 10 years of maintenance is provided. Site suitability certificate has been furnished by the concerned DFO.

- v. DFO, Rewari has mentioned in Part- II that violation over an area of 0.0033 ha. has been done in the year 2024. DFO, Rewari has mentioned that User Agency has violated provisions of Forest (Conservation) Act, 1980 and work has been started without proper sanction. Detailed violation report, clearly mentioning the nature, extent, date and details of the persons responsible for violation and action taken thereof was sought from the State Government on 02.09.2024. **Detailed violation report was not received from the State Government.**
- vi. The proposal submitted by the State Government was examined in the Ministry and after examination, certain shortcomings were observed and the same was communicated to the State Government on 02.09.2024.
- vii. Accordingly, State Government submitted reply on 05.11.2024. Summary of the same are as under:

Sl. No.	Observations raised by MoEFCC on 02.09.2024	Reply submitted by the Govt. on 05.11.2024
1.	Category of the proposal is mentioned as 'Petrol pump', whereas, the extant proposal is for approach access to petrol pump. Category of the proposal has to be changed and informed to the Ministry.	It is mentioned that there is no provision to change category of the proposal. so, it is requested to consider the same for further processing.
2.	DFO, Rewari has mentioned in Part-II that 480.2468 ha forest land has been diverted in the District/ Division since 1980, however, no progressive CA has been carried out till date. Clarification in this needs to be submitted.	No clarification has been submitted.
3.	DFO, Rewari has mentioned that User Agency has violated provisions of Forest (Conservation) Act, 1980 and work has been started without proper sanction. However, detailed violation report, clearly mentioning the nature, extent, date and details of the persons responsible for violation and action taken thereof is not uploaded on PARIVESH 2.0. The same needs to be submitted.	Detailed violation report has not been submitted.
4.	Compensatory Afforestation has been proposed over 0.57 ha non-forest land. However, CA suitability certificate for the same is not submitted by concerned DFO.	CA scheme for an area of 0.32 ha has been submitted by the DFO, Rewari along with CA suitability certificate.



	Correct CA suitability certificate needs to be submitted.	
5.	Total financial outlay for CA has been mentioned as ₹563725/-. However, CA scheme has been submitted for an amount of ₹408356/-. Revised CA scheme needs to be submitted.	CA scheme for an amount of ₹536356/- has been submitted by DFO, Rewari.
6.	Component wise break up is not submitted along with the proposal. The same needs to be submitted.	Not submitted. However, as per SIR submitted by the Regional Office, Chandigarh 0.1601 ha is for approach road.
7.	Based on Google earth imagery, proposed CA on road side is falling on a building. Revised KML file needs to be submitted.	Revised KML file is not submitted.

viii. Further, the site inspection of the instant proposal was conducted by Technical Officer, MoEF&CC, Regional Office, Chandigarh on 24.10.2024 along with the officials of the State Forest Department and representatives of User Agency. Summary of the same are as under:

A. Background on the proposal:

The User Agency has proposed diversion of 0.1601 ha. Forest land for access to BPCL Retail Outlet on Nandrampur Bass-Rajsthan Border Road (ODR Road ID 1395) Near KM Stone-1 (RHS) Village Nandrampur Bass Tehsil & Distt. Rewari Haryana.

B. Whether proposal involves violation of Van (Sanrakshan evam Samvardhan) Adhiniyam 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:

During the inspection the RFO, Riwari informed that there was a violation of the said proposal by the User Agency due to which the DR was issued vide DR dated 13.05.2024 and a fine of Rs 16,000 has been paid by User Agency. Further, on examination of the proposal in PARIVESH Portal, it has been found that the User Agency has submitted the proposal on 16.03.2023. In view of the violation report and facts therein, the violation has been carried out while the FC proposal is under consideration, therefore, the activities carried out are violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and not the violation of the Indian Forest Act, 1927. Accordingly, the violation need to be dealt as per the provisions under the Para 1.16 (ii) of the Consolidated Guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

C. Whether land being diverted has any socio-cultural/religious value. Whether any sacred grove or very old grown trees/forests exists in areas proposed for diversion:

The officials of the State Forest Department informed that the land being diverted has no socio-cultural / religious value.



Situation w.r.t. any Protected Area: There are No Protected Areas.

D. Recommendations:

The violation under the instant case has been carried out while the FC proposal is under consideration; therefore, the activities carried out are violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and not the violation of the Indian Forest Act, 1927. Accordingly, the violation need to be dealt as per the provisions under the para 1.16 (ii) of the Consolidated guidelines issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

E. Recommendations of the Deputy Director General of Forests (Central), Regional Office, Chandigarh:

The proposal is for approach access to private property of the User Agency and has been recommended by the State Government, accordingly same is recommended for consideration in Advisory Committee as per the extant Rules and Guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central), Regional Office, Chandigarh and Additional PCCF, State of Haryana. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Haryana, the Committee decided to **defer** the proposal and observed the following:
- i. State Government shall provide suitable justification for seeking diversion of a separate lane beyond the proposed BPCL Retail Outlet site.
 - ii. State Government shall provide clarification on the progressive CA in lieu of 480.2468 ha forest land that has been diverted in the District/ Division since 1980.
 - iii. Detailed violation report under particularly V(SES)A 1980 shall be submitted by the State Government.
 - iv. Revised KML file of CA land shall be submitted.

Agenda No. 3

Proposal No. FP/MN/MIN/QRV/462825/2024

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in f/o Deputy Chief Engineer, Ministry of Railway for non-forestry use of 5.5 ha of Forest land for Mining of appropriate earth from designated forest land for construction of Railway embankment at Imphal valley area for the Jiribam-Imphal New BG Rail Link Project of N F Railway in Villag- L.Jangnomphai, Sub-District- Saitu-Gamphazol, Distrist- Kangpokpi in the State of Manipur (Online Proposal No. FP/MN/MIN/QRV/462825/2024)- regarding.



1. The agenda item was considered by the AC in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIGF (Central), Regional Office, Shillong and Conservator and Special Secretary, Government of Manipur attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. State Government of Manipur vide online proposal no FP/MN/MIN/QRY/462825/2024, submitted the above mentioned proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the (Van Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 5.5 ha of Forest land for Mining of appropriate earth from designated forest land for construction of Railway embankment at Imphal valley area for the Jiribam-Imphal New BG Rail Link Project of N F Railway in Villag- L.Jangnomphai, Sub-District- Saitu-Gamphazol, District- Kangpokpi in the State of Manipur.
 - ii. The proposed diversion area is 5.5 ha and the density of vegetation is 0.3 having Eco-class 1. 814 trees are present in the area out of which 768 nos. of trees are proposed to be felled.
 - iii. The total forest area involved in the instant proposal is 5.5 ha. and it's component wise break-up is given as under.

Component	Forest Land Proposed for diversion (ha.)	Non-forest land (ha.)
Quarry Area	4.953	0
Approach Road	0.547	0
Total	5.50	

- iv. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- v. Compensatory Afforestation of three separate CA sites totalling to 20.07 ha has submitted along with the proposal. The State Government was requested to submit correct CA suitability certificate along with site suitable CA scheme approved by concerned DFO, KML file and DGPS map on 14.06.2024. However, correct details has not been submitted by the State Government.



- vi. DFO, Kangpokpi has mentioned in his violation report that the User Agency (M/s R.K. Infracorp Private Ltd., Khurai Thangjam Leikai) has violated the provisions of FCA, 1980 by mining and quarrying without processing the case under the provisions of FCA, 1980 and is liable for punishment under 3(B). Further, it is mentioned that the User Agency is recommended to pay total penalty of an amount of 25,01,856/- (2 times NPV= 22,33,800 + 12% simple interest i.e. 2,68,056/- = 25,01,856/-). State Government was requested to submit detailed violation report along with action taken against erring officer on 14.06.2024. DFO, Kangpokpi has mentioned in his letter to CF, Northern Forest Circle that on 1st April, 2023 all relevant documents such as offence report, PR bond, seizure bond, arrest memo, statement of the accused, history of the case was submitted by Range Forest Officer, Motbung Range Office of the Divisional Forest Officer, Kangpokpi. However, on 3rd April 2023 due to the unfortunate law and order situation in the state, Motbung Range Office, which was also the office of Divisional Forest Officer, Kangpokpi Division was burnt to the ground by some unknown miscreants along with the vehicles. Further, the case could not be continued and reconstruction of all above mentioned documents is not possible presently.
- vii. The Committee was informed that as per the Mining plan submitted, extraction of 3,40,802 m³ of Murrum Soil and Ordinary Earth is planned from the proposed site.
- viii. On the matter of site specificity of the project, the Conservator & Special Secretary, Government of Manipur appraised the Committee that the proposal is for mining of murrum soil which is site specific. However, the Committee opined that detailed justification regarding site specificity may be obtained from the State Government.
- ix. The proposal submitted by the State Government was examined in the Ministry and after examination, certain shortcomings were observed and the same was communicated to the State Government on 14.06.2024.
- x. Accordingly, State Government submitted reply on 24.10.2024. Summary of the same are as under:

Sl. No.	Observations raised by MoEFCC on 14.06.2024	Reply submitted by the State Government Govt. on 24.10.2024
8.	It is mentioned that validity of mining plan is upto 14.01.2019, however, copy of mining plan is not submitted along with the proposal. Copy of approved mining plan needs to be submitted.	Submitted for 5 years from 15.01.2024 (Sr. No. 93 in view documents).
9.	DFO, Kangpokpi has mentioned that Forest area is vulnerable to erosion due to the fragile ecosystem. Soil & Moisture conservation measures is	Submitted



	not uploaded. The same needs to be submitted.	
10.	Site suitable CA scheme is not uploaded on Parivesh portal. Site suitable CA scheme approved by DFO concerned needs to be submitted.	CA scheme has been submitted for three separate CA sites totaling 20.07 Ha.
11.	Three CA suitability certificates has been uploaded on Parivesh portal as under: 1. 11.00 ha in Compt. No. KKRF Plot- 1, Village- Jangnom, Range- Motbung, Division- Kangpokpi, Tehsil- Saitu-Gamphazo, District- Kangpokpi. 2. 0.82 ha in Compt. No. KKRF Plot- 2/5/Motbung, Village- Jangnom, Range- Motbung, Division- Kangpokpi, Tehsil- Saitu-Gamphazo, District- Kangpokpi. 3. 8.25 ha in Compt. No. 5 of Motbung Block, Kanglatongbi Kangpokpi RF, Kangpokpi Division is also uploaded in Sr. No. 51 in view document in Parivesh portal. Correct CA suitability certificate along with site suitable CA scheme approved by concerned DFO, KML file and DGPS map needs to be submitted.	CA scheme has been submitted for three separate CA sites totaling 20.07 Ha.
12.	DFO, Kangpokpi has mentioned in his violation report that the User Agency (M/s R.K. Infracorp Private Ltd., Khurai Thangjam Leikai) has violated the provisions of FCA, 1980 by mining and quarrying without processing the case under the provisions of FCA, 1980 and is liable for punishment under 3(B). But the User Agency in the instant proposal is Deputy Chief Engineer, Ministry of Railway. Detailed violation report along with action taken against erring officer needs to be submitted.	Detailed violation report along with action taken against officers responsible for violation has not been submitted. DFO, Kangpokpi has mentioned in his letter to CF, Northern Forest Circle that on 1st April, 2023 all relevant documents such as offence report, PR bond, seizure bond, arrest memo, statement of the accused, history of the case was submitted by Range Forest Officer, Motbung Range Office of the Divisional Forest Officer,



		Kangpokpi. However, on 3rd April 2023 due to the unfortunate law and order situation in the state, Motbung Range Office, which was also the office of Divisional Forest Officer, Kangpokpi Division was burnt to the ground by some unknown miscreants along with the vehicles. Further, the case could not be continued and reconstruction of all above mentioned documents is not possible presently.
13.	KML file of safety zone is not uploaded on Parivesh portal. The same needs to be uploaded on Parivesh portal.	Submitted and the same has been verified by DSS .
14.	Due to unavailability of the forest compartment boundaries for the Manipur State over the DSS portal developed by the FSI, the legal status of the proposed forest land cannot be ascertained. In this regard, the State Govt. is requested to submit KML file highlighting forest compartment boundary.	It is mentioned that the KML file for forest compartment boundary of Manipur State could not be uploaded as its file size is more than the maximum limit i.e. 25 MB.

- xi. The Committee was informed that the Regional Office, Shillong was requested to carry out inspection and submit site inspection report to the Ministry on 14.06.2024. However, PCCF (HoFF), Government of Manipur vide letter no. 7/371/2024/Forest/591 dated 22.11.2024 addressed to DIGF (C), Regional Office, Shillong has mentioned that the proposal was discussed in PMG meeting held on 21.11.2024 under the chairmanship of Chief Secretary, Manipur. Further, it is also mentioned that since law and order situation in the State is not favourable for inspection at present, it is suggested to include inspection as a condition in the in-principle approval as "the Site Inspection of the proposed area to be diverted shall be conducted by RO, Shillong prior to Stage- II approval" so that this project of public importance is not delayed. The Committee opined that site inspection is mandatory and the same may be carried out by Regional Office, Shillong with security from State Government.
- xii. DIG (C), Regional Office, Shillong who was present in the meeting appraised Committee that law and order situation in Manipur is not favourable, hence site inspection could not be carried out by Regional Office, Shillong till now. The Committee considered the submission of DIG (C), Regional Office, Shillong and informed that site inspection may be carried out subject to security provided by the State



Government. Further, the Committee also informed that, if security is not provided by the State Government, Regional Office, Shillong may submit SIR based on information available from the State Government and analysing KML file with proper recommendation from DDGF (C), Regional Office, Shillong.

4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the DIG (Central), Regional Office, Shillong and Conservator and Special Secretary, Government of Manipur. After going through the facts of the proposal and submissions made by Conservator and Special Secretary, Government of Manipur, the Committee decided to **defer** the proposal and observed the following:
 - i. Regional Office shall conduct the Site inspection subject to security provided by the State Government. If security is not provided by the State Government, Regional Office, Shillong may submit SIR based on information available from the State Government and analysing KML file with proper recommendation from DDGF (C), Regional Office, Shillong.
 - ii. State Government shall submit justification for site specificity of the project.
 - iii. State Government shall submit violation report along with action taken against the officers responsible for violation/ damage to the area.
 - iv. State Government shall submit correct CA scheme along with site suitable CA scheme approved by concerned DFO, KML file and DGPS map.
 - v. State Government shall submit clarification regarding land broken adjacent to the proposed area that is stretching into the proposed area.

Agenda No. 4

Proposal No. FP/MZ/ROAD/400856/2022

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in f/o National Highways & Infrastructure Development Corporation Ltd. (NHIDCL) for non-forestry use of 12.136 ha of Forest land for Up-gradation to 2-lane with paved shoulders of Tuivai - Keifang road, NH-102B of Aizawl - Imphal Economic Corridor Under Champhai Division, District- Aizawl in the State of Mizoram (Online Proposal No. FP/MZ/ROAD/400856/2022)- regarding.

1. The agenda item was considered by the AC in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.



3. The DIG (Central), Regional Office, Shillong and DFO, Government of Mizoram attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. State Government of Mizoram vide online proposal no FP/MZ/ROAD/400856/2022, submitted the above mentioned proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the (Van Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 12.136 ha of Forest land for Up-gradation to 2-lane with paved shoulders of Tuivai - Keifang road, NH-102B of Aizawl - Imphal Economic Corridor Under Champhai Division, District- Aizawl in the State of Mizoram.
 - ii. The proposed diversion area is 12.136 ha and the density of vegetation is 0.5 having Eco-class 1. 589 trees are present in the area out of which 566 trees are proposed to be felled.
 - iii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
 - iv. Compensatory Afforestation has been proposed over 12.136 ha non-forest land at Pawlram, Kawkulh Forest Range, Champhai Forest Division. CA scheme with 10 years of maintenance is provided. Site suitability certificate has been furnished by the concerned DFO.
 - v. DFO, Champhai has mentioned in Part- II that there is violation over an area of 1.5 ha. in the year 2022. Formation cutting of road had been done inside Riverine Reserve Forest (RRF) and Govt. Plantation area and extraction of boulders from Tuivai river (Tuivai RRF) has been done. Shri. Sreekanth Reddy, Project Manager, BR Goyal Infrastructure. It is also mentioned that stay order has been issued verbally to the User Agency immediately after violation took place. As regards to action taken against the UA, the UA was fined under Section 24 of the Mizoram Forest Act, 1955 and amount of ₹14,25,600/- was compounded for offence committed by them. They were also directed to compensate environmental loss caused by them due to damaged done to forest lands. As regards to ATR against the then Range Officer, disciplinary proceeding was proposed by DFO for giving permission for felling of trees from forest areas (deft plantation areas at NE Khawdungsei area) without clearance under FCA and accordingly DP was drawn by authority.
 - vi. The Committee was further informed that DFO, Champhai has mentioned in his violation report that User Agency has been informed to pay an amount of ₹14,25,600/- for illegal extraction of 3960 cum of stones from Tuivai RRF area within one month from issue of the letter. Further, it is also mentioned that, if the amount is paid the offence committed would be compounded or else necessary action would be



initiated as per provisions of Mizoram (Forest) Act, 1955. Current status of the same was sought from the State Government on 28.09.2024. Accordingly, State Government has informed that User Agency made the payment of fine amounting to ₹14,25,600/- on dt. 01.08.2023 and therefore the case stands compounded. No further illegal extraction of stones has been ensured by conducting regular patrolling by EF&CC Department's staff.

vii. The Committee was further informed that proposal submitted by the State Government was examined in the Ministry and after examination, certain shortcomings were observed and the same was communicated to the State Government on 28.09.2024.

viii. Accordingly, State Government submitted reply on 08.10.2024. Summary of the same are as under:

Sl. No.	Query raised by MoEF&CC on 28.09.2024	Reply from State Government on 08.10.2024
1.	DFO, Champhai has mentioned in his violation report that User Agency has been informed to pay an amount of ₹14,25,600/- for illegal extraction of 3960 cum of stones from Tuivai RRF area within one month from issue of the letter. Further, it is also mentioned that, if the amount is paid the offence committed would be compounded or else necessary action would be initiated as per provisions of Mizoram (Forest) Act, 1955. Current status of the same is not mentioned with the reply.	State Government has informed that User Agency made the payment of fine amounting to ₹14,25,600/- on dt. 01.08.2023 and therefore the case stands compounded. No further illegal extraction of stones has been ensured by conducting regular patrolling by EF&CC Department's staff.
2.	KML of CA land over non-forest land has been uploaded, however, as per DSS report, the legal status of proposed non-forest land for CA cannot be examined with the help of DSS because the forest compartment boundaries for the State of Mizoram are not available on the DSS portal. In this regard, the State Govt. is requested to submit KML file highlighting forest compartment boundary	KML file of CA land has been submitted. Further, it is mentioned that as the approved working plans are not in force, the compartment boundaries are not delineated.
3.	Further, as per observation based on Google earth imagery, moderately dense vegetation is visible in the proposed CA site. Comments from State Government in this regard is required.	State Government has informed that most of the CA land mutated to EF&CC Department is degraded forests with bamboos and non-valuable vegetation without much trees



		due to occasional fire incidence, except some steep slope and inaccessible areas which are covered with relatively better canopy.
4.	KML file highlighting forest compartment boundary is submitted. However, as per DSS analysis it is observed that some part of the proposed road is falling outside Tuivai Riverine Reserve Forest (RRF) Compartment. State Government is requested to submit correct KML file highlighting forest and non-forest land along with forest compartment boundary	Consolidated KML file highlighting forest and non-forest land has been submitted. Further, it is mentioned that as the approved working plans are not in force, the compartment boundaries are not delineated.
5.	It is mentioned that the Wildlife Mitigation/ Conservation Plan approved by the Chief Wildlife Warden is enclosed. However, examination of the same revealed that the plan submitted is not approved by Chief Wildlife Warden. Approved copy of the same needs to be submitted	Wildlife Mitigation Plan approved by the Chief Wildlife Warden has been submitted.

- ix. Further, the site inspection of the instant proposal was conducted by Scientist- 'E', Regional Office, Shillong on 28th & 29th October, 2024 along with the officials of the State Forest Department and representatives of User Agency. Summary of the same are as under:

A. Background on the proposal:

The proposed project seeks for diversion of forest land measuring 12.136 ha of forest land located in Champhai Forest Division, Champhai District of Mizoram for upgradation to 2 lane with paved shoulder of Tuivai-Keifang road, NH-102B of Aizawl-Imphal Economic Corridor under Champhai Division in the State of Mizoram. The project is being implemented by National Highways and Infrastructure Development Corporation (NHIDCL). The proposed area for diversion is classified by the Environment, Forests & Climate Change Department, Government of Mizoram as Riverine Reserved Forests.

The proposal has been received in Regional Office, MoEF & CC, Shillong on 16th January, 2024. This instant proposal involves violation of the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. As per Rule 10 (2) (v) of the consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Rules, 2023, the proposal has to be dealt in the



Ministry. Accordingly, scenario of the proposal has been changed and the proposal has been forwarded to Ministry on PARIVESH 2.0

B. Whether proposal involves violation of Van (Sanrakshan evam Samvardhan) Adhiniyam 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:

During the site inspection it is observed that about 50 meters total length of existing road earth cutting and road widening has been completed (Photo 1). One culvert has been constructed (Photo 2). The officials of NHIDCL and concerned contractor, present during the site inspection, informed that the work started in the year 2022 and immediately stopped once the State Forest Officials informed about the violation. The State Forest Officials informed that total area that has been violated has been measured and found out to be about 1.5 ha. All the trees enumerated along the road alignment are found to have been felled and removed. It is also observed that boundary pillars have been erected and road widening has been restricted within the demarcated area and ROW (Photo 3). No major haphazard dumping of earth cuttings inside the RF has been observed (Photo 4). The forest appears to be of regenerating forest type where only small trees were present along with tall grasses and wild bananas.

The State Forest Officials informed that under Section 24 of the Mizoram Forest Act, 1955, action has been taken against the concerned contractor, where a fine of ₹14,25,600/- has been imposed. The said amount of fine has already been paid by the concerned contractor. The U/A was asked to compensate environmental loss caused by them due to the damaged done to the forest land. Action taken against the then Range Officer, disciplinary proceeding was proposed by DFO for giving permission for felling of trees from forest areas without clearance under FCA and accordingly DP was drawn by authority.

C. Conclusion:

Local residents in both the States are forced to use the existing road in spite of its extremely poor condition. Therefore, it is crucial that this road be finished as soon as possible to assist the locals in having a convenient travel and shortened their travel time.

D. Recommendations of the Deputy Director General of Forests (Central), Regional Office, Shillong:

As mentioned in the report, the proposal is recommended and may be considered further as per the extant Rules and Guidelines under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023. Further, it is also mentioned in site inspection report that the instant proposal involves violation, hence to be examined and disposed of by the Central Government as per extant rules. The proposal is recommended with payment of penalty over 1.5 ha of land broken prior to FC clearance.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong and DFO, Government of Mizoram, **recommended** the proposal for grant of 'in-principle' approval for diversion of 12.136 ha of forest land for Up-gradation to 2-lane with paved shoulders of Tuivai - Keifang road, NH-102B of Aizawl - Imphal Economic Corridor Under Champhai Division, District- Aizawl in the State of Mizoram subject to the general, standard and following specific condition:
- i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
 - ii. Action under section 3A / 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 may be taken by Regional Office, Shillong against officers responsible for violation and intimated to the Ministry before Stage- II approval.

Agenda No. 5

Proposal No: FP/MH/MIN/QRV/409811/2022

Subject: Proposal for seeking prior approval of the Central Government under Section 2(1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 61.45 ha forest land for Manganese ore mining project in Survey No. 101, 102, 105 & 106 of Mauza Ramadongari at Village-Ramdongri, Tehsil- Saoner, Nagpur District of Maharashtra State (Online No. FP/MH/MIN/QRV/409811/2022) – regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The representative from RO, Nagpur and Nodal Officer, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Govt. of Maharashtra vide their letter No FLD-3423/CR-166/F-10 dated 20.07.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 61.45 ha Protected forest land for Manganese ore mining project at Village-Ramdongri, Tehsil- Saoner, Nagpur District.
 - ii. A total of 13,553 number of trees are marked for felling and the proposed forest land is having Eco-Class III vegetation with canopy density ranges from 0.4 to 0.5.
 - iii. The instant proposal for Manganese ore mining project involves 61.45 ha Protected forest land and as such there is No Non-forest land or other Private or Govt. land is involved in the lease area.

- iv. Out of 61.45 ha proposed forest land, 55.60 ha area is required for Mining work, 3.24 ha is proposed for Ore Storage area and Mine Infrastructure, 0.30 ha will be put under Road and remaining 2.31 ha area will be kept as Safety Zone.
- v. Out of 61.45 ha proposed forest land, 26.14 ha (42%) area is hilly which may likely to accelerate the rates of erosion. In this context, the State Govt. has proposed certain mitigation measures to choke the soil erosion.
- vi. The extant proposal for diversion of 61.45 ha was originally submitted by the same user agency on dated 20.11.2008 on the PARIVESH vide Proposal No. FP/MH/MIN/4666/2008. This proposal was rejected by the office of APCCF & Nodal officer Maharashtra State, Nagpur on 22.05.2014 owing to rejection of proposal by State Board of Wildlife in its 8th meeting held on dated 20th Feb 2014 considering the existence of proposal in "deemed ESZ" of Mansinghdeo Wildlife Sanctuary, as per guideline of MoEF&CC, GOI dated 09.02.2011, Mining in ESZ area is prohibited. The Proposal was pending since then. Later on MoEF&CC has finally notified the ESZ proposal of Pench National Park and Mansinghdeo Wildlife Sanctuary vide notification dated 13.09.2017. According to the above notification proposed mining area is falling outside the ESZ proposal of Mansinghdeo Wildlife Sanctuary and is 3.5 Km away from the ESZ.
- vii. After the notification of Forest (Conservation) Rules, 2022 published in the Gazette of India on 28.06.2022 the User Agency has submitted a fresh proposal for diversion of 61.45 Ha. Forest land on Parivesh 2.0 portal.
- viii. The Nodal Officer, Govt. of Maharashtra apprised that the instant project is site specific proposal and this area (61.45 ha) was earlier excavated by Manganese Ore India Ltd. and later surrendered. The Survey No. 101 to 107 was notified for Mining Lease by the Govt. of Maharashtra on dated 29.08.2002. Accordingly, the user agency had applied against the notification for mining of Manganese ore over an area of 61.45 Ha covering survey no. 101, 102, 105 and 106. The State Govt. vide letter dated 21.01.2007 had issued a letter of intent for grant of mining lease over a period of 30 years. Later on, the Ministry of Mines, Govt. of India vide letter No 5/46/2004-M.IV dated 01.12.2006 conveyed approval under Section 5(1) of the Mines and Mineral (Development and Regulation) Act, 1957 for grant of mining lease over an area of 61.45 ha. Thereafter, Govt. of Maharashtra vide letter dated 24.01.2007 had issued a letter of intent (LoI) for grant of mining lease over an area of 61.45 ha. At present, there are Manganese mines in the adjoining Private/ Govt. revenue lands.
- ix. The Ministry of Environment, Forests & Climate Change (MoEF&CC), Govt. of India vide letter No. J-11015/698/2007-IA.II(M) dated 05.02.2009 accorded the Environmental clearance within the Mine lease (ML) area of 61.45 ha for Manganese ore mining in favour M/s Jayaswals Neco Ltd. (present user agency).
- x. The Compensatory Afforestation in the instant proposal has been proposed on the Non-Forest Land. To fulfil this purpose, CA sites have been proposed in Nine (9) patches comprising 61.45 ha area. Out of

which 43.75 ha CA area in Village: Jambhulni (Sy No. 67, 68, 69, 74, 79(P), 82/1(A) & 86) and 17.70 ha CA area in Village: Khutaphali (Sy No. 70 & proposed for CA.

- xi. The State Govt. has informed that there is no wildlife present in and around the forest land proposed for diversion. However, the proposal has been recommended by the State Government with a condition that the wildlife clearance is required as the proposed forest land is part of Tiger Corridor as per Telemetry Corridors.
- xii. The State Govt. has informed that the Mineral will be excavated as per approved Mining Plan by Indian Bureau of Mines vide letter dated 26.04.2007. The requirement of electricity will be fulfilled by transferring the line from State grid available in adjoining area after permission from Maharashtra State Electricity Board. The requirement of water will be fulfilled after taking prior permission from Central Ground Water authority. The proposed 61.45 Ha forest land required for diversion for mining purpose is maximum. There is no additional forest land requirement for this project.
- xiii. The Nodal officer, Govt. of Maharashtra apprised that the proposed area was earlier inspected by National Tiger Conservation Authority and recommend the project vide their letter F. NO. 7512017-NTCA dated 13.07.2017 with subject to the strict adherence to the following mitigation strategies;
 - a. All conditions laid down by Indian Mining Bureau, MoEF&CC, Maharashtra Forest Department, Maharashtra Pollution Control Board shall be complied with to make mining operation less detrimental to the Forest & Wildlife.
 - b. The Environment Management plan (Part of the mining, Plan) should be strictly complied with. Reclamation should be done by backfilling and supplementing /assisting the native vegetation rather ihun rehabilitation by creating reservoir.
 - c. 5% of the Project cost and the CSR funding shall be made available to Pench Tiger Foundation for conservation works.
 - d. The concerned Forest authorities shall ensure compliance of the above mentioned conditions.
- xiv. The committee observed that the proposal was considered by the Advisory Committee (AC) in its meeting held on 06.11.2024 wherein the Committee observed that the proposal pertains to the State of Maharashtra wherein presently model code of conduct is in force due to State Assembly Election. The proposal was therefore deferred for discussion in the next Advisory Committee meeting. The same was conveyed to the State Government vide Ministry letter dated 18.11.2024.
- xv. The committee noted that the Department of Industry, Energy, Labour and Mining Department, Government of Maharashtra, Mantralaya, Mumbai vide their No. MMN-1004/CR.653/Ind-9(A), dated 23.08.2024 confirmed that the Letter of Intent granted by the State Government of Maharashtra on dated 24.01.2007 is valid as on date.
- xvi. The committee noted that the proposed area was earlier inspected by National Tiger Conservation Authority and recommend the project vide their letter F. NO. 7512017-NTCA dated 13.07.2017 with subject to the

strict adherence to the certain mitigation strategies. However the NTCA has submitted their recommendation on the proposal in the year 2017 and since then the land use along with other regional factors/ dimensions in the adjoining forest land proposed for diversion have been changed.

- xvii. The committee also observed that the State Govt. has informed that there is no wildlife present in and around the forest land proposed for diversion. However, the proposal has been recommended by the State Government with a condition that the wildlife clearance is required as the proposed forest land is part of Tiger Corridor as per Telemetry Corridors.
- xviii. The committee also observed that as per DSS analysis a River tributary is flowing through the middle of forest land proposed for diversion. Accordingly, the State Government was requested to obtain the comments of the water resource department on the proposed measures and impact of the project on the hydrological regimes. In this regard, the comments/ NoC from the water resource department, Govt. of Maharashtra has not been submitted.
- xix. The committee noted that the Regional office, Nagpur has submitted the Site Inspection Report with regard to the instant project. However, specific recommendation of the DDGF, RO, Nagpur has not been submitted on the proposal.

4. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee '**deferred**' the proposal for diversion of 61.45 ha forest land for Manganese ore mining project in Survey No. 101, 102, 105 & 106 of Mauza Ramadongari at Village-Ramdongri, Tehsil- Saoner, Nagpur District of Maharashtra State for want of following information:

- i. The NTCA has submitted their recommendation on the proposal in the year 2017 and since then the land use along with other regional factors/ dimensions in the adjoining forest land proposed for diversion have been changed. Therefore, fresh comments of the NTCA shall be sought by the Ministry in the matter.
- ii. The State Government reported that, there is no wildlife present in and around the forest land proposed for diversion whereas the proposal has been recommended by the State with a specific condition that the wildlife clearance needs to be obtained as the proposed forest land is part of Tiger Corridor as per Telemetry Corridors. Therefore, the comment of the CWLW, Govt. of Maharashtra shall be submitted along with specific recommendations.
- iii. The NOC for Nallah/ Tributary diversion from the Water Resources Department, Government of Maharashtra shall be submitted.
- iv. The DDGF, Regional office, Nagpur shall submit his specific recommendation on the proposal.
- v. The state shall ensure the validity of the lease in view of the provisions of the Section 10A(2)(c) of the amended MMDR Act, 2015.



Agenda No. 6

Proposal No: FP/MH/OTHERS/417549/2023

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.89 Ha. forest land (Zudpi Jungle) for Establishment of Residential premises for Wildlife Officers and subordinate staff at Nagpur Headquarters under the jurisdiction of Pench Tiger Reserve, Nagpur in District Nagpur in the State of Maharashtra (Online No. FP/MH/OTHERS/417549/2023) - regarding.

1. The above stated agenda item was considered by the AC in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The AIGF Central) as a representative of RO, Nagpur and Nodal Officer, Government of Maharashtra were present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Maharashtra vide their letter no. FLD-3424/C.R.-191/F-10 dated 23.08.2024 submitted the above mentioned proposal seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to Regional Office, Nagpur on 08.11.2024.
 - ii. The proposal is for diversion of 0.89 Ha. forest land (Zudpi Jungle) for Establishment of Residential premises for Wildlife Officers and subordinate staff at Nagpur Headquarters under the jurisdiction of Pench Tiger Reserve, Nagpur in District Nagpur.
 - iii. Canopy density of the proposed area is reported as 0.1 having Eco Class 3 and the proposal does not involve felling of trees. Also the forest land involved in the project is not prone to erosion.
 - iv. There is no Wildlife sanctuary, National Park, Tiger reserve and Tiger corridor are located at a distance of 10 Km from the proposed forest land for diversion.
 - v. With regard to raising compensatory afforestation, though the proposal is below 1 ha the Compensatory afforestation has been proposed over 1.8 ha of Degraded Forest land in Suwardhara Village, Pench Range, Pench (Wildlife Nagpur) Division, Nagpur District. Deputy Director, Pench Tiger Reserve has given Site Suitability Certificate.
 - vi. The DCF, Nagpur Forest Division has carried out Field Inspection Report and reported that the site proposed for Establishment of Residential premises for Wildlife officers and subordinate staff at Nagpur Headquarters under the jurisdiction of Pench Tiger Reserve, Nagpur is a forest land measuring about 0.89 ha. It is about 8 km away from Nagpur city. This project is very helpful for Wildlife Officers and subordinate staff for their residence in Nagpur city.



- vii. The Regional Office, Nagpur has forwarded the instant proposal to the Ministry in context of Para 1.10 (ii) of Consolidated guidelines and clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 which states that *In case of any ambiguity regarding non-specificity of a particular project, the same shall be referred to the Ministry for decision. Further, the Regional Offices/Sub-Offices shall ensure that non-site specific proposals, which have been recommended by the Regional Empowered Committee (REC) or Regional Office, need to be submitted to the MoEF&CC, New Delhi for decision on case to case basis. Proposals which have been rejected by the REC or Regional Office/Sub-Office should not be submitted to the MoEF&CC, New Delhi.*
- viii. The Regional Office, Nagpur has recommended that the proposal for the diversion of 0.89 hectares for constructing residential premises for wildlife staff and officers of Pench Tiger Reserve, based in Nagpur, and mentioned that the proposal is recommended on the basis of the justification provided by the State Government vide letter dated 23.08.2024. The same is forwarded for consideration by the Ministry of Environment, Forest, and Climate Change (MOEF&CC) in accordance with Paragraph 1.10 (ii) of the consolidated guidelines and clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- ix. The committee observed that as per DSS analysis, there is no wildlife sanctuary, national park, tiger reserve and tiger corridor is located within 10 km distance from the proposed forest land for diversion. Moreover, the instant proposal falls under not In-High conservation zone value as per the DSS Rule-I & II.
- x. The committee noted that the Regional Office, Ranchi has recommended the proposal and the Regional Office, Nagpur has forwarded the proposal to the Ministry in context of Para 1.10 (ii) of Consolidated guidelines and clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 regarding the issue of site specificity of the proposal.
- xi. The committee also observed that as per Para 1.18 of Consolidated guidelines and clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 it has been mentioned that *any work relating or ancillary to conservation, development and management of forests and wildlife is not a non-forest use and therefore, taking up such work in the forest land does not require diversion under the Van (Sanrakshan Evam Samvardhan) Adhiniyam. As such all State Governments should ensure that the basic spirit and essence or the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is not to divert forest land for construction of residential buildings, Bungalows, quarters etc. Bare minimum (operational) buildings, which are essential for management of forest by forest personnel and conservation of bio-wealth such as forest guard hut, check posts, range offices, small inspection bungalow (2-3 room), un-tarred single lane roads etc., can be taken up in selected areas without causing damage/destruction to the forests thereon. But if the structures are large and would impact on conservation, prior permission under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 would be required.*
- xii. The committee also noted that the diversion of forest land has been sought for a specific purpose which requires necessary infrastructure and



the construction of the residential premises for Wildlife Officers and subordinate staff has to be done within a specific block of Zudpi Jungle and there is no suitable non-forest land available for the construction of the same. Keeping these facts in view, the committee observed that the requirement of forest land for the construction of residential premises for Wildlife Officers and subordinate staff is unavoidable and therefore the issue of site specificity is justifiable as recommended by the Regional Office.

4. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Nodal Officer, Government of Maharashtra. After going through the facts of the proposal, the Committee observed that the requirement of forest land for the construction of residential premises for Wildlife Officers and subordinate staff is unavoidable, therefore the issue of site specificity is justifiable and recommended that the Regional Office shall issue '*in-principle*' approval diversion of 0.89 Ha. forest land (Zudpi Jungle) for Establishment of Residential premises for Wildlife Officers and subordinate staff at Nagpur Headquarters under the jurisdiction of Pench Tiger Reserve, Nagpur in District Nagpur in the State of Maharashtra as per provisions of the Adhiyam, 1980.

Agenda No. 7

Proposal No. FP/PB/OTHERS/466079/2024

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Amritsar Development Authority for non-forestry use of 0.2045 ha of Protected Forest land for construction of approach road for New Urban Estate at village Sarki, on Batala – Jalandhar road, Tehsil- Batala, District- Gurdaspur in the State of Punjab (Proposal No. FP/PB/OTHERS/466079/2024)- regarding.

The proposal was **deferred** for discussion in the next Advisory Committee meeting. The Advisory Committee observed that the Nodal Officer, Govt. of Punjab should be present in person in the next AC meeting for discussion.

Agenda No. 8

Proposal No.FP/OR/REDIV/431319/2023

Sub: Proposal for Change in land use pattern over an area of 6.910 ha of forest area in mining & allied activities over the ML area of 49.372 ha of Raikela & Tantra Iron Mines of M/s Penguin Trading & Agencies Ltd. in village Raikela and Tantra in Bonai Forest Division, Sundargarh District, Odisha-reg.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. Originally the Mining Lease over 49.372 ha for mining of Iron Ore was granted in favour of Sri R.L. Bathwal on 03.12.1986 for a period of 20 years, which was valid upto 02.12.2006. Subsequently, the mining lease was transferred to M/s Penguin Trading & Agencies Ltd. on 23.06.1991 with validity for the unexpired term of the lease, i.e. upto 02.12.2006.
 - ii. The total Mining Lease area of 49.372 ha comprises of 7.936 ha Revenue Forest, 40.696 ha of DLC forest (Total Forest: 48.632 ha) and 0.740 ha of Non-forest land. Out of the total forest 48.632 ha, final approval has been granted in favour of the User Agency for diversion of 45.545 ha of forest land vide letter No.8-23/2007-FC dated 13.05.2009.
 - iii. The balance forest land of 3.047 ha earmarked as Safety Zone has been diverted under general approval granted vide Ministry's letter No.11-599/2014-FC dated 01.05.2015. Further, Stage-II approval for change in land use pattern over an area of 0.218 ha from Safety Zone to Mining purpose has been granted vide Ministry's letter No.823/2007-FC dated 10.07.2020. The supplementary lease deed has been executed on 21.07.2016 by the Collector, Sundargarh which is valid upto 02.12.2036.
 - iv. The user agency had submitted two different proposals for change in land use over 0.636 ha and 1.1594 ha of forest land from Safety Zone purpose to Mining purpose within the mining lease area of 49.372 ha of Raikela & Tantra Iron Ore Mines of M/s Penguin Trading & Agencies Ltd. The said proposal was submitted to the Ministry, vide State Govt. letter No.20236/FE&CC dated 26.09.2023. On scrutiny of the both proposals, the Ministry had made the following observation vide EDS dated 16.02.2024.
 - a. *"The proposal for change in land use was earlier considered by the Advisory Committee on 17.09.2022 and the Committee, after examination of the proposal observed that since the proposal for change in land use is not limited to area located in the safety zone as proposed by the State Govt., but almost all project components have been proposed to be changed or reorganized; therefore, proposal in its present form cannot be considered for approval and accordingly recommended that State Govt. may submit a revised proposal recasting details of all land use proposed to be changed in the proposal as per land use envisaged in the approved mining plan of the mining lease. The State Govt. is therefore, requested to address the concerned of the Advisory Committee and if needed, the proposal may be revised and submitted to the Ministry along with valid justification".*



- v. Accordingly, the State Govt. has revised the said proposal and informed that the Principal Chief Conservator of Forests (FD&NO, FC Act), O/o the PCCF & HoFF, Odisha vide letter No.16860 dtd.21.08.2024 had submitted a proposal for Change in land use pattern over an area of 6.910 ha of forest area in mining & allied activities over the ML area of 49.372 ha of Raikela & Tantra Iron Mines of M/s Penguin Trading & Agencies Ltd. in village Raikela and Tantra in Bonal Forest Division, Sundargarh District, Odisha for consideration and onward transmission to Govt. of India, Ministry of Environment, Forest and Climate Change for approval under Section 2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- vi. Total cost of this project has been estimated at ₹4210 Lakhs. During construction phase, the project will generate regular employment to 39 Nos, of persons and temporary employment to 153 persons and 149328 man days will be generated and during operational phase, permanent employment to 117 Nos. of persons and temporary employment to 459 persons and total 447984 man days will be generated.
- vii. The comparative statement for existing land use pattern and proposed land use pattern is furnished below:

Sl. No,	Type of Land use	Present Land use plan in ha			Proposed land use plan in ha		
		Forest	Non-forest	Total	Forest	Non-forest	Total
1	Area under Mining	29.574	0.156	29.730	32.244	0.156	32.400
2	Topsoil Stacking	-	-	-	-	-	-
3	Over Burden/Waste Dumping	6.130	-	6.130	8.340	8.340	8.340
4	Mineral Storage	2.610	-	2.610	4.168	0.472	4.640
0.2705	Infrastructure (Workshop Administrative Building, etc)	0.130	-	0.130	0.270	-	0.270
6	Road	1.938	0.112	2.050	2.508	0.112	2.620
7	Railway	-	-	-	-	-	-
8	Tailing Pond	-	-	-	-	-	-
9	Effluent Treatment Plant	-	-	-	-	-	-
10	Mineral Separation Plant	0.040	-	0.040	0.070	0.000	0.070
11	Township Area	-	-	-	-	-	-
12	Other to Specify	-	-	-	-	-	-



i)	Safety Zone Along M L. Boundary	2.193		2.193	1.03	0.000	1.03
ii)	Safety Zone Around Explosive Magazine	0.636		0.636			
iii)	Staking Area	4.260	0.150	4.410			
iv)	Misc. Area	1.121	0.322	1.443			
V)	Total:	8.210	0.472	0.472	1.03		1.03
	G. TOTAL:	48.632	0.740	0.740	48.63	0.740	49.37

- viii. Justification of the project for change in land use over an area of 6.910 ha has been provided by the State Govt. by informing that there is huge quantity of Iron Ore being blocked on and around Explosive Magazine & the Safety Zone along Lease boundary, so it has been proposed for change in Land Use for 6.910 ha (Change in Land Use in Forest Land is 6.910 ha and in Non-forest land in 0.740 ha. So, the total Change in land Use is 7.650 ha in Mining and Allied Activities which includes 0.636 ha from Safety Zone purpose (Around Explosive Magazine) to Mining Purpose and 1.1594 from Safety Zone purpose (along lease boundary) to Mining Purpose i.e. total 1.7954 ha of already diverted forest land of 48.632 ha over the Mining Lease area of 49.372 ha. The common boundary working will be done with Tantra Iron Ore Mines of M/s Korp Resources Pvt. Ltd., Raikela Iron Ore Mines of M/s National Enterprises and Raikela Iron Ore Mines of M/s Gitarani Mohanty. The detailed descriptions are as follows:

Sl. No.	Description	Land Type	Area for diversion (in ha)	Proposal No.	Remarks
1	Change in land use around explosive Magazine	Forest	0.636	FP/OR/REDIV/431319/2023	As both the proposals Change in land use pattern was same, so the User Agency will submit it in a Single Proposal over an area of 6.910 ha instead
2	Change in land use along Lease Boundary	Forest	1.1594	FP/OR/REDIV/430002/2023	
Sub-Total Forest Area			1.7954		
3	Change in land use for Forest mining and allied activities	Forest	5.1146	NA	
Sub-Total Forest Area			5.1146		
Total Forest Area			6.910		



					of Two.
4	Change in land use for Non-mining and allied forest activities	Non-Forest	0.74	NA	
Non- Total Non-Forest Area			0.74		
Total Change in land use (Forest + Non forest area)			7.650		

- ix. In the interest of safe and scientific mining, conservation and utilization of blocked mineral resources, the User Agency has applied for Change in Land Use from Safety Zone Purpose to Mining purpose for which necessary permission from concerned statutory authority is to be obtained on process. In this regard, the User Agency has obtained approval of modification of Review of Mining Plan vide approval Letter No. BBS/SNG/IRON/2201/MRMP/2022-23, dated 14.02.2023 under rule 17(3) of MCR, 2016 of Govt. of India, Indian Bureau of Mines. Apart from the above, the User Agency has obtained all statutory clearances from Concern Authorities.
- x. Total Safety Zone forest area was 3.047 Ha, out of which 0.218 ha has been accorded final approval for change in Land Use from Safety Zone Purpose to Mining Purpose i.e. Cluster Mining with Jindal Steel & Power Ltd. and balance Safety Zone area is 2.829 ha. Out of this, an application was earlier filed for Change in Land Use over 0.636 ha from Safety Zone to Mining Purpose around Explosive Magazine & another application was also filed over 1.594 ha for Cluster Mining Operation in Safety Zone with Korp Resources Pvt. Ltd., M/s National Enterprises and M/s Geetarani Mohanty over an area of 1.1594 ha. So, the Balance Safety Zone will be 1.03 ha of forest land.
- xi. As reported by the User Agency, although it has been applied for Change in Land Use over an area of 0.636 ha & 1.1594 ha, but it is being changed in all components. So the total Change in Land Use is coming over 7.65 ha out of which 6.91 ha is in Forest land & 0.74 ha is in Non-Forest land.
- xii. As reported by the DFO, Bonai Forest Division, a Memorandum of Understanding (MoU) has been made on 30.03.2022 between Penguin Trading & Agencies Limited National Enterprises for carrying out common boundary mining activities to extract Iron ore between beneath the common boundary of Raikela and Tantra Iron Ore Mines and Raikela Iron Mines of M/s National Enterprises. Further, another Memorandum of Understanding (MoU) has also been made on 18.09.2021 between Korp Resources Pvt. Ltd. and Penguin Trading & Agencies Limited for carrying out common boundary mining activities to extract Iron ore between beneath the common boundary of their Tantra Iron Ore Mines and Raikela and Tantra Iron Mines of Penguin Trading & Agencies Limited. As reported by the DFO, Bonai Forest Division, besides the above, a Memorandum of Understanding (MoU) has also been made between Penguin Trading & Agencies Limited and



Geetarani Mohanty on 27.04.2022 for common boundary mining activity to extract Iron ore between beneath the common boundary of their Raikela and Tantra Iron Ore Mines and Raikela Iron Mines of M/s Geetarani Mohanty. The land schedule of the total Lease Area in the Mining Lease area over 49.372 has duly authenticated by both the DFOs and Tahsildars concerned, is enclosed. The details of land schedule of applied area for change in land use from Safety Zone purpose to Mining purpose over an area of 1.7954 ha in the ML area over 49.372 ha in Raikela and Tantra Iron Mines by M/s Penguin Trading and Agencies Ltd duly authenticated by both the DFOs and Tahsildars concerned, is enclosed. The certificate for minimum use of forest land furnished by the UA has been enclosed duly countersigned by the DFO, Bonai Forest Division.

- xiii. As per the information available on the PARIVESH three proposals (for which the common boundary of the instant proposal is in cluster) all three proposals for change in land use/ diversion of safety zone are under process at the different level in the State Govt. The details are as below: As per the information available on the PARIVESH three proposals (for which the common boundary of the instant proposal is in cluster) all three proposals for change in land use/ diversion of safety zone are under process at the different level in the State Govt. The details are as below:

Proposal No	Category	Project Name	User Agency	Date of Submission	Proposal Status
FP/OR /MIN/ QRY /454474/ 2023	MIN/ QRY	Diversion proposal over the total safety zone area of 3.378 ha in forest land (out of which 2.645 ha is for safety zone diversion and 0.733 ha for mining activities (cluster mining) of tantra iron mines of m/s korp resources pvt ltd, in village tantra and tensa over the ml area of 72.560 ha at tantra, potensa, dist-sundargarh,	KORP RESOURCE S PRIVATE LIMITED	05/12/2023	Pending at State Secretary for Recommendation



		odisha.			
FP/OR/ REDIV /460024 /2024	MIN /QRY	Proposal for change in land use pattern over an area of 0.4311 Ha from safety zone for mining purpose from total diverted forest land of 66.671 ha out of total lease area of 67.586 Ha of Raikela Iron Ore mines of M/s Geetarani Mohanty at Village Railkela, Koira Tahasil, Sundargarh District	MS GEETARANI MOHANTY	27/01/2024	DELISTED
FP/OR/ MIN/ QRY/ 464982 /2024	MIN/ QRY	Application for proposed forest land for Diversion in Safety zone & Cluster mining in village Raikela Iron Ore Mines of M/s Grewal Minerals & Metals LLP under koira tehsil of Sundargarh District, Odisha.	M/S M/s Grewal Minerals formaly known as National Enterprise	05.03.2024	Pending at DFO

- xiv. As reported by the DFO, Bonai Forest Division in his Part-II and Site Inspection Report, the applied area is composed of floral species such as Teak. Further, fauna such as Elephant (*Elephas indicus*), Pangolin (*Manis crassicaudata*), Wildboar (*Sus scrofa*), Wild cat (*Felis chaus*), Squirrel (*Funambulus pennantii*), Jackal (*Canis aureus*), Hanuman langur (*Presbytes entellus*), Mouse (*Rattus rattus*), Civet (*Viverricula*

indica), Hare (*Oryctolagus cuniculus*) and different types of Snakes and Birds have been recorded from the applied area.

- xv. The DFO, Bonai Forest Division has reported that, a Comprehensive Wildlife Management Plan covering the entire forest area for wildlife management of Bonai & Keonjhar Division has already been prepared. Accordingly, the User Agency has deposited a sum of ₹21,22,996/- @₹43,000/- per hectare of the total leasehold area over 49.372 ha towards Regional Wildlife Management Plan fund.
- xvi. As per the report of the DFO, Bonai Forest Division, a Site Specific Wildlife Conservation Plan has been approved for ₹1,45,00,000/- vide Memo No.2756 dt. 13.04.2010 of the PCCF (WL) & CWLW, Odisha, and the said amount has been deposited by the User Agency.
- xvii. The instant proposal is for change in land use pattern over 6.901 ha of forest land which includes 1.7954 ha (1.1594 ha + 0.636 ha) of forest land for change in land use pattern from safety zone purpose to mining purpose. As reported by the DFO, Bonai Forest Division, 1260 nos. of trees above 30 cm girth have been enumerated over 1.1594 ha of forest land. The tree enumeration list has been furnished. Further, 160 nos. of trees above 30 cm girth and 1231 nos. of trees below 30 cm girth have been enumerated over 0.636 ha of forest land. The tree enumeration list and abstract has been furnished. Thus, 1420 nos. of trees above 30 cm girth and 1231 nos. below 30 cm girth may be required to be felled/ removed in applied area during mining and allied activities, which will have some little impact on the eco-system. The density has been reported to be 0.55 as reported by the DFO, Bonai Forest Division.
- xviii. The DFO, Bonai Forest Division has reported that, the User Agency has applied for change in land Use Pattern over 6.910 ha of forest land which involves 1.7954 ha (1.1594 ha + 0.636 ha) of forest land that has been proposed for change in land use pattern from safety zone purpose to mining purpose. Therefore, an equivalent extent of Non-Forest land over 1.7954 ha is required for Compensatory Afforestation. In lieu of 1.7954 ha of forest land, non-forest land over 1.85 ha in 2 patches comprising of 1.214 ha and 0.636 ha has been identified in Sundargarh Forest Division and Bonai Forest Division respectively for Compensatory Afforestation. The scheme for Compensatory Afforestation has been prepared over 1.214 ha of Govt. Non-Forest land identified in village Suarjore under Lephripara Tehsil, Lephripara Range of Sundargarh Forest Division of Sundargarh District.
- xix. The Compensatory Afforestation Scheme over 1.214 ha has been prepared by DFO, Sundargarh Forest Division. The CA Scheme in village Suarjore has provision of AR Plantation @1600 plants per hectare with maintenance for 20 years. The financial outlay of the scheme prepared by DFO, Bonai Forest Division is ₹22,53,174/- as per onetime cost norm for the year 2024-25. The financial outlay of CA scheme has been approved by PCCF (FD & NO, FC Act) for ₹28,80,400/- (Rupees Twenty-eight lakhs and Eighty Thousand and Four Hundred) only as per one-time cost norm.
- xx. The non-encroachment, and non-encumbrance Certificate issued by the Tehsildar, Gurundia and suitability Certificate issued by the Forest



Range Officer, Jarda has been furnished which has been jointly signed by the officials of Revenue and Forest Department. The DFO, Bonai Forest Division has furnished the land suitability certificate for raising of CA.

- xxi. In the extant proposal the CA land is proposed in Sundargarh district over an extent of 1.124 ha has been analysed on DSS and it is observed that it is partially falling in the forest boundary. However, same CA land KML file was received in same proposal for diversion of 1.1594 ha (FP/OR/REDIV/ 430002/2023) when it was submitted separately. At the time of analysis of the said proposal of 1.1594 ha, a query was raised regarding clarification of the legal status of the CA land vide this Ministry EDS dated 06.10.2023 and as per the reply submitted by the State Govt. the proposed CA land (1.124 ha) is located on non-forest land.
 - xxii. As reported by the DFO, Bonai Forest Division, the User Agency had deposited ₹3,07,67,840/- towards NPV of 45.585 ha of forest land. Further, the User Agency had deposited ₹20,99,100/- towards NPV of balance 3.047 ha of forest land which had been further deposited to CAMPA on dt.20.8.2008. Thus, the User Agency had deposited ₹3,28,66,940/- towards NPV of entire forest area of 48.632 ha involved in the lease. Besides, as reported by him, the User Agency has deposited ₹26,34,420/- towards differential amount of NPV, which has been further deposited to CAMPA on 20.7.2010. Thus, in total, the User Agency has deposited ₹3,55,01,360/- towards NPV over entire forest area of 48.632 ha.
 - xxiii. As reported by the DFO that the UA has not carried out any violation under Van (Sanrakhsan Evam Samvardhan) Adhiniyam, 1980.
4. Further, the Regional Office Bhubaneswar has submitted the Site Inspection report in this proposal. The RO has reported that the site inspection of the above project was carried out on 21.09.2024 along with DFO, Bonai and representatives from the user agency. As per SIR following has been reported:
- i. As reported huge quantity of Iron ore being blocked on and around Explosive Magazine & the Safety Zone along lease boundary and to achieve production capacity of 3.024 MTPA from existing 2.160 MTPA, so it has been proposed for change in land use for 6.910 ha for mining purpose. Hence, it become imperative to carry out mining operation over mineral locked area in the interest of mineral conservation.
 - ii. The applied area does not form part of any National Park/Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor. There is no rare/ endangered/ unique species of flora and fauna in the forest area proposed for diversion. It was also reported that the proposed site for the project does not come under eco-sensitive zone of any protected area. The nearest Protected Area is Badrama Wildlife Sanctuary, which is 86.08 Km away from the project and Karo-Karampada Elephant Corridor is situated at 16.19 Km from the project site. There is a need for revisit of the Wildlife Conservation Plan.



- iii. The State Govt. has reported that Review of Mining Plan along with Progressive Mine Closure Plan has been approved by IBM vide letter No. BBS/SNG/IRON/2201/MRMP/2022-23 dated 14.02.2023.
 - iv. As reported by the DFO, Bonai the user agency has deposited ₹3,55,01,360/- towards NPV over entire forest area of 48.632 ha.
 - v. The density of vegetation is reported to be 0.55 Eco-value Class-I. Total 2651 nos. of trees have been enumerated over 1.7954 ha of forest land. To minimize the adverse ecological impact, trees should be felled in a phased manner and when become absolutely necessary. The trees are mostly planted one as part of creation of Safety Zone.
 - vi. As reported no violation has been committed by the user agency under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. During inspection also no violation was observed.
 - vii. The instant proposal is for change in land use pattern over 6.910 ha of forest land.
 - a. Out of this 5.1146 ha (6.910 ha – 1.7954 ha) has already been diverted for different mining and allied activities, which explained in Table at Point No. 2, which include 0.218 ha of forest land granted vide Ministry letter No.8-23/2007-FC dated 10.07.2020 for mining purpose from Safety Zone purpose.
 - b. 1.1594 ha which was earlier identified as Safety zone being common boundary with the other mining lease holder will be used for mining.
 - c. 0.636 ha which was earlier identified as Safety Zone for Magazine will be used for mining.
 - viii. For Point (a), the user agency has already deposited NPV, CA levies as well as land for CA.
 - ix. For Point No. (b) & (c), the user agency has deposited NPV, amount for regeneration of Safety zone and afforestation over 1.5 times area of Safety Zone. The user agency has identified 1.85 ha of Nonforest land in village Suarijore (1.214 ha) under Lephripara Tahasil of Sundargarh Forest Division and in village Kundheidiha (0.636 ha) under Gurundia Tahasil of Bonai Forest Division for raising compensatory afforestation in lieu of 1.7954 ha (1.1594 ha + 0.636 ha) proposed for change in land use from Safety Zone purpose to Mining purpose.
 - x. The Regional Office has recommended that the user agency should also identify non-forest land for CA for balance Safety Zone i.e. 1.034 ha {(3.047 ha – (0.218 ha + 1.7954 ha))} for diversion of Safety Zone as per Para 7.9 (vi) of Chapter-7 of Consolidated Guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvadhan) Rules, 2023.
 - xi. As the size of the CA land is less than 5 Ha, so 20 years maintenance as per Para 2.3 (iv) of Chapter-2 of Consolidated Guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 & Van (Sanrakshan Evam Samvardhan) Rules, 2023 may be done in the CA Scheme.
5. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneshwar and CCF Nodal Officer, Govt. of Odisha, the Committee recommended the proposal for grant of '*in-principle*' for Change in land use pattern over an area of 6.910 ha of forest

area in mining & allied activities over the ML area of 49.372 ha of Raikela & Tantra Iron Mines of M/s Penguin Trading & Agencies Ltd. in village Raikela and Tantra in Bonai Forest Division, Sundargarh District, Odisha subject to the General, Standard and following specific conditions:

- i. *The State Govt. shall identify non-forest land for CA for balance Safety Zone i.e. 1.034 ha {(3.047 ha – (0.218 ha + 1.7954 ha))} in lieu of diversion of forest land for Safety Zone as per Para 7.9 (vi) of Chapter-7 of Consolidated Guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvadhan) Rules, 2023. The all details for NFL to be identified for CA shall also be submitted with the compliance report.*

Agenda No. 9

Online Proposal No. FP/OR/REDIV/456767/2023

Sub: Proposal seeking prior approval of Central Government under Section 2 (1) ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for change in land use pattern over an area of 299.697 ha of already diverted Forest land within the total Mining Lease area of 824.316 ha of Amalgamated Utkal D & E Coal Mines Lease of M/s National Aluminium Company Ltd. in Angul Forest Division of Angul District in Odisha (FP/OR/REDIV/456767/2023)-reg.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The State Government of Odisha vide their letter No. FE-DIV-FLD-0040-2024-14165/FE&CC dated 02.08.2024 submitted above subject proposal seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The proposal is for change in land use pattern over an area of 299.697 ha of already diverted Forest land within the total Mining Lease area of 824.316 ha of Amalgamated Utkal D & E Coal Mines Lease of M/s National Aluminium Company Ltd.
 - iii. Total forest land in Mining Lease of Utkal D & E (combine) is 312.6969 ha (i.e. 137.02 ha+ 6.50 ha of Utkal-D and 156.1779 ha + 13 ha of Utkal-E). Out of 312.6969 ha, 299.6979 ha has already been diverted by MoEF&CC and separate proposal for balance 13 ha forest land of Utkal-E is under progress.
 - iv. The approved land use for the already approved proposal Utkal D are as below:



S. No.	Purpose	Forest land (in ha)
1	Mining	91.62
2	Storing of OB	0
3	Dumping of OB	40.42
4	Building/power station/workshop/store	0
5	Road/rope way/railway line	1.03
6	Storage of top soil	0.55
7	Nallah	3.40
	Total 'A'	137.02
8	Safety zone 'B'	6.50
	Grand Total ('A'+ 'B')	143.52

v. The approved land use of the Utkal E are as follows:

S. No.	Purpose	Forest land (in ha)
I	Mining	42.2279
li	Dumping	101.7700
lii	Top soil stack	1.8700
lv	Road and corridor	2.0440
V	Office, RS and other infrastructure	13.0000
vi	Barrier and embankment	4.3200
	Total (A)	165.2319
Vii	Safety zone area barrier along the lease boundary	2.7390
Viii	Singra Johr and its 50 m safety zone barrier	1.20
ix	Magazine and its safety zone area	0.0
	Total safety zone area (B)	3.9460
	Grand total (A+B)	169.1779

- vi. In the above land use 13.0 area was not considered by the Ministry. Later the UA has amalgamated the lease area of Utkal D and E and a separate proposal for 13.0 was submitted for which the Ministry has accorded 'in-principle' approval.
- vii. The State Govt. has proposed the following land use change after the amalgamated the two blocks:

Sl. No.	Proposed land use	Forest land (in ha)			Non Forest land (in ha)	Total land (in ha)
		Already Stage II accorded	Proposal for diversion in pipeline	Total land in ha		
I	Excavation area	150.422	2.580	153.002	240.437	393.439
li	External dump	123.685	9.480	133.165	212.245	345.41
lii	Safety zone	6.406	0	6.406	16.904	23.31
lv	Diversion of below river or nallah	5.312	0	5.312	5.838	11.15
V	Road, infrastructure	10.404	0.940	11.344	16.316	27.66

	and others					
vi	Rationalized area.	2.737	0	2.737	15.174	17.91
vii	Green belt	0.731	0	0.731	5.399	6.13
	Total	299.697	13.000	312.697	512.313	825.01

- viii. The Mining Plan for the amalgamated Utkal D & E has been approved by the Deputy Assistant Coal Controller, a subordinate organization of Ministry of Coal, Government of India vide ORAN/APPO058/2021 dt. 10.03.2022 for a rated capacity of 4.5 MTPA, peak rated capacity of 6.75 MTPA over the lease area of 825.01 ha and project area 863.22 ha. The Change in land use pattern of already diverted Forest land over 299.697 ha has been proposed. The proposed land use in the Mining Plan of amalgamated Utkal D & E has been prepared including the un- diverted area over 13.0 ha of forest land of erstwhile Utkal E Coal Block. It means, the proposed land use in the amalgamated Coal Block mining plan has been prescribed over 312.697 ha forest land involved in the total mining lease of 824.316 ha.
- ix. The combined proposal for land use change has now been submitted for the entire lease area of Utkal D&E. However, within the above area, the Stage-II approval for an area of 13 ha has not been obtained by the user agency as yet. Keeping this in view, the holistic change in land use can be effective only when the entire forest area is diverted and Stage-II approval is obtained for the remaining 13 ha area as well.
- x. Further, DFO, Angul made another Site Inspection in presence of the project proponent on 16.07.2024 to ascertain the correctness of the Drone Survey and claims made by the project proponent. During Site Inspection, the above tabulated violation was ascertained. The DFO, Angul Forest Division has intimated the observation of the Site Inspection dt. 16.07.2024 to all concerned. A Co-ordination meeting was held on virtual mode chaired by the PCCF (FD &NO, FC Act), O/o the PCC F &HoFF, Odisha on 18.07.2024 at 4.30 PM wherein the user agency also participated. It was decided to recommend for imposition of Penal NPV over the violated forest area of 4.64 ha from the date of actual violation i.e. 01.01.2023 as per the provision of the sub- clause (iv) of Clause 1.16 of Chapter-1 of Consolidated Guidelines and Clarifications issued under Van(Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 communicated by MoEF &CC, Gol vide letter dt.29.12.2023.

- xi. Violation with regard to utilization of forest land against the approved pattern of utilization of forest land has been reported by the Regional Office. Excess forest area over 4.64 ha has been used for 03 purposes than the approved area.
- xii. After examination of the proposal, Ministry vide its letter dated 16.08.2024, requested the State Government to submitted additional information on certain points.
- xiii. State Government vide their letter dated 04.11.2024 submitted information as sought vide Ministry's letter dated 16.08.2024. Observations of the same are as under:
 - a. The total area under over burden dump is 345.410 ha out of which 133.165 ha is forest land and 212.245 ha is non-forest land as per Mining Plan of Utkal D&E (combined) approved vide letter dated 10.03.2022 which was submitted along with change in land use proposal of 299.697 ha.
 - b. Earlier Nalco had separate Mining Plans for standalone Utkal D and Utkal E coal mines. Accordingly forest diversion was applied for 169.1779 ha forest land of Utkal E which includes 13 ha land. However, MoEF&CC accorded forest diversion of only 156.1779 ha out of total 169.1779 ha, excluding 13 ha as it was proposed for infrastructure purpose.
 - c. State Government uploaded the copy of approved Mine Plan dated 10.03.2022 for the instant proposal in Parivesh 2.0 portal.
 - d. The State Government has informed that this is a site-specific project, and the road for coal transportation has already been aligned. No additional area or facilities will be required for coal transportation in future mining operations.
- xiv. The State has further informed that the Land use details submitted along with 299.697 ha proposal is commensurate with land use given in the forest diversion proposal of 13 ha. Both submitted land use details are same as per the approved mine plan dated 10.03.2022 of Utkal D&E (combined).
- xv. It has been informed by the state that the Three Nallah namely i.e. Kathamunda, Gundjeri and Bedasara nallah were traversing through Utkal D&E mining lease area, drain into Singhadajore which forms the northern boundary of the boundary of the block . Mining plan of Utkal D& E coal block was prepared by M/s. CMPDI on 10.05.2022 and after M/s. NALCO preponement of Production scenario, subsequently M/s. Min Mec Consultancy Private Limited prepared Revision 2 of the Mine Plan On 02/03/2024 and approved by MoC the same on 15.5.2024, wherein it is planned to divert all the three nallah flowing through the lease, along the eastern & western boundary of the Utkal D&E coal mine in order to gainfully extract the barrier coal between both the coal blocks and to accommodate the overburden. Mining Plan of Utkal D&E Coal Mines has

already been approved by Ministry of Coal, GoI on 10.03.2022 and 15.05.2024.

- xvi. Provisions is also kept in the Mining Plan for 50 m embankment along the Singhadajhore Nallah. In line with the special conditions of Consent to Establish issued by OSPCB vide letter dated 27.11.2020, NALCO has obtained permission from Department of Water Resource, GoO for the diversion of the three Nallah diversion vide letter dated 12.10.2022.
- xvii. State has informed that the Following measures have been implemented as per the approved DPR from DoWR, GoO while constructing the diversion channel:
 - a. Diversion Channel design has been prepared after taken into consideration of the 50 years flood data design flow and embankment made higher to accommodate the Probable Maximum Flood (PMF).
 - b. The section has been designed as an open channel with trapezoidal section as per IS 7112- criteria of design of unlined canal for alluvial soil.
 - c. In order to protect soil erosion. RR masonry guide walls have been constructed for a length of 20 m at the start point of diversion on both sides of the nallah with quarter circle entry to diverted alignment. Similar protection is also been provided with guide walls (20m long both side) at the corners to avoid soil scouring due to high velocity flow of water.
 - d. Drops and falls has been provided in the diverted channel to control the water flow velocity within non scouring limit of the channel section bed.
 - e. Bed slope designed not to be more than the original slope of the nallah. The Bed slope adopted in diverted section 1:1000. The side slope of the channel section is 1:5:1.
- xviii. Regional Office, Bhubaneswar in their site inspection report has reported that change in land use pattern over 299.697 Ha of already diverted forest land is recommended with condition that penalty of two times the NPV plus simple interest of 12 percent from the date of actual violation may be imposed. Penal CA may also be imposed over the violated area and action against the erring officials may be taken besides the general standard conditions.
- xix. Regional Office, Bhubaneswar in their site inspection report has reported that there is seen violations in Utkal D area. So, the difference in excavation area in the State Government proposal and approved Stage-II needs further clarification from the State Government. The details of landuse were accordingly discussed with the nodal officer.

- xx. It was observed that the user agency has changed the land use plan which is not as per the land use plan approved by the Ministry, it was found that the excess forest land over 4.64 ha has been used for 3 purposes than the approved area.
 - xxi. Since the NOC for diversion of Kathamunda, Gudjei and Bedasara nallah flowing through Utkal 'D' and Utkal E coal blocks allotted to NALCO under Chhendipada Tahsil, Angul district. Strict instruction needs shall be, not to deviate from the condition mentioned in the NOC issued by the Department of Water Resources vide letter NO.26553 dated 12.10.2022.
4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and CCF Nodal Officer, Govt. of Odisha, the Committee recommended the proposal for grant of '**in-principle**' approval for change in land use in favour of M/s National Aluminium Company Ltd. over an area of 299.697 ha of already diverted Forest land within the total Mining Lease area of 824.316 ha of Amalgamated Utkal D & E Coal Mines Lease in Angul Forest Division of Angul District in Odisha subject to the General, Standard and following specific conditions:
- ii. Keeping in view the change in land use affected over 4.64 ha area without prior approval, The State Govt. shall realize the penalty of two times the NPV plus simple interest 12 per cent from the date of actual violation committed.
 - iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.
 - iv. The State Govt. shall ensure the compliance of all the conditions stipulated in the permission/NOC issued by the Department of Water Resources vide letter NO.26553 dated 12.10.2022.
 - v. As provided in the mining plan, 50 m embankment along the Singhada jhore Nallah shall be maintained and green belt shall be maintained as per guidelines.
 - vi. The final approval of this land use change as recommended in the instant case shall be given only when the Stage-II approval is accorded in case of proposal of diversion of 13.0 ha pertaining to the same area, for which Stage-1 approval dated 20.08.2024 has been issued vide online proposal no. FP/OR/MIN/OQR/456337/2023 and compliance of the same is awaited.

Agenda No. 10

Online proposal No. FP/OR/MIN/QR/456733/2023

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s Kalinga Alumina Limited for non-forestry use of 157.212 ha (144.945 ha ML area + 12.267 ha approach road outside ML) of Forest land (including 4.23 ha earmarked for Safety Zone) within Nagasari RF under Ballada Range of Koraput Forest Division in Koraput District for Ballada Bauxite Mines within Mining Lease area of 144.945 ha.



1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The State Government of Odisha vide their letter No. FE-DIV-FLD-0052-2024-13003/FE&CC dated 19.07.2024 submitted above subject proposal seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. Government of Odisha, pursuant to the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral (Auction) Rules, 2015 as amended from time to time issued the Notice Inviting Tender (NIT) dt.23.11.2022 to commence the auction Process for grant of Mining lease for Ballada Bauxite Block in Nagasari RF located in Koraput District of Odisha. The e-auction process was conducted in accordance with the tender document for the said mineral block and Mundra Alumina Limited was declared as the preferred bidder under rule 9(9) (iii) of Rule 10(IA) of Auction rules, having quoted a Final Price offer of 72.25%.
 - iii. Accordingly, pursuant to Rule 10(2) of the Auction Rules and the terms of the Tender Document, the Government of Odisha have been pleased to issue the Letter of Intent (LoI) for grant of Mining Lease for Ballada Bauxite Block in Ballada village of Nandapur Tahasil of Koraput District over 144.945 ha area to Mundra Alumina Limited for a period of fifty (50) years by Steel and Mines Department, Government of Odisha vide L. No.2143 dt.01.03.2023. The LoI is valid for three years from the date of issue.
 - iv. Mundra Aluminium Limited is a wholly owned subsidiary of Adani Enterprises Limited. Mundra Aluminium Limited has changed its name as Kalinga Alumina Limited and the same has been accepted by the Registrar of Companies, Ministry of Corporate Affairs, Government of India and to that effect Certificate of Incorporation of new name on 30.03.2023 as per Rule-29 of Companies (incorporation) Rules, 2019 has been issued. This change is a mere change in name and there is no change in corporate structure, Memorandum and Articles of Association and the share holding pattern. The renamed entity will continue to be a wholly owned subsidiary of Adani Enterprises Limited.
 - v. Steel and Mines Department, Government of Odisha vide Proceeding No.5995 dt. 09.06.2023 have been pleased to allow the change of name from Mundra Aluminium Limited to Kalinga Alumina Limited as



per Rule 61 of Mineral Concession Rules, 2016 with effect from 30.03.2023.

- vi. As reported by the RCCF, Koraput Circle, the Mining lease comprises of Reserved Forest land only. The actual allotted land of the Ballada Bauxite Block is 144.945 ha. The complete Mining Lease area is a part of Nagasari RF of Koraput Forest Division. There is an old existing road on either side of the Mining Lease from valley to the plateau top passing through the Nagasari RF. This is the existing approach road to the ML area. The total extent of the approach road is 12.267 ha. The user agency has applied for diversion of the existing approach road along with the allotted forest land in the Mining Lease area over 144.945 ha. Cumulatively the applied forest land for diversion is 157.212 ha.
- vii. The mineral bearing plateau is situated about 1 Km west of Ballada village and about 8 Kms distance from Padua in Koraput. The site is approachable by National Highway NH-52. The district headquarter is located at 60 Kms distance from the applied site. The nearest railway station is located about 5 Kms due north-east from the applied site. This applied area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve and ESZ. Two small caves seems to naturally exist in between demarcated Mining Lease pillar No.01 & 14 of the Mining Lease. But those two caves are not manmade archaeological monument. The project is right inside Nagasari RF. The total mineral reserve is estimated to be 22.13 Million Tonnes and the total mineable reserve is 19.96 Million tonnes. The total cost of the project comes to 23,000 Lakh at current price level. This project will generate permanent employment for 30 persons and temporary/ contractual employment for 27000 persons.
- viii. The Mining of a particular ore deposit is always site specific irrespective of the land classification. Pursuant to the MMDR Amendment Act, 2015, Mineral Auction Rules, 2015 and other relevant guidelines in force, Government of Odisha had put up Ballada Bauxite Block with a total lease area of 144.945 ha for auction. The said Block is located in Ballada village of Nandapur Tahasil, Dist-Koraput, Odisha.
- ix. Ballada is a virgin Bauxite Block with a total lease area of 144.945 ha, explored at G-3 level by GSI and GR to this effect was prepared by DGM-Odisha which formed part of the auction documents. GSI had carried out preliminary exploration of the Ballada Bauxite Block by drilling 15 vertical boreholes with a total meterage of 292.65 m. A total of 22.13 Million tonnes of inferred resources of Bauxite of all grades have been estimated by cross sectional area method which is at G-3 level as per MEMC, Rules, 2015.
- x. The precise lease boundary encompassing 144.945 ha was defined in the auction documents. The entire Block has been demarcated by DGPS survey and certified by ORSAC for putting the block for auction by the State Government. Amidst stiff competition, Kalinga Alumina Limited emerged successful and a Lol was in its favour issued for development of Bauxite Block over an area of 144.945 ha. It may be noted that the entire lease area falls under Nagasari Reserve Forest under Koraput Forest Division.



- xi. As per the GR prepared by the DGM, Ballada Bauxite Block needs upscaling of resources and grade by exploring the Block further at G-level for augmentation and optimal harnessing of precious natural resources.
- xii. Upon award of Lol in its favour, the project proponent had prepared a Mining Plan based on the current GR which was approved by IBM vide L. No.MCDR-MiFLOBXT/5/2023-BBS-IBM-RO-BBS dt. 08.08.2023. The project proponent is setting up a global scale 4MTPA alumina refinery in Rampur village of Rayagada district with considerable investments. It has already secured two bauxite deposits through auction to secure the raw materials. It may please be appreciated that raw material security is of paramount importance so as to make such mineral based industries viable. Therefore, it is imperative that adequate raw materials are made available prior to commissioning of the refinery.
- xiii. The diversion project involves another 12.267 ha forest land for approach roads. Cumulatively, the forest land applied for diversion is 157.212 ha including the Bauxite Block of Ballada and the approach road connecting the Mining Lease.
- xiv. The present Mining Plan has been prepared in a specified format, which did not have a provision for land use plan of the entire ML area. However, in Chapter 6.2.11 of the progressive Mine Closure Plan and in Chapter 9.3.2.2 of Impact assessment, the complete area of 144.945 ha with distribution of land use has been shown.
- xv. In the applied mining lease area, **forest land involved is 144.945 ha. No non-forest land is involved in the Mining Lease.** The types of forest land involved in the Mining Lease are of Reserve Forest. The UA will utilise the forest land within the approved Mining Lease area. The User agency has furnished an undertaking duly signed by the DFO, Koraput Forest Division regarding minimum use of forest land. The forest land proposed for diversion within the Mining Lease comes under Nagasari Reserve forest of Ballada Range under Koraput Forest Division. There are two roads from the valley connecting the Mining Lease area situated on the Plateau. The road is being used by the villages of the valley for worshipping their enshrined deity on the top of the plateau. The proponent has submitted the proposal seeking diversion of the existing road for movement of the man, machine as well as transportation of the exploited materials from the proposed Mines. The roads located on either sides of the plateau leading to plateau top passes through Nagasari Reserve forest. **The total forest land which comes under the ambit of the approach road is 12.267 ha.** The DFO, Koraput Forest Division has furnished the land schedule of the proposed forest land of the Ballada Bauxite Block as well as the approach roads leading to the Mining Lease. The details of the forest land proposed for diversion for Mining as well as for the approach road are tabulated below:

Sl. No	Type of Forest Land	Area allotted in Ha	Area in Ha as per DGPS	Remarks



1	Nagasari Reserve Forest	144.945	144.945	ML area
2	Nagasari Reserve Forest	12.267	12.267	Approach road
	Total	157.212	157.212	

xvi. The RCCF, Koraput Circle in his site Inspection Report has mentioned about the breakup of the forest land proposed for diversion:

S. No	Pattern of utilization	Area proposed in Ha
1	Top soil stacking	0.28
2	Mineral storage	1.93
3	Infrastructure (Workshop, Administrative Building etc)	0.18
4	Road	0.38
5	Mineral separation Plant (Crushing and screening plant)	0.13
6	Over burden dump/Waste dumping	1.95
7	Area under Safety zone plantation	4.23
8	Area under Mining	81.82
9	Access road within the lease boundary	0.995
10	Area left under Green belt	48.56
11	Approach to dump and buffer safety zone (on the plateau)	4.49
	Sub-Total	144.945
13	Area under approach road (outside block area)	12.267
	Total	157.212

xvii. An area of 4.230 ha has been earmarked for Safety Zone within the ML area. The details of area under Safety Zone are as follows:

Purpose of Safety Zone	Total forest land in ha.	Non forest land in ha	Grand Total (in ha.)
7.5 mts. along ML boundary	4.230	-	4.230

There is an area of 48.56 ha within the ML which has been kept aside for Green Belt. In this regard, the user agency has furnished an undertaking to maintain the said land as green Belt in consultation with the DFO, Koraput Forest Division. Further, an area of 50 mtr width on either side of the natural stream and 10 mtr width on either side of the public road located inside the mining lease shall be protected and will not be considered as part of safety zone as per the undertaking submitted by the User Agency.

xviii. The entire ML area can be divided into two segments. The plateau top over 92.5 ha i.e. mining zone and 52.45 ha slope zone. The mining zone over 92.5 ha in plateau top is devoid of vegetation. Only vegetation is available on slope zone. The tree enumeration over 52.45 ha has been taken up adopting the sampling technique. Total 25 nos. of sample plots of 1.0 ha each has been laid over the forest land on slope zone and tree enumeration has been done on the sample plots. Trees above 30 cm girth have been enumerated on the sample plots counting 543 nos. in aggregate. After extrapolating the figure of sample enumeration over slope zone area 52.45 ha, it comes to 1139 nos. trees.



- xix. The Non-forest Government land over 158.406 ha in village-Khinibar and Kandra under Nandapur Tahasil of Koraput district against the proposed diversion proposal of Ballada Bauxite Block over 144.945 ha and approach road connecting the ML area over 12.267 ha of Kalinga Alumina Limited has been allotted by Collector, Koraput vide his letter No. 2466/XXVI-32/2023 dt.04.08.2023 over 430.70 Ac or 174.30 ha. The CA land over 174.30 ha in Koraput district has been jointly verified by the Tahasildar, Nandapur, Range Officer, Ballada Range & R.I., Padua under the jurisdiction of Koraput Forest Division. Out of which 158.406 ha has been taken for CA plantation. Certificates regarding non-encroachment, non-encumbrance and land suitability for plantation, not covered under DC report, not settled in favour of anyone etc. have been furnished in the joint verification certificate.
- xx. The cost of forest Diversion is assessed as 25860.00 lakhs and Benefit of the project is estimated at 574033.80 lakhs. The Cost-Benefit ratio comes to 1:22.197.
- xxi. The Mining plan including Progressive Mine closure plan has been approved by the Regional Controller of Mines, Office of the Regional Controller of Mines, BBSR (IBM) over an area of 144.945 ha in respect of Ballada Bauxite Block in village-Ballada, Padua-Taluk, Koraput District in favour of M/s Kalinga Alumina Ltd. vide L. No.MCDR-MiFLOBXT/5/2023-BBS-IBM RO _BBS dt.08.08.2023 with 17 no. of terms and conditions. The approval of review of Mining Plan along with Progressive Mine Closure Plan has been accorded by the Indian Bureau of Mines.
- xxii. The Site Inspection Report of DFO, Koraput & RCCF, Koraput that no wildlife is available within the Mining Lease area being a plateau top. However, the adjoining areas have forest growth. The SEIAA, Odisha while granting the ToR has made a stipulation to prepare a Site Specific Wildlife Conservation Plan for the land project. The user agency has furnished an undertaking duly countersigned by the DFO, Koraput to bear the cost of SSWLCP.
- xxiii. From the enclosed Site Inspection Reports of the DFO, Koraput, RCCF, Koraput and authorized officer of PCCF (Nodal) enclosed in the diversion proposal, it is learnt that no violation under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been committed by the user agency in respect of the applied area.
- xxiv. The user agency has furnished an undertaking to pay the NPV over applied forest area of the ML over 144.945 ha and approach road over 12.267 ha of Ballada Bauxite Block duly countersigned by the DFO, Koraput Forest Division. The user agency has further furnished an undertaking to bear the additional cost of NPV if so, determined as per the final decision of the Hon'ble Supreme Court of India duly countersigned by the DFO, Koraput Division is given.
4. The RO vide letter dated 30.08.2023 has granted approval for prospecting in the instant proposal.
5. After the examination of the proposal the Ministry through online portal have sought certain information from the State Government. The State Government, through online portal has submitted the point wise reply on



19.10.2024. In the reply of the State Government following has been observed:

- i. the User Agency stated that the approved mining plan was prepared in a specified format as prescribed by IBM, which did not have a provision for land use plan for the entire life of mine. However, in Chapter 6.2.11 of Progressive Mine Closure Plan and in Chapter 9.3.2.2 of Impact assessment, the complete mining lease area of 144.945 Ha with distribution of land use has been categorically mentioned.
- ii. The detailed land use break up is furnished in the table as furnished above in the table at point no. (xvi).
- iii. The User Agency stated that existing approach roads are narrow and not fit for heavy vehicular traffic. These two roads will be widened and strengthened so as to facilitate vehicular traffic as well as for easy movement of local people for worshipping their enshrined deity on the top of the plateau. Further, as regards the above said roads the provisions of file No. FC-11/203/2019-FC Dated 11th Oct 2019 and File No. FC-11-162-2020-FC Dtd. 23rd Aug 2021 of GoI, MoEF & CC, and Department has been followed. The villagers will continue to use these roads to access the referred cave without any hindrance. The impact of proposed diversion on the local people/villages has already been studied and mentioned in the draft impact assessment report and environmental management plan by the User Agency.
- iv. There are no natural streams within the proposed mining lease area. However, the streams of first order are present in the slope area (non-mining area) which may not be directly affected as those are away from the ML boundary. The road mentioned above is an approach to mining lease area. As aforementioned, this road shall be strengthened & widened for accessing the mining area. It is further clarified by the User agency that 585 meters (East side) & 385 meters (West Side) approach roads are existent within the mining lease area. Those roads will be protected as per the undertaking furnished in this regard by the User agency.
- v. That bauxite bearing area do not support vegetation. It is a natural phenomenon of Bauxite bearing areas. The table land of the said mining lease area is devoid of any vegetation and the same phenomenon is also observed in other table land areas of this Division. As rightly observed, the vegetation distribution is different on the plateau and on the slope areas. It is further clarified that the observed difference in vegetation distribution is not at all attributed to anthropogenic reasons.
- vi. Regarding two roads the State has clarified that the present eastern side road was a foot path. The said foot path was gradually developed by the villagers of Balda GP for the purpose of worshipping their enshrined deity on the top of the plateau. A narrow road of 2.8 m width has been constructed on the western side of the Ballada Bauxite Block by the Rural works department as per the permission accorded by the Divisional forest Officer vide his office memo no-6692 dated 28.12.2020 under Section 3(2) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act-2006 for providing similar access to the local public residing on the other side of

the hill for the purpose of worshipping their enshrined deity on the top of the plateau. It is clarified that there is no violation of the Adhiniyam, 1980 with respect to construction of the said roads. It was executed as per the Gram Sabha resolution and in the best interest of the local communities to have access to their enshrined deity on the top of the plateau.

- vii. Regarding tree enumeration the State has clarified that Tree enumeration has been carried out as per representative sample survey in terms of relevant guidelines of State Forest Dept (Clause 15 of Memo No. 23746 (34)/9F-Misc-153-2001) Annexure 01. Accordingly, the number of trees over the mining lease area worked out to 1139 nos. Out of 144.945 ha of ML area near about 92.5 ha is completely devoid of vegetation. The vegetation on the slope areas has been enumerated and accordingly as per sample enumeration it is around 1139 nos of trees. Apart from this, the vegetation relating to tree girth below 1'0" girth class has also been assessed which is around 3550 nos. Further, the slope area is also covered with climber growth. Therefore, the average density which is noted as 0.2 is rightly tallying with the field conditions. The calculations on the forest density have been revisited and reported that the forest density of 0.2 represents the average figure, relevant for the purpose of calculation of NPV only.
- viii. Regarding the small caves the State Govt. has informed that the referred caves are situated at the edge of Nageswari Hill towards southern side of the lease area. The caves are found to be natural and formed due to leaching/chemical weathering of rock which is typical in Bauxite formation. Further it is stated by the User Agency that as per the approved mining plan, no mining activity is contemplated up to a distance of 100 m from the caves. Hence, the caves will not have any impact due to mining activity and will continue to remain accessible to general public for worshipping their enshrined deity on the top of the plateau.
- ix. Regarding water body showing in the lease area the State Govt. has informed that the shallow water body within the mine lease area is a manmade formation created by forest department. The said water body (admeasuring 76 m X 54 m X 1 m) was created under CAMPA by the Department of Forest during the year 2020-21. It is stated by the User Agency that the said water body falls under Bauxite bearing zone and planned to be used for mining in future. As part of mitigation measures, the following initiatives are envisaged as per approved wildlife conservation plan:
 - a. **Creation of Water bodies:** In order to provide water to the wild animals during dry months water bodies of size 40m x 30m x 3m are proposed to be dug out in wildlife habitats as detailed below.
 - ✓ New 2 nos. of water bodies will be created: one in Nagasari RF (affected region) and another in Hatibari RF of Balda Range.
 - ✓ 1 no. in Bhimoddle RF in Balda Range will be Renovated



- ✓ 1 no. of mini water body of size 20m x 20m x 3m will be created in Balel RF of Lamtaput Range

b. Creation of 4 nos. of earthen bund Water Harvesting Structure (WHS): It is proposed to construct 4 nos. of small earthen bund Water Harvesting Structure (WHS) with RCC/ Cement Masonry spillway of required size as per site requirement across seasonal/ perennial nalas inside wildlife habitats to provide water to the animals during dry season. The WHS shall also serve the purpose of soil and moisture conservation measures in the catchment area of the nala.

- x. Regarding keeping a huge area of 48.56 ha as a green belt the User Agency stated that Ballada is a virgin bauxite block with a total lease area of 144.945 which was explored at G-3 level by GSI and a GR to this effect was prepared by DMG-Odisha. However, the entire mining lease area has not been explored so far although there is a potential for occurrence of Bauxite in unexplored part of the lease area. In terms of MCDR, 2017 and approved mining plan, it is mandated to explore the entire lease area upto G1 level, within 5 Years from execution of mining lease deed. Based on the finding of the detailed exploration over the unexplored area, a mining plan shall be prepared and get approved by IBM for future mining. As per the undertaking given earlier by the project proponent, till such time the exploration activities in the unexplored area is completed and the mineral resources are established/proven, the project proponent shall not use nor access the unexplored area of 48.56 Ha presently earmarked as green belt, other than for the purpose of exploration.
- xi. Further, regarding road, cultivation land, pits and old plantation is visible in some areas in the proposed CA sites (both patches) the State Govt. has informed that the road referred to in the query is actually not a road, but a temporary pathway (pagdandi) being used by the inhabitants of one particular hamlet. It may be noted that there exists a permanent metalled road on the eastern side of the CA land patch which can always be used for all weather communication. This observation was also made during the inspection by the revenue & forest officials and on the basis of objective evaluation, suitability certificate was issued. In view of the above narrated facts there will be no bifurcation of this area into two patches. As regards DSS observation on sighting of cultivation land, pits and old plantation within the proposed CA land, it is clarified that as those are non forest land the fringe villagers usually use for cultivation of short duration minor millets at certain patches. It is completely seasonal and at the time afforestation works those issues will be resolved. Hence, it doesn't change the ownership of the land in any manner nor does it affect the suitability of the land for CA purpose. Further, the vegetation at certain patches is just adjacent to natural nallahs only. It is not related to any old plantations as certified earlier. The pit points observed at certain patches in the CA land are related to staggered trenches dug out under MGNREGS by the Forest Department for soil moisture conservation purposes a few years back.



6. Further, the SIR has been received from the RO Bhubaneswar in the instant proposal. The RO has informed that the site inspection of the above project was carried out by the DDGF (Central) on 27.10.2024 along with RCCF, Koraput, DFO, Koraput and representatives from the user agency. The Instant project is for diversion of 157.212 ha of forest land (144.945 ha of ML area + 12.267 ha for approach road outside ML area). There is an old existing road on either side of the Mining lease from valley to the plateau to passing through the Nagasari RF. This is the existing road to the mining lease area for which the user agency has also applied for diversion of 12.267 ha of forest land for approach road to mining lease. Two small caves seems naturally exist in the demarcated mining lease. A Water body is also there in the proposed mining lease area. Further, in the recommendation part the Dy. Director General of Forests (Central) following has been mentioned:
 - i. The instant proposal is for diversion of 157.212 Ha of forest land which includes 144.945 Ha mining lease area and 12.267 Ha for construction of road. Out of 144.945 Ha of mining lease area 52.79 Ha will be maintained as Green belt and Safety zone.
 - ii. The forest land proposed for diversion falls under Eco-Value Class-III. The canopy density as reported by DFO is 0.2. As per DSS analysis of ML area, 6 Ha is VDF, 23 Ha MDF, Open Forest 21 Ha and 95 Ha of Non-Forest Category. Mining will be done mostly in the area which is totally devoid of tree.
 - iii. As reported by the DFO, the narrow road of 2.8 m width has been constructed on western side of Ballada Bauxite Block by Rural Works Department as per approval accorded by DFO, Koraput vide letter No.6692 dated 28.12.2020 under FRA, 2006. This road is included in proposal for diversion of forest land.
 - iv. The applied area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor. It was also reported that the proposed site for the project does not come under eco-sensitive zone of any protected area. Site Specific Wildlife Conservation Plan with special emphasis to mitigate the adverse impact on available wildlife in and around the project as well as conservation and protection of rare/endangered and other wildlife found in and around the proposed area is required. Besides, the user agency should pay towards cost of Regional Wildlife Management Plan for entire mining lease as per approved norm of State Govt.
 - v. A water reservoir is located within the mining lease area. As reported by DFO, Koraput the shallow water body within the mining lease area is man made formation created by Forest Department under CAMPA during 2020-21. As reported the above water body falls under Bauxite bearing zone and will be used for mining in future. In order to compensate the loss of water body and to provide water to the wild animals during summer season, the User Agency should create water body to compensate the use of existing water body any where in and around the mining lease.
 - vi. As mining will be done at the hill top, so the catchment will be affected. Soil Conservation Plan for the hillock covering the rest of the forest may be prepared and implemented at project cost. No drained water should be allowed to come out of the mining area.



- vii. After mining, the area should be ecologically restored to the present state i.e. a more or less levelled grass land with water body.
- viii. Two natural caves exist in between demarcated Mining Lease Pillar No. 01 and 14 of the Mining Lease. Though the area is part of mining lease, but as per the mining plan the caves will be out of mining area. A distance of 100 meter from the caves towards the mining area should be maintained and should be developed as green belt. The user agency shall allow general public for visiting and worshipping their enshrined deity as well as the two caves using the road to be diverted.
- ix. In lieu of 157.212 ha of forest land proposed for diversion, State Govt. has identified 158.406 ha of non-forest Govt. land in village Khinibar and Kandra under Nandapur Tahsail of Koraput District for raising compensatory afforestation. The identified non-forest land was found suitable for CA. During inspection, it was observed that a metal road is passing through CA patch-1 and non-metal road is there in CA Patch-2. The State Govt. shall suitably fence both side of road to protect the plantation from grazing.
- x. The Mining Plan including Progressive Mine Closure Plan has been approved by the Regional Controller of Mines, IBM, Bhubaneswar over an area of 144.945 ha in respect of Ballada Bauxite Block of M/s Kalinga Alumina Ltd. vide letter No.MCDR-MiFLOBXT/5/2023-BBS-IBM-RO-BBS dated 08.08.2023. The State Govt. has submitted a detailed scheme of reclamation and afforestation to reclaim and stabilize the mined out undulating areas and the saturated dumps and by taking up plantation with the proposal. Phased reclamation will be carried out by the project proponent as per approved Mining Plan.
- xi. Out of the mining lease area of 144.945 Ha, for mining & allied activities only 92.155 Ha area to be utilized. But the rest area of 52.79 Ha (144.945 Ha – 92.155 Ha) will be maintained as Safety Zone and Green Belt. As per Ministry's letter No.11-599/2014-FC dated 10.11.2015, the user agency has applied for diversion of the total lease area of 144.945 Ha and 12.267 Ha for approach road outside ML area and has submitted to Pay NPV as well as CA in non-forest land for the entire area of 157.212 Ha. The green belt of 52.79 Ha is all around the mining lease area.
- xii. With reference to the proposed strengthening of the two roads, the state has submitted that in view of the steep gradient of the referred approach roads and considering the probable traffic flow for use by general public, two roads have been envisaged for evacuation of Bauxite. Simultaneous usage of two roads shall also facilitate smooth traffic flow which has been ascertained after an objective traffic study made by the project proponent in the said circumstances.
- xiii. As regards DSS observation on sighting of cultivation land, pits and old plantation within the proposed CA land, the state has clarified that as those are non forest land the fringe villagers usually use for cultivation of short duration minor millets at certain patches. It is completely seasonal and at the time afforestation works those issues will be resolved. Hence, it doesn't change the ownership of the land in any manner nor does it affect the suitability of the land for CA purpose. Further, the vegetation at certain patches is just adjacent to natural



nallahs only. It is not related to any old plantations as certified earlier. The pit points observed at certain patches in the CA land are related to staggered trenches dug out under MGNREGS by the Forest Department for soil moisture conservation purposes a few years back.

- xiv. The committee observed that as reported by the state, the project proponent is setting up a global scale 4MTPA alumina refinery in Rampur village of Rayagada district with considerable investments. It has already secured two bauxite deposits through auction to secure the raw materials. The raw material security is of paramount importance to make such mineral based industries viable. The committee observed that keeping in view the requirement of para 7.8(i) of the consolidated guidelines the above justification for opening of new mine is acceptable.

7. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and CCF Nodal Officer, Govt. of Odisha, the Committee recommended the proposal for grant of '**in-principle**' approval in favour of M/s Kalinga Alumina Limited for non-forestry use of 157.212 ha (144.945 ha ML area + 12.267 ha approach road outside ML) of Forest land (including 4.23 ha earmarked for Safety Zone) within Nagasari RF under Ballada Range of Koraput Forest Division in Koraput District for Ballada Bauxite Mines within Mining Lease area of 144.945 ha subject to the General, Standard and following specific conditions:

- i. The State Govt. shall ensure that the area earmarked as green belt i.e. 48.56 ha shall be kept as green or used as admissible as per the extant rules and guidelines and no change in the land use shall be affected without the prior approval of the Central Govt.
- ii. The shallow water body within the mine lease area is a manmade formation created by forest department. The said water body (admeasuring 76 m X 54 m X 1 m) was created under CAMPA by the Department of Forest during the year 2020-21. In order to compensate the construction made and to provide the alternative, the State shall create other such suitable waterbody in the nearby surrounding area at the cost of the user agency. The funds in this regard shall be deposited by the User Agency in NA CAMPA.
- iii. The State Govt. shall ensure that the User Agency will not carry out any mining activity near the caves as recommended by the State and Regional Officer and take suitable measure to provide safe passage for accessibility to the local people for their religious belief, rituals and worships, if any.

Agenda Item No. 11

Online Proposal No. FP/OR/REDIV/442401/2023

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for change in land use pattern over an area of 453.150 ha (including broken up area 136.15 ha) of already diverted Forest land within the total Mining Lease area of 978.0 ha of Khandbandh Iron & Manganese Ore Mining Lease in village Khandabandh, Guruda & Baitarani Reserve Forest of M/s Tata Steel Ltd in



Keonjhar Forest Division of Keonjhar District in Odisha (Online Proposal No. FP/OR/REDIV/442401/2023)-reg.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Govt. of Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The State Government of Odisha vide their letter no. FE-DIV-FLD-0088-2024-11240/FE&CC dated 01.07.2024 submitted proposal seeking prior approval of Central Government under Section-2 (1) (ii) of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for change in land use of the already approved proposal of 453.15 ha of forest land (including broken up area 136.15 ha).
 - ii. Mining Lease of Khandbandh Iron & Manganese Mine was originally granted for a period of 30 years with effect from 17.01.1933 over an area of 12.17 sq. miles (3152.018 ha) including Joda West & Katamati Blocks. The first lease renewal was granted for a period of 20 years with effect from 17.01.1963 over an area of 12.17 sq. miles (3152.018 ha) including Joda West & Katamati Blocks. During the second lease renewal for a period of 20 years with effect from 17.01.1983, Khandbandh formed an independent lease over an area of 1293.433 ha.
 - iii. During the third lease renewal for a period of 20 years with effect from 17.01.2003, Tata Steel had applied for renewal of the mining lease over an area of 978.00 ha only vide Letter No. MD/LO/1061/1205 dated 27.10.2001. The balance area of 315.433 ha was relinquished and the Final Mine Closure Plan of the relinquished area was approved by IBM vide letter No.314(3/2008-MCC(CZYFMCP-02 dated 09.03.2009. However, as per the MMDR Amendment Act 2015, the lease period has been extended up to 31.03.2030 over the applied area of 978 ha issued by Department of Steel & Mines, Govt. of Odisha. Accordingly, the Supplementary Lease Deed has been executed on 08.05.2015 over an area of 978 ha.
 - iv. The Khandbandh Iron & Mn Mine lease area lies in villages of Khandabandh, Guruda & Baitarani Reserve Forest in the Keonjhar district of Odisha.
 - v. The Ministry vide their Letter F. No.8-98/2004-FC dated 9th August, 2006 has approved for diversion of forest land over 453.150 ha (including 136.15 ha of broken up area within the mining lease area of 978 ha under Section-2 of Forest (Conservation) Act, 1980 in Keonjhar Forest Division



for renewal of Khandbandh Iron & Manganese ore Mine of M/s Tata Steel Limited.

- vi. The Ministry has also accorded Environment clearance to Khandbandh Iron & Manganese Mine for an annual production capacity of 8.0 million tons of Iron Ore (ROM) and 0.1 million tons of Manganese Ore (ROM) and setting up of an Iron Ore Beneficiation Plant with a capacity of 8.0 million tons per annum vide Letter No.J-11015/888/2007-1A. I (M) dated 21.12.2011. The Indian Bureau of Mines have approved the Review of Mining Plan & Scheme of Mining of Khandbandh Iron & Manganese Mine for the period from 2023-24 to 2027-28 vide Letter No. BBS/KJR/IRON-MN/2191/RMP/2022-23 dated 19.01.2023.
- vii. The previous land use plan was approved on 12.03.2020 along with Modification of Review of Mining Plan of Khandbandh Iron & Mn Mine by IBM, Bhubaneswar vide Letter No.MRMP/A/48-ORI/BHU/2019-20 and the same was communicated to IRO, MoEF&CC, Bhubaneswar as per the guideline No. 11-42/2017-FC issued by MoEF&CC, Govt. of India on dated 29.01.2018.
- viii. However, vide the guideline issued by MoEF&CC, Govt. of India vide File No. FC-11/114/2021-FC on dated 28.11.2022 "change in land use of already diverted forest land shall be examined on merits by the Ministry on case-to-case basis. The relevant guidelines under para 1.21 (iv), 5.6 and 7.8(c) of the FCA Handbook shall stand modified to the extent."
- ix. Khandbandh Iron & Mn Mine is a captive mine of M/s Tata Steel Ltd which caters to the iron ore requirement of its steel plants at Kalinganagar, Meramandali, Jamshedpur and its subsidiaries. The capacity of steel plant at Jamshedpur is being expanded from 10 MTPA to 11 MTPA and the capacity of Kalinganagar plant is also being expanded from 3MTPA to 8MTPA. Further, the company-has also acquired the steel making facilities of erstwhile Bhushan Steel Limited at Angul now called as Tata Steel Meramandali which is being ramped up to produce 6.5 MPTA steel. In addition to, sister concerns viz., Tata Steel Long Product Limited, Gamharia, Tata Steel Long Product Limited Bileipada, Tata Metaliks Limited are also dependent on iron ore supplies from captive mines of Tata Steel Ltd. Hence, the captive requirement of Iron Ore is gradually increasing from the current 36 MTPA in 2022-23 to 62.7 MT by 2029-30. In order to cater to the increased requirement of Iron ore, production, Khandbandh Iron & Mn mine is being ramped up. Hence, the current expansion of Khandbandh Iron & Mn Mine requires change in land use pattern with respect to previous approved land use plan.
- x. The DFO, Keonjhar Forest Division has uploaded Part-II of Form-E in Parivesh portal 2.0 Portal. This applied area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve, Elephant Corridor, Wildlife Migration Corridor etc. There is no archaeological monument/ heritage/ defence establishment within the applied area.



- xi. Ministry vide letter dated 09.08.2006 ha granted State-II approval for diversion of 453.15 ha of forest land in favour of the M/s Tata Steel for Khandband Iron Ore Mining.
- xii. **Existing approved Land use Pattern:** Existing Land Use Pattern of diverted forest land for which Stage-II approval over 453.150 ha for change in land use pattern was accorded by MoEF&CC, GoI vide letter No.8-98/2004-FC dated 02.02.2018.

S. No.	Purpose/ Type of use	Approved land use					
		Forest land in ha				NFL	G. Total
		Reserved Forest	DLC Forest	K.F.	Total in ha		
01	Mining	158.270	4.050	65.00	227.32	15.13	242.45
02	Storing of mineral / ore/ Top soil	20.37	5.92	12.54	38.83	8.24	47.07
03	Dumping of O.B & Slime dam	81.46	15.58	23.89	120.930	32.72	153.65
04	Storing of Tools & machineries & Plant etc.	8.83	8.49	1.97	19.29	2.15	21.44
05	Construction of building, workshop, Power Station, Store etc.	5.67	4.96	1.33	11.96	0.32	12.28
06	Township/Housing colony	0.00	1.00	0.00	1.00	0.00	1.00
06	Construction of road Conveyor line Pipeline, Power line etc.	27.36	3.28	3.18	33.82	5.24	39.06
07	Magazine	0.00	0.00	0.00	0.00	1.557	1.557
Total		301.96	43.28	107.91	453.15	65.357	518.507
08	Safety Zone	3.246	0.24	2.476	5.962	0.00	5.3962
09	Proposed for future use	376.512	1.133	0.00	377.645	75.886	453.531
Grand Total		681.718	44.653	110.386	836.757	141.243	978.00

- xiii. The mining plan was reviewed for Khandabandh Iron & Manganese mines along with the Progressive Mining Closure Plan by the Regional Controller of Mines, Bhubaneswar vide Letter No.MRMP/A/48-ORI/BHU/2019-20 dt. 12.03.2020 which was valid till 31.03.2023. In this revision the utilization of forest land in different items increased by 38.441 ha. At the same time 38.441 ha has been reduced from non-forest land of the Mining plan approved on 02.02.2018. The approved land use plan is furnished below.

S. No.	Purpose/ Type of Use	Approved land Use		
		Forest land in Ha	NFL in ha	G. total
01	Mining	252.709	16.237	268.946
02	Storage for Topsoil	1.724	0.000	1.724
03	Waste Dump site	79.707	25.020	104.727
04	Mineral storage	71.167	7.350	78.517
05	Infrastructure (Workshop, Admin. building, Storing tools & machinery)	14.892	0.000	14.892
06	Road, Conveyor, Pipeline, electric line etc.	46.843	2.690	49.523
07	Railways	0.000	0.000	0.000
08	Tailing pond	33.021	0.000	33.021
09	Effluent Treatment plant	0.158	0.000	0.158
10	Mineral separation plant	24.309	0.000	24.309
11	Town ship area	1.488	0.000	1.488
12	Others (Magazine)	0.000	0.374	0.374



Total		526.016	51.671	577.687
13	Safety zone	15.374	0.000	15.374
14	Total unutilized area	333.808	51.131	384.939
Grand Total		875.198	102.802	978.00

- xiv. As reported by the PCCF (FD&NO, FCA), O/o the PCCF & HoFF, Odisha, during scrutiny of the proposal in the Project Screening Committee meeting, **it was observed that in the modified review mining plan dt. 12.03.2020 no specific land use plan for the approved forest land for diversion over 453.150 ha was mentioned. Rather, the pattern of utilization of forest and non-forest land of the total Mining lease area has been prescribed.** The PSC advised DFO, Keonjhar to furnish the actual pattern of utilization over 453.150 ha diverted forest land after field verification along with the KML file. The DFO, Keonjhar has furnished the existing pattern of utilization of 453.150 ha. The same pattern of utilization is tabulated below.

Sl. No.	Pattern of Utilization	Forest Land in Ha.			
		R.F.	DLC	K.F.	Total Forest land
1	Mining	153.786	56.209	0.316	210.311
2	Storing Mineral/Ore & Topsoil	26.121	30.253	7.386	63.760
3	Dumping O.B. and Slime dam	76.497	5.257	11.918	93.672
4	Storing Tools, Machineries and Plant etc.	8.660	2.972	12.836	24.486
5	Construction of Building, Power Station, Workshop, Store etc.	6.858	2.422	6.823	16.103
6	Township/Housing Colony	-	-	-	0.000
7	Construction of Road, Conveyor line, Pipeline, Power line etc.	29.687	10.797	4.352	44.836
8	Magazine	-	-	-	0.000
Total		301.609	107.910	43.631	453.150
9	Safety zone	3.246	2.476	0.240	5.962
10	Proposal for Future use	376.863	-	0.782	377.645
Grand Total		681.718	110.386	44.653	836.757

- xv. **Proposed purpose wise land use pattern:** The Indian Bureau of Mines has approved the Review on Mining Plan & Scheme of Mining of Khandbandh Iron & Manganese Mines for the period from 2023-2024 to 2027-2028 vide Letter No.BBS/KJR/IRON-MN/2191/RMP/2022-23 dt. 19.01.2023. The Change in land use pattern of already diverted Forest land over 453.150 ha has been proposed which is tabulated below.

S. No.	Pattern of Utilization	Forest Land in Ha.			
		R.F.	DLC	K.F.	Total Forest land
1	Mining	153.786	56.209	0.316	210.311
2	Storing Mineral/Ore & Topsoil	26.121	30.253	7.386	63.760
3	Dumping O.B. and Slime dam	76.497	5.257	11.918	93.672



4	Storing Tools, Machineries and Plant etc.	8.660	2.972	12.836	24.486
5	Construction of Building, Power Station, Workshop, Store etc.	6.858	2.422	6.823	16.103
6	Township/Housing Colony	-	-	-	0.000
7	Construction of Road, Conveyor line, Pipeline, Power line etc.	29.687	10.797	4.352	44.836
8	Magazine	-	-	-	0.000
Total		301.609	107.910	43.631	453.150
9	Safety zone	3.246	2.476	0.240	5.962
10	Proposal for Future use	376.863	-	0.782	377.645
Grand Total		681.718	110.386	44.653	836.757

- xvi. The user agency has proposed the change in land use deviating from the land use approved in the reviewed Mining Plan dt. 19.01.2023. This proposed land use has also been mentioned in the Part-II of Form-E uploaded by the DFO, Keonjhar. The prescribed land other than the approved one is furnished below.

S. No.	Pattern of Utilization	Forest Land in Ha.			
		R.F.	DLC	K.F.	Total Forest land
1	Mining	110.826	31.734	-	142.560
2	Storing Mineral/Ore & Topsoil	29.010	32.249	17.811	79.070
3	Dumping O.B. and Slime dam	69.442	3.749	8.119	81.310
4	Storing Tools, Machineries and Plant etc.	41.830	16.593	0.107	58.530
5	Construction of Building, Power Station, Workshop, Store etc.	10.561	5.537	7.036	22.970
6	Township/Housing Colony	3.353	3.257	3.520	10.130
7	Construction of Road, Conveyor line, Pipeline, Power line etc.	-	-	-	0.000
8	Magazine	36.587	14.955	7.038	58.580
Total		301.609	107.910	43.631	453.150
9	Safety zone	-	-	-	0.000
10	Proposal for Future use	-	-	-	0.000
Grand Total		301.609	107.910	43.631	453.150

- xvii. The user agency has furnished justification regarding deviation done in change in land use as compared to approved Mining Plan dt. 19.01.2023. As reported by the DFO, Keonjhar Division, the user agency i.e. M/s Tata Steel Limited has given item wise justification for change in land use pattern which is as follows:
- Mining:** While the current area under mining is 210.311 ha, it is proposed that at the end of plan period the area under mining within the same extent of 453.150 ha will be 142.560 ha. A part of the mining pit after cessation of mining will be used for back filling by dumping O.B. and for slime storage. The requirement of land will decrease



subsequently because with progressive mining, backfilling will be undertaken.

- b. **Storing Mineral/Ore and Topsoil:** As reported by the DFO, Keonjhar Forest Division, 63.760 ha area was approved for Mineral Storage/ Sub-grade/ Topsoil and in the present proposal, 79.070 ha has been proposed due to the following reasons:
 - It is observed that there is a large variation in ore quality through the mineralization in Khandbandh lease area. Hence the successful mining of the deposit can only be achieved by a diligent and controlled blending of ore from different areas. Therefore, multiple blending faces will be required to provide sufficient flexibility and to maintain efficiency. Hence large stockpiles will be required until sufficient working faces are established.
 - The product generated from wet beneficiation plant (Sized ore and fines ore) are stacked separately, size and grade wise near the exit gate of lease for ease of transportation of the same by trucks to the nearest sidings located at Joruli, Banspani and Nayagarh.
- c. **Dumping O.B/Slime Storage:** 93.672 ha area was approved for Dumping O.B./ Slime storage and in the instant proposal 139.840 ha (Dumping O.B.-81.310 ha and Slime storage-58.530 ha) has been proposed due to the following reasons:
 - The wet plant has been operationalized from 2021-22. Currently it is running at capacity of 6MTPA, and it will achieve the rated capacity of 8MTPA in due course of time. Hence, it is estimated that 15-20% of slime will be generated yearly which will require space for storage. Currently there is no space outside the pit available for storing the slime. Hence, in order not to degrade any fresh land, mined out area will be used for storing the slime.
 - As per the Approved Mining plan (2023-24 to 2027-28), a total of 12.2MT of Waste and 5.2 MT of subgrade will be generated while excavating the slime dam area and Mining pit areas (required to open multiple faces for blending of different grades of ore).
 - As per IBM guidelines the waste and sub-grade have to be stacked separately. Hence waste and sub-grade dump are being maintained separately.
- d. **Storing tools, machineries, Plants etc.** As reported by the DFO, Keonjhar Division, 24.468 ha area was approved for Storing tools, machineries, Plants etc. In the proposal 22.970 ha has been proposed as no major changes will be there in future as already Wet beneficiation has been installed within the 22.970 ha area.
- e. **Construction of Building, Power Station, workshop, store etc.:** As reported by the DFO, Keonjhar Division, 16.103 ha was approved for Storing tools, machineries, Plants etc. But, in the proposal 10.130 ha has been proposed by the UA as required infrastructures under this category which have already been installed.



- f. **Township, Housing or Colony:** As reported by the DFO, Keonjhar Division, no area was approved for township/ housing colony. There is no future plan for establishing the Township, Housing or colony inside the lease area.
- g. **Construction of Road, Conveyor line and Power line etc.:** 44.836 ha area was approved for Construction of Road, Conveyor line and Power line etc. and in the proposal 58.580 ha has been proposed due to following reason:
- As multiple areas will be mined simultaneously consisting of number of pits of blending of ore, Slime dam area and construction of conveyor corridor, the area covered by the roads will increase.
 - A new Approach Road shall also be constructed along the conveyor corridor between Joda and Khandbandh enabling streamlined transportation.
 - The proposed beneficiation plant involves wet processing of ore hence a pipeline from the pump house to the beneficiation plant will be installed. Similarly, pipeline will also be installed from beneficiation plant to slime dam for discharge of slimes and recycling water from slime dam to processing plant.
 - Power line will be installed to supply the power to the beneficiation plant as well as to the mining areas for safe operations.
- h. **Magazine:** 0.374 ha in non-forest land area was approved for Magazine and in the proposal 0.240 ha in the non-forest land has been proposed as construction of explosive Magazine which has been completed within 0.240 ha.
- i. **Safety Zone:** In-principle approval of the part of safety zone area over 0.051 ha has been granted by MoEF & CC for the purpose of approach road vide letter No.5-ORB540/2022-BHU on 13.01.2023. The equal extent of area has been provided towards the southern side of lease which shall be maintained as safety zone. Hence there is no change in the safety zone area which is 5.962 ha (F).

xviii. The Comparative statement of Existing land use Pattern and Proposed Land Use Pattern is furnished below:

Sl. No.	Pattern of Utilization	Existing land use vetted by DFO				Proposed land use			
		R.F.	DLC	K.F.	Total	R.F.	DLC	K.F.	Total
1	Mining	153.786	56.209	0.316	210.311	110.826	31.734	-	142.560
2	Storing Mineral/ Ore & Topsoil	26.121	30.253	7.386	63.760	29.010	32.249	17.811	79.070
3	Dumping O.B	76.497	5.257	11.918	93.672	69.442	3.749	8.119	81.310
4	Slime dam					81.830	16.593	0.107	58.530
5	Storing Tools,	8.660	2.972	12.836	24.468	10.561	5.373	7.036	22.970



	Machinerie s Plant etc								
6	Constructi on of Building, Power Station, Workshop, Store etc.	6.858	2.422	6.823	16.103	3.353	3.257	3.520	10.130
7	Township/ Housing colony	-	-	-	0.000	-	-	-	0.000
8	Constructi on of Road, Conveyor line, Pipeline, Power line etc.	29.687	10.797	4.352	44.836	36.587	14.955	7.038	58.580
9	Magazine	-	-	-	0.000	-	-	-	0.000
Total		301.60 9	107.91 0	43.63 1	453.15 0	301.60 9	107.91 0	43.63 1	453.15 0
10	Safety zone	3.246	2.476	0.240	5.962	-	-	-	0.000
11	Proposal for Future use	376.86 3	-	0.782	377.64 5	-	-	-	0.000
Grand Total		681.71 8	110.38 6	44.65 3	836.75 7	301.60 9	107.91 0	43.63 1	453.15 0

- xix. State Government vide their letter dated 18.10.2024 through online submitted information as sought vide Ministry's letter dated 09.08.2024. Observations of the same are as under:
- State Government has reported that the re-enrichment of Plantation over 377.645 ha has been carried out during the year 2010-11 & 2011-12.
 - With regard to expenditure statements for implementation of RWMP, the State government has reported that the allotment under RWMP is not made project wise. Hence, the expenditure is incurred as per the allotment received from CAMPA.
 - With regard to compatibility of the change in land plan with the land use approved earlier, the State government has reported that the user agency has proposed land use plan matrix in the approved mining plan over the entire forest area including both diverted and yet to be diverted forest land. The difference of total area is because, proposed land use plan is over an area of 453.150 ha and however, the approved land use plan in the mining plan approved in the year 2023 is over an area of 614.78ha which includes both forest land and non-forest land



- xx. The Ministry has already accorded change in land use in this proposal also vide letter No.8-98/2004-FC dated 02.02.2018. Now the instant proposal is for second time for change in land use.
- xxi. As the already approved area i.e. 453.15 ha involves already broken up area 136.15 ha (pre 1980) for which the UA has not given CA land. Now as per the present guidelines the UA has to give the NFL for CA for that area and NPV also if not given earlier.
- xxii. AC noticed that the re-enrichment of plantation over 377.645 ha has been carried out during the year 2010-11 & 2011-12. However, after the examination of the KML file of the area 377.645 it has been observed that plantation has been carried out 22.324 ha. Similarly, the out of 315.433 ha non-mineralized area (surrendered area) only 18.914 ha has planted 18.914 ha.
- xxiii. With regard to expenditure statements for implementation of RWMP, the State government has reported that the allotment under RWMP is not made project wise. Hence, the expenditure is incurred as per the allotment received from CAMPA.
- xxiv. With regard to compatibility of the change in land plan with the land use approved earlier, the State government has reported that the user agency has proposed land use plan matrix in the approved mining plan over the entire forest area including both diverted and yet to be diverted forest land. The difference of total area is because, proposed land use plan is over an area of 453.150 ha and however, the approved land use plan in the mining plan approved in the year 2023 is over an area of 614.78 ha which includes both forest land and non-forest land.
- xxv. Dy. DGF (Central), Regional Office, Bhubaneswar in their recommendation observed that the State Govt. has not taken up the Penal CA stipulated in the earlier approval. The State Govt. shall comply the Penal CA condition at the earliest.
- xxvi. Total safety zone area surrounding the lease of Khondbond Iron & Mn mine is over 15.374 ha. Stage-II/Final approval of the part of Safety Zone area over 0.051 ha has been granted by MoEF&CC for the purpose of approach road vide letter No. 5-ORB540/2022-BHU on 20.02.2024. Further, the User agency has informed that the remaining safety zone area over 15.323 ha (15.374 ha - 0.051 ha) has been applied along with balance forest land over 406.674 ha vide proposal number FP/OR/MIN/QRY/481387/2024. It may however be noted that the User agency has paid NPV in respect of the entire forest land including Safety Zone falling in mining lease i.e. 978 ha of forest land. Presently this proposal (FP/OR/MIN/QRY/481387/2024) has been de-listed by the system. The proposal FP/OR/MIN/9739/2015 and FP/OR/MIN/20032/2016 has been de-listed by the system. Now the UA has applied the proposal of earlier applied area of 383.607 ha and 38.44 a ha again jointly over 421.997ha including safety zone of 15.323 ha in the Parivesh 2.0 (FP/OR/MIN/QRY/481387/2024).
- xxvii. Regional Office, Bhubaneswar submitted Site Inspection Report with the following observations:



- a. The user agency has been using forest road without taking any approval as mandated by law. It is a free ride for them without any approval. Moreover, traffic passing through road impacts flora and fauna especially elephants in that region. This road with movement of heavy vehicles is also detrimental to the elephant population of the area.
 - b. Use of forest land/road by mining companies inside a reserved forest without approval is an illegal activity and needs to be stopped.
 - c. Local people cannot travel from road due to 4-5 lane unregulated traffic over it. Nor any emergency service can be done due to road perpetual blockade. The user agency must be held responsible for it. Immediate steps need to be taken to stop the use of forest road for non- forestry purpose.
 - d. Tata khandband has not given LPG gas or efficient chullahs for villagers in their mining periphery nor have they done sufficient for their daily wage employees. People are continuing to depend on forest for firewood.
 - e. The implementation status of the Regional Wildlife Management Plan could not be ascertained. This needs to be obtained from the State Government.
 - f. The implementation status of the Site Specific Wildlife Conservation Plan could not be ascertained during the site inspection. The implementation status needs to be obtained from the State Government.
 - g. It was reported that degraded forest land over 41 ha has been identified in Baitarani East 'B' PRF of Champura Range in Keonjhar Division for raising Penal Compensatory Afforestation. But, this has not been taken up in the field so far. The State Government needs to explain the noncompliance of the final approval conditions of raising penal CA in Baitarani East 'B' PRF.
 - h. The dependency of forest by local people needs to be minimized by supply of adequate number of LPG cyclone which is part of FC (condition No. xviii), Sufficient firewood shall be provided by the user agency to the labourers at the project cost.
 - i. A comprehensive post mining restoration plan needs to be drafted with inputs from the State Forest Department and DFO, Keonjhar before implementing the same on ground. The user agency needs to fulfil all FC and EC conditions laid down for granting approval to the said project, before according any further approval for change in land use.
- xxviii. The Regional Office, Bhubaneswar has recommended that the proposal is for change in land use is recommended. But, further approvals can only be granted after pressing issues mentioned above and especially the issue of unregulated use of forest road by the user agency and other mining companies for non-forestry activity is resolved and phased out by connecting road traffic into conveyor belts keeping in view the environmental pollution, elephant habitat and the hardship caused to the local people.
- xxix. Further, regional Office in their monitoring report has reported that non forest land over 317 ha has been identified and allotted by the Collector



vide letter dated 01.08.2001, However, CA has been raised over 4.00 ha only. Remaining 313 ha of CA has not been raised so far. The State Government may be asked to furnish an explanation for this non conformity of Stage-II condition.

4. Decision of Advisory Committee:—After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and CCF Nodal Officer, Govt. of Odisha, the Committee decided to defer the proposal and to seek the following information from the State Govt.:

- i. The Regional Office in the SIR has flagged an issue of unregulated use of forest road by the user agency and other mining companies in the same landscape. The State Govt. shall examine the matter and ensure that there is no violation of the provisions of Adhiniyam. A plan for adequate mitigation measures keeping in view the environmental pollution, elephant habitat and the hardship caused to the local people shall be submitted.
- ii. The Regional Office has raised certain observations in the SIR. A point wise status report/justification shall be submitted by the State/UA along with documentary evidence. The justification for non-compliance(wherever applicable) of the stipulated conditions shall also be submitted.
- iii. The State shall submit the details of Compensatory Afforestation/ Penal CA stipulated and raised so far along with the justification for the shortfall(if any).
- iv. The state shall provide the details of the area which was broken up prior to 1980 and the area broken post 1980 along with the detail of Compensatory Afforestation area provided so far.
- v. The RO in his SIR has reported that degraded forest land over 41 ha has been identified in Baitarani East 'B' PRF of Champura Range in Keonjhar Division for raising Penal Compensatory Afforestation. However, this has not been taken up in the field so far. The State Government needs to give justification in this regard.

Agenda No. 12

Online Proposal No. FP/OR/MIN/QRY/444094/2023

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Shri Shiv Dutt Sharma for diversion of 16.95 ha (after reducing the area 0.0809 ha of water tank from originally proposed area 17.032 ha) ha of forest land (including 1.09 ha earmarked for safety zone) for Iron and Manganese ore mining within the granted lease area over 26.243 ha in village Raika under Barbil Tahasil in Keonjhar Forest Division of Keonjhar District, Odisha



1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after through deliberation and discussion observed that:
 - i. The Government of Odisha under the Van (Sanrakshan Evam Samvardhan) Rules, 2023 of clause 10 (2) (ii) has submitted the above mentioned proposal on PARIVESH portal on 09.08.2024.
 - ii. This project is meant for the exploitation of the minerals like Iron are deposits that occur within the mining lease hold area of 26.243 ha of Shiv Dutt Sharma, Barbil, Odisha in the village Raika of Barbil Tahasll in Keonjhar District, Odisha. The total lease area is 26.243 ha, out of this, 17.032 ha is of Forest land and the balance 9.211 ha is of non-forest land. The Mining operation was started manually in the early eighties in small scale in the name of M/s Utkal Minerals. The lease period was 20 years from 01.11.1979. Then the lease was transferred to Shiv Dutt Sharma on 25.06.1985. The RML application was submitted to Govt. of Odisha on 28.10.1998 prior to one year of expiry of the lease. Subsequently, the Mining Lease was declared as lapsed by the State Government under provisions of Section 4A (4) of MMDR Act, 1957 vide Order No.7857/56M dated 20.08.2015. The revision application was filed by Lessee challenging the said order and Hon'ble Supreme Court recommended that the Lease may be considered to have been saved from being lapsed and allowed for extension of the Mining Lease.
 - iii. Now, therefore considering the above matter as per recommendation of the Hon'ble Supreme Court of India, the Govt. In Steel & Mines Department. Odisha have been pleased to save the Lease and issued a processing order vide letter No. 10843/SM-MC1-MRL-0005-2022/SM, Bhubaneswar dated 17.11.2022. The mine is not under operation since 30.10.2009 due to want of statutory clearances like Environmental clearance and forest clearance etc.
 - iv. Further, the mine produce excess of Iron & Mn. has been assessed by CEC beyond permissive quantity and without obtaining prior environmental clearance during the year 2000-01 to 2009-10. Therefore, In pursuance of the Supreme Court order dated 02.08.2017 in WP (C) No. 114/2014, Director of Mines, Govt. of Odisha Vide its letter dated 17.05.2022 raised the demand to pay ₹4,37,99,502/- and the project proponent has deposited the same in this regard on dated 10.05.2022 as per report of the PCCF (FD&NO, PC Act), O/o to PCCF HoFF, Odisha. Apart from this 12% Interest of amount ₹1,26,68,078/- has also been paid by the Project Proponent on dated 20.10.2022 as a part of late payment.
 - v. The area has been worked since 1979, most of the area has been worked out. The forest area which has already been broken up contains the main



reserve of iron and manganese. The BF grade iron ore and high grade manganese ore is confined to the broken-up forest area only so, there is no other alternative other than to exploit the ore deposits of the forest land to cater to the requirement of iron and steel industries based in India and abroad. This ore body needs to be judiciously exploited to meet the growing demand of raw materials for indigenous steel plants. Sponge iron plant, pallet plants, ferro manganese plant for utilisation of iron and manganese ore and also for export of low grade iron ore to ear foreign exchange for development of our country.

- vi. Dumping area has been proposed in the forest area and said area is not avoidable due to following reasons. There are scattered patches of Non-Forest land which belongs to Private land owners and no single suitable size of patch is available for dumping of waste materials. Settlement and other community activities have been developed in the Non-Forest area. In the Non-Forest area there is a Pond and Water Tank which is used by Local villagers. The Mining plan has been approved by the Indian Bureau of Mines by considering mining, technical, scientific, reclamation, legislative and futuristic aspects of the project to use barest minimum forest land.
- vii. The approved dumping area by IBM is lying on the gentle slope to prevent erosion and gully formation. The three sides of the Mining Lease area i.e. North, West and south sides are in common with mining lease boundary of M/S. OMC Ltd, in which mining activities are proposed. So, the dumping proposal is given in the south-easter corner of non-mineralized area by excluding mineralized and continuous patches of mining activities of both the leases. The proposed mining area extends from south to north and slopes down towards south-east. So, it is a general practice to transport waste material from top to bottom from a logistic point of view. Therefore, the dumping proposal is given at the south-easter sides of the lease area which comprises of forest land. The proposed dumping yard is situated near the mining pits as a result in future the waste materials shall be rehandled and backfilled in the exhausted pit area. Finally, the area will be rehabilitated followed by the plantation.
- viii. The total land involved in lease is 26.243 ha, out of which 17.032 ha is forest land (14.791 ha of Revenue forest land + 2.241 ha Sabik Forest land) and 9.211 ha of non-forest land. 17.032 ha forest land is coming under Raika Village of Barbil Tahasil in Keonjhar District.
- ix. Total Non- Forest land involved in the project is over 9.211 ha coming under Raika Village of Barbil Tahasil in Keonjhar District, out of which non-forest Govt. land is over 0.125 ha and non-forest Private land is over 9.086 ha.
- x. The purpose wise break up of total land involved in the project is furnished below:

S. No.	Component	Revenue Forest Area in Ha	Sabik Forest Area in Ha	Total Forest Land (ha)	Non-forest Land (ha)	Total Area (in ha)
1	Mining	10.657	0	10.657	0.374	11.031
2	Dumping	1.434	1.402	2.836	0.18	3.016
3	Stacking yard	0.682	0.338	1.02	0.94	1.960



4	Mineral processing Yard	0.319	0	0.319	0.82	1.139
5	Road	0.716	0.384	1.1	0.36	1.46
6	Office, RS & other Infrastructure	0.01	0	0.01	0.109	0.119
	Sub Total	13.818	2.124	15.942	2.783	18.725
7	Safety Zone	0.973	0.117	1.09	0.610	1.70
8	Area kept undisturbed	0	0	0	5.818	5.818
	Grand Total	14.791	2.241	17.032	9.211	26.243

- xiii. The proposal involves 17.032 ha of forest land and the forest area located in the Safety Zone of 1.09 ha. Further the Safety Zone also involves Non-Forest land over 0.610 ha. As reported by the PCCF (FD&NO, FC Act).O/ the PCC &HOFF, Odisha, the details of forest land and Non-forest land located in the safety zone are furnished hereunder:

Pattern of Utilisation	Revenue Forest Area in Ha	Sabik Forest Area in Ha	Total Forest Land (ha)	Non-forest Land (ha)	Total Area (in ha)
Safety Zone around ML	0.973	0.117	1.09	0.610	1.70
Total	0.973	0.117	1.09	0.610	1.70

- xi. The Site Specific Wildlife Conservation Plan and Regional Wildlife Management Plan will be implemented by the User Agency & the Forest Department.
- xii. the Mining Plan along with Progressive Mine Closure Plan has been approved by Regional Controller of Mines, Government of India vide Letter No. RMP 6295/300RI361003 dated. 05.07.2023 with validity up to 31.03.2028. The copy of the approved Plan has been uploaded in the PARIVESH portal.
- xiii. the User Agency has paid the compensation amount demanded under Section-21 (5) of MMDR Act, 1957 in respect of Mining Leases along with interest in pursuance to order dated 02.05.2022 of Hon'ble Supreme Court of India in W.P. (C) No. 114/2014.
4. Further, the proposal was examined in the Ministry and certain information was asked from the State. State Government on 11.09.2024. The Govt. of Odisha through online portal has submitted the reply on 30.10.2021. The following has been noted by the AC:
- Regarding justification for opening new mining as per the para 7.8 (i) the State Govt. has reported that this is an old mine.
 - Regarding payment of the compensation paid by the UA in view of an order of Hon'ble Supreme Court the State Govt. has reported that the lessee has raised excess Iron & Manganese (as assessed by CEC) beyond permissible quantity and without obtaining prior environmental clearance during the year 2000-01 to 2009-10. Therefore, in pursuance of the Supreme Court order dated 02.08.2017 in WPC No.114/2014, the Director of Mines, Govt. of Odisha vide their letter No.4188/DM dated 17.05.2022 raised demand to Pay ₹4,37,99,592/- and the user agency has deposited the same with the State Govt. through online



Treasury Challan in the Head of Account 8443-00-800-3275-91328-000 on dated 18.05.2022. Apart from this, the user agency has deposited ₹1,26,66,076/- towards 12% interest for late payment through online Treasury Challan in the Head of Account 8443-00-800-3275-91328-000 on dated 20.10.2022. In this regards the RO in his SIR has noted that actual forest area worked is whether 4.83 Ha or beyond may be obtained from the State Govt. So that Penal NPV and Penal CA may be imposed for working without FC clearance. Further, the State has confirmed in this regard that the area was broken up is 4.83 ha only. So, the area will be $17.032 - 0.0809 = 16.95$ ha instead of 17.032 ha.

- iii. Regarding showing a solid structure which was found constructed on forest land proposed for diversion over an extent of 0.03 ha (approx.) in the year 2020 and a water body is visible in the proposed forest area, the State Govt. has informed that the mining lease was declared as lapsed since 01.04.2011. In the mean time, the Executive Engineer, RWS&S Division, Keonjhar had applied forest diversion proposal over **0.0809** ha Sabik Kissam Forest land under section 3(2) of FRA, 2006 for construction overhead reservoir to supply drinking water to the rural areas. Thereafter, the DFO, Keonjhar Forest Division has accorded permission under FRA vide his office order No.213 dated 14.05.2020 for construction of the same over Plot No.1/128, Khata No.12 in Mouza- Raika. In this regard the State Govt. has recommended to reduce the area of 0.0809 ha from the proposed forest land.
 - iv. Regarding non-site specific activities proposed in the forest land the State Govt. has given justification that the mining lease is 26.243 ha, out of which 17.032 ha is Forest land and balance 9.211 ha is non-forest land. It is a fact that, the non-forest land of the mining lease is located in scattered manner and existence of Pond and water bodies is in non-forest land. The non-site specific activities like dumping, stacking yard, mineral processing yard etc. have been proposed over forest land due to non-availability of required extent of non-forest land.
 - v. Regarding site suitability of the proposed NFL area for CA the State Govt. has reported that the non-forest Govt. land over 17.032 ha has been identified in village- Gundula under Banspal Tahasil and allotted for raising of CA vide letter No.46/Rev dated 05.01.2024 of Collector, Keonjhar (Copy enclosed as Annexure-XI). The said land is found suitable for plantation @200 seedlings / ha in consideration of suitability of land. Further an old footpath is passing through the said land, which will not affect the plantation. It is not an encroachment or a permanent road.
5. Further, the AC noted that the RO Bhubaneswar has submitted SIR in the instant proposal through PARIVESH portal on 24.10.2024. In the recommendation part the RO has mentioned the following points:
- i. Total land involved in this mining lease is 26.243 ha comprising of 17.032 ha (14.791 ha of Revenue Forest land + 2.241 ha of Sabik Forest land) of forest land and 9.211 Ha of non-forest land.
 - ii. The user agency has proposed 2.836 ha of forest land for Dumping of Overburden, 1.020 ha for Stacking yard and 0.319 ha for Mineral processing yard which are non-site specific activities. The user agency



may explore possibilities to earmark these non-site specific activities to non-forest land as 9.211 ha of non-forest land is involved in the project. These sites should be selected in such place that will not affect the habitation.

- iii. The Mining Plan including Progressive Mine Closure Plan has been approved by the Regional Controller of Mines, IBM, Bhubaneswar over an area of 26.243 ha in respect of Raika Mining Lease of Shiv Dutt Sharma vide letter No.RMP 6295/50ORI361003 dated 05.07.2023 with validity upto 31.03.2028. The State Govt. has reported that the project does not involve displacement of any human habitation. Hence, Resettlement & Rehabilitation Plan is not required.
- iv. The density of vegetation is reported to be 0.5 Eco-value Class-I. The number of trees enumerated over 17.032 ha of forest land is 3600 nos. To minimize the adverse ecological impact, trees should be felled in a phased manner and when become absolutely necessary.
- v. The proposed site does not come under any Protected Area or within the Eco-Sensitive Zone. As there is movement of elephant in this adjoining area, Wildlife Conservation Plan with special emphasis to mitigate the adverse impact on elephant movement as well as conservation and protection of rare/endangered and other wildlife found in and around the proposed area is required. Besides, the user agency shall pay towards cost of Regional Wildlife Management Plan for entire mining lease as per approved norm of State Govt.
- vi. As reported, the user agency has paid NPV of ₹1,06,77,330/- for 14.621 ha of forest land. The user agency has furnished an undertaking to pay the NPV of the entire forest land proposed to be diverted.
- vii. In lieu of 17.032 ha of forest land proposed for diversion, State Govt. has identified 17.032 ha of non-forest Govt. land in village Gundola under Banspal Tahsil of Keonjhar District for raising compensatory afforestation. The above CA land has been allotted by the Collector, Keonjhar vide letter No.46/Rev dated 05.01.2024.
- viii. The lease was transferred from M/s Utkal Minerals to Shiv Dutta Sharma through deed of transfer executed on 25.06.1985 and another modified deed was also executed on 07.04.1986 without prior approval under FC Act, 1980. Thus, transfer and execution of lease deed on 25.06.1985 and 07.04.1986 is violation of FC Act, 1980. A report on circumstances that lead to sanction of mining lease without permission from Central Government and action taken against the erring official may be obtained from the State Govt.
- ix. The violation is not attributable to the present User Agency.
- x. The lease was transferred with the broken-up area of 4.83 ha, which was broken prior to 1980. The lessee has raised Iron & Manganese ore as assessed by CEC) beyond permissible quantity and without obtaining EC during the year 2000-01 to 2009-10. In pursuance of the Supreme Court order 02.08.2017 in WP (C) No.114/2014, the user agency has deposited ₹4,37,99,592/- and ₹1,26,66,079/- towards excess production without EC and interest on late payment respectively. Actual forest area worked is whether 4.83 Ha or beyond may be obtained from the State Govt. So that Penal NPV and Penal CA may be imposed for working without FC clearance.



6. Further, AC noted that the RO has reported that the lease was transferred from M/s Utkal Minerals to Shiv Dutta Sharma through deed of transfer executed on 25.06.1985 and another modified deed was also executed on 07.04.1986 without prior approval under FC Act, 1980. Thus transfer and execution of lease deed on 25.06.1985 and 07.04.1986 is violation of FC Act, 1980. In this regard the committee noted that the provision of the lease came in force in 1988 when the first amendment was done in the Adhiniyam.
7. The Committee also observed that though the state has mentioned that the lease was restored based upon the order of Hon'ble Supreme court. However, since the matter pertains to a period prior to 2015, therefore the state needs to ensure the validity of the lease in view of the provisions of the Section 10A(2)(c) of the Amended MMDR Act.
8. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and CCF Nodal Officer, Govt. of Odisha, the Committee recommended the proposal for grant of '*in-principle*' approval in favour of Shri Shiv Dutt Sharma for diversion of 16.95 ha (after reducing the area 0.0809 ha of water tank from originally proposed area 17.032 ha) ha of forest land (including 1.09 ha earmarked for safety zone) for Iron and Manganese ore mining within the granted lease area over 26.243 ha in village Raika under Barbil Tahasil in Keonjhar Forest Division of Keonjhar District, Odisha subject to the General, Standard and following specific conditions:
 - i. The area proposed for diversion shall be reduced 0.0809 from 17.032 ha.
 - ii. The state has mentioned that the lease was restored based upon the order of Hon'ble Supreme court. However, the state needs to ensure the validity of the lease in view of the provisions of the Section 10A(2)(c) of the amended MMDR Act, 2015.

Agenda No. 13

F. No. FP/OR/Airport/426096/2023

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 27.887 ha. of DLC forest land for construction of Shree Jagannath International Airport under Puri Forest Division in Puri District, Odisha. (FP/OR/Airport/426096/2023)- regarding.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 28.11.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The CCF O/o Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The Advisory Committee after through deliberation and discussion observed that:
- The proposal envisage use of 27.887 ha of DLC forest land for construction of Shree Jagannath International Airport (SJIA), Puri in Puri (Wildlife) Division, Odisha.
 - The legal status of the forest land is DLC Forest. Vegetation density of 0.5 (Eco Class III) with 13,504 nos. project affected trees, has been reported in the area proposed for diversion. Trees numeration detail has been submitted at S. No. 4.1 of the Part-II. Approximate forest area as revealed by the KML file is 26.982 ha against the diversion of 27.887 ha. KML files needs to be rectified depicting the correct area and various project components. As per the Sol toposheet, most of project area falls on the open mixed jungle. Status needs to be revisited. Forest Cover belongs to the MDF (1 ha) and Non-wooded (27 ha) forest land moderately Dense Forest and 27 ha is Non-forest/ Non-wooded in terms of forest classes (as per the ISFR 2021) based on the interpretation of satellite data period 2019.
 - Total land involved in this project is 471.401 ha comprising of 27.887 ha of DLC forest land and 443.514 ha of non-forest land (Govt non-forest 353.882 ha + Private non-forest 89.632 ha). The purpose wise break up of total land involved in this project is furnished below:

Sl. No.	Component	DLC forest (In Ha)	Non-Forest area (in Ha)			Grand Total (in Ha)
			Govt.	Private	Total	
1	Admin Office	0	0	1.445	1.445	1.445
2	Airside	16.003	85.169	15.276	100.445	116.448
3	Apron	4.814	67.444	19.465	86.909	91.723
4	Cargo Terminal	0	3.959	1.185	5.144	5.144
5	Mix use Commercial	0	0.197	15.493	15.690	15.690
6	Open space	0	7.964	3.996	11.960	11.960
7	Passenger Terminal Building	0.037	23.747	0.028	23.775	23.812
8	Transport use	1.956	38.781	15.106	53.887	55.843
9	Runway	3.427	109.834	1.700	111.534	114.961
10	Utility	1.650	16.787	15.938	32.725	34.375
Total		27.887	353.882	89.632	443.514	471.401

- Compensatory afforestation over 29.939 ha of non-forest land in Anipatia and Banabarada village of Kakatpur Tahasil of Puri (WL) Division has been proposed in lieu of 27.887 ha forest land. Scheme for undertaking compensatory afforestation involving financial provisions of ₹2,22,87,500/- has been submitted online. The DFO, Puri (WL) Division has furnished land suitability certificate with the proposal. DSS analysis of the CA land revealed the area as devoid of trees.

- v. The DFO, Puri (WL) has reported that the applied area does not come under any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. But the area is coming under the Coast Regulation Zone.
- vi. The DFO, Puri (WL) has reported that no rare and endangered or unique species of flora and fauna area found in the applied area. The forest types of the applied area are Tropical Dry Deciduous Moderate Forest covered with mostly Casuarina, Cashew & Acacia species which were initially planted during 1970-1980. The sporadic movements of wild animals like Hyena, Porcupine, Spotted deer, Jackals are often noticed inside the applied area. Besides this, the reptiles like Snakes, Common Chameleon and birds like fly catchers and Brahamani kites etc. are found moving in the applied area. The proposal, has been forwarded by the Regional Office, Bhubaneswar considering it as a non-site specific proposal.
- vii. Earlier, the proposal was considered by the Advisory Committee in meeting held on 07.06.2024.
- viii. Authorities in the State Forest Department and the State Government have recommended the proposal for approval. No violation of the Adhiniyam has been reported by the State Government.
- ix. The proposal was examined by the Regional Empowered Committee in its meeting held on 16.10.2023 and REC recommended the proposal subject to conditions i.e. (i) During landing and taking off flights, flying over the Balukhanda WL Sanctuary shall be avoided. (ii) The user agency shall obtain clearance from OCZMA for the area coming under CRZ-III before submission of compliance of 'in-principle' approval, if it is granted.
- x. The Committee keeping in view the non-site specific nature of the proposal recommended that proposal may be submitted to the Ministry for approval.
- xi. Regional Office, Bhubaneswar has forwarded the proposal to the Ministry for further decision in the matter.
- xii. MoEF&CC, after examination of the proposal sought additional information from the Regional Office on 9.03.2024. The Regional Office, after obtaining the same from the State Government, forwarded the additional information to the Ministry on 29.04.2024.
- xiii. The proposal along with the additional information placed before the Advisory Committee meeting held on 07.06.2024. The Committee, after deliberations and discussion with the DDGF (Central), Regional Office and Nodal Officer, Odisha observed that in order to take a well informed decision on the proposal, additional information on the following may be obtained from the State Government and the same may be submitted before the Advisory Committee for its examination:
 - a. Construction of airport in the vicinity of sea coast may have impact on the breeding activity of the olive ridley turtle reported in the area, it will, therefore, be appropriate that comments of the Chief Warden of the State on the likely impact of the proposed non-forestry activity on the breeding activity of the olive ridley turtle may be obtained and submitted by the State for further consideration of the Committee.
 - b. Examination of the area proposed for diversion using DSS tools and Google Satellite Imagery revealed that the user agency seems to have already started the construction of boundary wall in the forest as well



as in the non-forest land which is a violations of the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The State Government may therefore submit the following:

- a) Name of the erring officers responsible for allowing or not stopping the unauthorized construction in the forest land and status of action taken against the erring officials.
 - b) A detail violation report indicating the date and time of the commencement of construction of boundary wall along with present status of work of the construction of boundary wall along with efforts by the officers concerned in the State Government to stop the work relating to construction of boundary wall.
 - c) Details of the authority/agency issuing work order for construction of boundary wall and the entity bearing the expenditure incurred on the said alleged construction.
 - c. A detailed inspection of the area may be conducted by the Regional Office of the MoEF&CC and a report on the same, along with violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 committed by the user agency and remedial action taken by the State authorities, may be submitted for further consideration of the Committee.
- xiv. The recommendation of the AC was communicated to the RO Bhubaneswar. The RO has asked the information form the State Govt. vide letter dated 19.07.2024. The Nodal Officer, Odisha vide letter No.21733/9F (Airport)-357/2023 dated 30.10.2024 has furnished the point wise reply of observation made in EDS dated 19.07.2024 to RO office. Observations of the same are as under:
- a. State Government has reported that the proposed project area is more than 80 Kms from Devi River mouth which has been marked as mass nesting area and no mass nesting has occurred at Devi River mouth for more than two decades. In the report, it is highlighted that this coast line is not used as a mass nesting site, it remains an active area for wildlife, supporting sporadic and secondary nesting by Olive Ridley Turtles. The construction and operation of Greenfield airport at the site could have the potential impacts on the Turtles. He has submitted a detailed report on the impact of this project and suggested mitigative measures.
 - b. State Government has reported that being a DLC forest land under the administrative and management control of the Revenue Department, necessary action will be taken to ensure the removal of encroachment by the concerned revenue authority after inquiry. No action has been taken over the person and inquiry is under process.
 - c. State Government has reported that Out of the total 13.3 Km length of the project boundary, a length of 1370 meters of temporary fence has been constructed over the DLC forest land and about 9950 meters over the non-forest land through removable materials and the work was left incomplete over 2001 meter
 - d. State Government has reported that the Chief General Manager (P&C), IDCO and the Divisional Head, BCD-II, IDCO had issued the



work order for the temporary fence construction over the non-forest land in the year 2023.

- xv. As desired by the AC the RO has carried out the SIR in the instant proposal. The RO has mentioned that the proposal can not be recommended without satisfactory reply from the State Govt. on certain information as noted by the DIGF (Central) in her SIR. The information desired by the RO from the State Govt. are as follows:
- a. Proposed project site is close to the nesting ground of olive ridley turtles, a Schedule I species.
 - b. The sea which abounds this project area has been close and contiguous with the Dolphin habitat and hence further study, documentation and conservation of this area is mandated before taking any further decision regarding this mega development project.
 - c. The Central Asian Flyway (CAF) in Chilika lake appears to be close to the airspace where this project is envisaged to be operated. This too needs further study and impact analysis and protection needs to be accorded to this CAF.
 - d. This proposal has not been presented as an integrated project. The six lane express way which will link Bhubaneswar airport to Puri airport supposedly to be built along the coast line is not a part of this project proposal. Nor is the approach road to the airport is a part of the current proposal. It appears that facts are not presented in actuality in a bid to break the integrated proposal to many parts for obtaining easy clearance.
 - e. At present the proposed airport at Brahmagiri is neither connected by any express way or high way to either Ganjam or Khurda or Jagatsinghpur. Hence, justification for having the project to connect Puri, to cities like Jagatsinghpur is not correct. In fact, the proposed airport at Brahmagiri is at an approximate distance of 29 km from Puri town itself and hence defeats the very purpose cited for having this project in an ecologically fragile area like Brahmagiri (Puri).
 - f. The expansion of Biju Pattnaik airport can be taken up in other locations, with better connectivity like Jagarsinghpur, Khurda or Berhampur and not at the cost of huge environmental loss and at the same time exposing the area to various vagaries like tidal influence, cyclones and which is being frequent in both number as well as severity by cutting down 13000 trees which now act bio-shield and coastal shelter belt. The VDF and MDF crown density in non forest land having the ocular look of forest as per Writ Petition 202/199S and having high density of vegetation, has not been taken into account in the current proposal.
 - g. The INS Chilika, which is a naval base is at a close distance to the proposed airport site. Whether the opinion of the Defence Ministry has been taken into consideration by the State Government before proposing this project site needs to be ascertained and evaluated from Defence point of view.
 - h. The user agency has already violated the FC Act by constructing a 1400 meter boundary wall which extends up to sea line. Action needs to be initiated for violation of FC Act, 1980.

- xvi. Further, the RO in his SIR has also reported that This is also a CRZ violation since the boundary wall is now seen constructed up to the sea line. The violations need to be removed immediately. Long term studies on habitat of olive ridley turtles close to the proposed airport site as well as the Dolphin migration path needs to be studied and documented, and this proposed airport site needs to be conserved as a fragile coastal habitat and afforested to serve as a bio-shield and coastal shelter belt. Because of the aforesaid reasons, such mega development project in the fragile coastal ecosystem of Brahmagiri (Puri) is not an environment and conservation conducive proposal and will have detrimental impacts on both for coastal ecology and wildlife therein. The Puri pilgrimage tourism can be very well boosted by envisaging a sky train/metro from Bhubaneswar airport to Puri as is seen in tourism friendly countries like Thailand so that the travel time from Bhubaneswar to Puri can be considerably reduced, which even is now only 60-70 minutes. The travel time can be further reduced through innovative environmental friendly and sustainable solutions.
- xvii. The RO has reported that the DFO, Puri Wildlife Division has reported that no violation has been committed by the user agency under FC Act. However, during site inspection it was found that a boundary wall has been constructed on the DLC forest land, which cuts the entire forest land involved in the project to 2 parts. This boundary wall is about 1400 meter long and is a clear violation of FC Act. The user agency accepts having constructed this boundary wall in the early 2023 in violation of FC Act, 1980. Also, during site inspection, it was observed that an extra boundary wall is being created by the user agency outside of the boundary of the proposed airport (which itself is a violation). This extra boundary wall extends up to the inter tidal zone, right up to the sea line. Such boundary does not reflect in the land use plan uploaded in the Parivesh Portal. This encroachment needs to be removed with immediate effect. This is a violation of CRZ rules. Whether this violation also includes forest land is to be ascertained by the State Government. Further, the State Govt. has informed that No action has been taken over the person and inquiry is under process for reported violation.
- xviii. Further, the RO in his SIR has also reported that during site inspection, the user agency has informed that an express way is proposed along the coastline to cater to the traffic from Bhubaneswar airport to proposed Puri airport. Though this is an ancillary project of the airport, there is no mention of 6 lane the express way (road) along with the airport project. An integrated project proposal needs to have been submitted. The forest category in the non forest area is of medium density and very dense forest in certain patches as per DSS. So as per the dictionary meaning of forest as per Writ Petition 202/1995, these forest patches should have been proposed for diversion. That has not been done so far in the project proposal. The road leading to the proposed airport site passes through small lanes and bi-lanes and it is not connected to any highway or wider road at present. Proposed airport site as such is neither connected to Berhampur or to the Khurda or Bhubaneswar or to Jagatsinghpur by any highway/express way or any wide double lane road directly at present.

Hence, Puri cannot be cited as a strategic location for the airport. It appears that this proposed airport is meant to cater to the pilgrimage tourism to Puri. However, even in such a scenario, the proposed airport, devoid of any proper connectivity at present stands at approximately 29 km from the Puri town (Atharnala) and the present Biju Pattnaik airport in Bhubaneswar stands at 52 km from Atharnala (the starting point of the Puri town). Hence, just to cover up 25 km gap which would take less than 20 minutes, a huge environmental loss in terms of huge construction by the mega project, threat to both olive ridley, turtle nesting site and dolphin habitat will be the outcome with mass destruction of the coastal shelter belt plantation (13000 trees are proposed to be cut), given the traffic, more construction in the form of 6 lane expressway along coast (as informed by the user agency for which the DPR preparation is in process, which will connect Bhubaneswar airport to proposed Puri airport is not desirable). More roads, more building, hotels, ancillary construction, more light, sound and noise pollution, will be highly detrimental to the fragile dolphin and olive ridley turtles' habitat and nesting grounds along with causing great environmental loss to the fragile coastal ecology. Water and air pollution, toxicity due to construction very close to the coast are unavoidable and these need to be adequately addressed while evaluating the proposed airport project. At present it takes approximately 60 minutes to reach Puri town from the present airport at Bhubaneswar. As most airports in many cities like Delhi, Bangalore, Cochi are located at a distance of 1 hour drive from the city and so is Puri from the existing Bhubaneswar airport. The proposed airport too is away from Puri town (29 km approximately) devoid of proper connectivity at present. Even if there is a proposal of connecting road, it is not part of the proposed project and hence, it is not an integrated proposal.

- xix. A detailed study on the habitat and migration route of olive ridley turtles as well as Irrawaddy Dolphin along the entire coast of Puri needs to be observed for a stipulated period of at least one year and after ascertaining their number, presence and migration pathway of dolphin. A detailed action plan needs to be drafted for their conservation and protection. Systematic information on population trends, distribution and space use of both Irrawaddy dolphin and olive ridley turtles needs to be started at an early date all along the Puri coast up to Satpada, Konark and Astarang (the usual migration path of dolphin and nesting shelter of olive ridley turtle). Shelter belt plantation available in the project site needs to be protected and enriched to provide a bio shield along the coast and in no circumstances it should be removed or cut as the cutting of trees will have detrimental impact on the coastal ecology.
- xx. DPR of proposed airport project, land use map, DPR of the 6 lane express way from Bhubaneswar airport to Puri airport and approach road to airport (to be constructed by Transport Department of Odisha as informed by the user agency) which is also an ancillary activity, and other allied construction are not found submitted along with the project proposal. Strict action needs to be initiated against erring officials for gross violation of the FC Act by construction of boundary wall. Action needs to be initiated against revenue officials for purposefully allowing the illegal construction to happen on DLC forest land. Since a part of the proposed site



(approximately 15 ha) falls under 200-500 meters of NDZ of CRZ (CRZ III B), the applicability of CRZ regulations to the project needs to be ascertained and CRZ clearance obtained. The extent and magnitude of CRZ violation needs to be enquired into and adequately addressed. The project site being located at places between 200-500 meters of the HTL, applicability of CRZ rules to the project site, whether permissible as per rule. The Chilika Lake is a Ramsar wetland of International importance and migratory bird habitat and part of Central Asian Flyway (CAF). Hence, the proposed airport project which is adjacent to Chilika lake and is bound to impact the airspace with air traffic, sound, light and air pollution, needs to be studied for its impact on Chilika Lake, migratory bird species visiting Chilika, its zone of influence, vis-à-vis the regulation in the Wetland Conservation and Management Rules, 2017.

4. **Decision of Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and CCF Nodal Officer, Govt. of Odisha, the Committee decided to **defer** the proposal for want of following information from the State Govt. The RO has raised the following serious observations which shall be examined by the State Govt. and a detailed justification/clarification shall be submitted for further consideration of the matter:

- i. Proposed project site is close to the nesting ground of olive ridley turtles, a Schedule I species.
- ii. The sea which abounds this project area has been close and contiguous with the Dolphin habitat and hence further study, documentation and conservation of this area is mandated before taking any further decision regarding this mega development project.
- iii. The Central Asian Flyway (CAF) in Chilika lake appears to be close to the airspace where this project is envisaged to be operated. This too needs further study and impact analysis and protection needs to be accorded to this CAF.
- iv. This proposal has not been presented as an integrated project. The six lane express way which will link Bhubaneswar airport to Puri airport supposedly to be built along the coast line is not a part of this project proposal. Nor is the approach road to the airport is a part of the current proposal. It appears that facts are not presented integrated manner.
- v. At present the proposed airport at Brahmagiri is neither connected by any express way or high way to either Ganjam or Khurda or Jagatsinghpur. Hence, justification for having the project to connect Puri, to cities like Jagatsinghpur is not correct, as per the report submitted by the Regional Office. In fact, the proposed airport at Brahmagiri is at an approximate distance of 29 km from Puri town itself and hence defeats the very purpose cited for having this project in an ecologically fragile area like Brahmagiri (Puri).
- vi. The expansion of Biju Pattnaik airport can be taken up in other locations, with better connectivity like Jagarsinghpur, Khurda or Berhampur and not at the cost of huge environmental loss and at the same time exposing the area to various vagaries like tidal influence, cyclones and which is being frequent in both number as well as severity by cutting down 13000 trees which now act bio-shield and



coastal shelter belt. The VDF and MDF crown density in non forest land having the ocular look of forest as per Writ Petition 202/1995 and having high density of vegetation, has not been taken into account in the current proposal.

- vii. The INS Chilika, which is a naval base is at a close distance to the proposed airport site. Whether the opinion of the Defence Ministry has been taken into consideration by the State Government before proposing this project site needs to be ascertained and evaluated from Defence point of view.
- viii. The User Agency has already violated the FC Act by constructing a 1400 meter boundary wall which extends up to sea line. Action needs to be initiated for violation of FC Act, 1980.
- ix. A detailed study on the habitat and migration route of olive ridley turtles as well as Irrawaddy Dolphin along the entire coast of Puri needs to be observed for a stipulated period of at least one year and after ascertaining their number, presence and migration pathway of dolphin. A detailed action plan needs to be drafted for their conservation and protection.

(Not present)

Dr. Naveen Chandra Bisht
(non-official Member)

(Not present)

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

(confirmed through e-mail)

Shri Manoj Pant
(non-official Member)

(confirmed through e-mail)

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

(Not present)

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

(confirmed through e-mail)

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

(Confirmed)

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

(Approved)

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