

No 563
Date 24/08/2021
Time 6.00 P.M.



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

O.A No.04/2018/EZ

SHRI KIRAN KUMAR MISHRA & OTHERS ... APPLICANT

-VERSUS-

STATE OF ODISHA & OTHERS ... RESPONDENTS

**AFFIDAVIT ON BEHALF OF
RESPONDENT No.03 & 09.**

I Shri Abdaal M.Akhtar, aged about 30 years, Son of M.Akhtar, at present working as District Magistrate & Collector, Koraput do hereby affirm and state as follows.

1. That, in compliance to the Order dated 08.07.2021 of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide Original Application (O.A.) No.4/2018/EZ, I am submitting herewith Joint Committee Report on dated.23.08.2021 on Current and Factual Status relating to allegations filed by Shri Kiran Kumar Mishra vide O.A no.4/2018/EZ of Hon'ble N.G.T, E.Z Kolkata.
2. That, I am the Respondent No.03 in the Original Application No.04/2018/EZ
3. That, the facts stated above are true to the best of my knowledge and based upon information.

Identified by

ASHOK KUMAR SHADANGI
ADVOCATE & NOTARY
(GOVT. OF INDIA) KORAPUT

Advocate

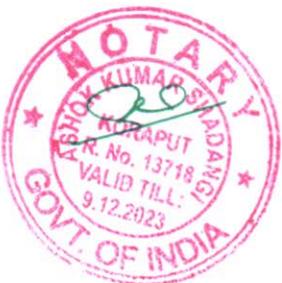
**Place : Koraput
Date : 24.08.2021.**

Solemnly affirmed and
Signed before me.

A. K. SHADANGI
NOTARY (GOVT. OF INDIA)
KORAPUT

DEPONENT

**D.M. & COLLECTOR,
KORAPUT**



24/8/2021
SUB DIVISIONAL MAGISTRATE
KORAPUT

**JOINT COMMITTEE REPORT ON CURRENT AND FACTUAL STATUS
RELATING TO ALLEGATIONS FILED BY SHRI KIRAN KUMAR MISHRA
VIDE O.A No.4/2018/EZ OF HON'BLE N.G.T, EZ, KOLKATA.**

In obedience to the Order dated 08.07.2021 of Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata vide Original Application (O.A.) No.4/2018/EZ, the Dy Inspector General of Forests (C) MoEF&CC constituted a Committee comprising of (I) The Collector & District Magistrate, Koraput, (II) Divisional Forest Officer (D.F.O) Jeypore Forest Division, Jeypore, District Koraput, and (III) Scientist from Integrated Regional Office, MoEF&CC, Government of India, Eastern Zone, Bhubaneshwar and communicated vide their letter no 8(33)338/2021-FCE dated 19.08.2021. The Hon'ble NGT passed an Order dated.08.07.2021 to submit the inspection report by the members within a period one month. The Dy Inspector General directed in the same letter to examine the site and submit a current factual report on the allegations raised in the application and nominated Sri Sandeep Nandi, Scientist -B IRO, Bhubaneshwar to represent the committee on behalf of MoEF&CC.

Accordingly, the Committee comprising of the following members inspected Dumajorhi SHEP site on 23-08-2021 and have made the following observation as under:-

- i. Collector & District Magistrate, Koraput alongwith Sub Collector & Sub Divisional Magistrate, Jeypore.
- ii. The Divisional Forest Officer(D.F.O), Jeypore Forest Division, Jeypore, District Koraput along with the A.C.F., Jeypore Forest Division and the Range Officer, Kundra Range
- iii. The Scientist-B from Integrated Regional Office, MoEF & CC, Government of India, Eastern Zone, Bhubaneshwar,

1. The Committee verified the diverted forest area measuring Ac.11.93 (4.772 Hectares) pertaining to Khata No.83 of Mouza Dumajorhi of Kotpad tahsil in Korput District containing eight (8) Plots.

Tahsil	Mouza	Khata No	Plot No	Area Acres	in	Kissam
Kotpad	Dumajorhi	83(Rakhit)	873/A	1.63		Patra Jungle
			873/A	0.06		Patra Jungle
			874/A	0.12		Patara Jungle
			920/A	5.87		Gramya Jungle
			855/A	0.06		Patara Jungle
			857/A	2.10		Gramya Jungle
			859/A	0.27		Gramya Jungle
			860/A	1.82		Gramya Jungle
		Total	(8 Plots)	11.93 cents		

The construction work was going on over the forest land in respect of which Stage - II clearance was granted to Respondent No.12, the User Agency on 06-12-2005 (Copy enclosed as **Annexure - 1**).

It was also ascertained that, the User Agency - Respondent No.12 purchased private land measuring 5.20 Hectares (Ac.12.900 Dec.) for compensatory afforestation which was subsequently transferred and mutated in favour of Forest Department. The copy of the said ROR vide Khata No.202/2 of Mouza Bagderi is enclosed as **Annexure - 2**.

During visit, the committee ascertained that, the Respondent No.12, the user agency has not encroached any other forest land apart from the land measuring Ac.11.93 decimals (4.772 Hectors.) diverted in their favour. It is clear that, the Project Proponent neither indulged in any encroachment of Government land nor any forest land. Further, it was ascertained that, there is no water fall at Gulmi Forest Area at the project site.

2. It is to mention here that, as per Govt. of India Environment Impact Assessment (EIA) Notification No. 2006, Dated. 14.08.2018 (Copy Enclosed as **Annexure-3**) no Environmental Clearance (EC) is required for Hydro Electric Project up to 25 MW capacity. Since the said Dumajorhi Small Hydro Electric Project is of 15M.W capacity, it does not come under the purview of Environmental Clearance (EC).

3. That, as per Order dated.15.01.2018 (Copy Enclosed as **Annexure 4**) of Hon'ble National Green Tribunal in the present case vide O.A. No.4/2018/EZ, on 03.09.2019, a joint inspection (Copy Enclosed as **Annexure 5**) was conducted by the Respondent No.3- Collector, Koraput and Respondent No.9 -D.F.O. Jeypore Forest Division, Jeypore accompanied by A.C.F., Jeypore and Addl. Tahsildar, Kotpad over the Area measuring Ac.11.93(4.772 Hectares) pertaining to Khata No.83 of Mouza Dumajorhi containing eight (8) Plots as mentioned above. The said joint inspection report concluded that, the Respondent No.12 had already obtained the Stage-II Clearance for diversion of Revenue Forest land measuring Ac.11.93 decimals (4.772 Hectares). The committee also concluded that the Respondent No.12, the user agency had not encroached any other forest

land / Govt land apart from the forest land ordered for diversion. Further, the said joint inspection report also stated that, there is no water fall at Gulmi forest area at project site.

4. The Chief Construction Engineer (CCE), Upper Kolab Project, Water Resources Department, Government of Odisha inspected the Dumajorhi SHEP site and clarified vide their letter no CCE-UKP-21418 dated 09-07-2020 that, the river bed level taken at the proposed diversion structure is 506.325 MSL(above Mean Sea Level), whereas, the FRL will be 515.000 MSL. after completion of construction of Diversion Gated Weir as per the approved project designs and drawings. The natural ground level (NGL) of Kolab river right side bank is 552.350 MSL., left side bank is 550.240 MSL. and the upstream river bed level is 516.415 MSL. at Chatterla 'Pherighat' which is higher than the Full Reservoir Level (FRL) of the proposed structure. So, the water will be confined very much within the river only. Since the project is a run - off river type project without any significant storage, there will be no effect of back water submergence of any forest land or any other land upstream of the project. It is submitted that, the ongoing construction of Project by the Respondent - 12 will not lead to felling of any more trees or destruction of forest of any kind.

5. It was also observed from the records that, The Collector & DM, Koraput vide Order No.2107, dtd.18.09.2019 handed over the land to an extent of Ac. 11.93 (4.772 Hectares) to Respondent No.12 for construction of Dumajorhi Small Hydro Electric Project on river Kolab near village Dumajorhi under Kotpad Tahasil with certain terms and conditions. Besides, the Project Proponent also submitted an undertaking through an affidavit to abide by all terms and conditions imposed upon the firm. Copy of Letter No.2107/XXVII-258/2019, dtd.18.09.2019 of Collector, Koraput is annexed as **Annexure-6**.

6. That, after handing over the possession of the said revenue forest land, the Project Proponent has taken up construction works in the diverted revenue forest area.

7. We submit here that , in the order dated 16-08-2019 of Hon'ble High Court of Odisha in W.P(C) No.14371/2019, which was for the same

relief as prayed in O.A. No.4/2018/NGT/EZ, a direction was issued to the O.P No.2 - The Director General of Forest, MoEF & Climate Change, Government of India, New Delhi to consider and dispose off the representation of the petitioners as at **Annexure-11**, within a period of 8 weeks from the date of production/receipt of the certified copy of that order. A copy of order dtd.16.08.2019 of writ W.P (C) No.14371/2019 is enclosed as **Annexure-7 and a Copy of** Writ petition No.14371/2019 is filed as **Annexure-8**. The Annexure-11 which is the complaint of Er. Dashrathi Nanda (Ex-President) of Baristha Budhijibee Manch, Jeypore (an unregistered organization) filed in W.P (C) No.14371/2019 is enclosed as **Annexure- 9** which contains the same cause of action and facts of the present OA 04/2018/NGT/EZ, Kolkata. In addition to these a Writ vide WP (C) No. 8209/2017 Public Interest Litigation (PIL), is now pending before the Hon'ble High Court of Orissa, Cuttack.

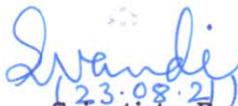
8. That, pursuance to the order dated 16-08-2019 in WP (C) 14371/2019, Ministry of Environment, Forests and Climate Change conducted site inspection on 10th - 12th of January 2020 and ordered for temporary suspension of construction works of the project over the diverted forest area. Further, an order was issued on 21-10-2020 (Enclosed as **Annexure - 10**) wherein M/s. Sharvani Energy Pvt. Ltd was directed to pay Penal Net Present Value for an area equivalent to twice the forest area over which approved land use was varied and to provide additional compensatory afforestation area equal to the area over which construction works were carried out in diverted forest area.

9. That, in obedience to the order No-FC-11/131/2019-FC dated 21-10-2020 of MoEF & CC, Government of India, New Delhi, the Respondent No. 12- M/s. Sharvani Energy Pvt. Ltd, deposited INR 2,40,384/- towards Penal NPV (Net Present Value) in the state CAMPA Account on 24-12-2020. Further, in order to compensate the ecological loss, Respondent No-12- M/s. Sharvani Energy Pvt. Ltd, the user agency has already deposited an amount of Rs. 5,87,600/- on 11-01-2021 towards the cost of Additional Compensatory Afforestation (C.A) in State CAMPA Account (Copy Enclosed as **Annexure -11 & 12**). Further, the Respondent No 12- M/s. Sharvani Energy Pvt. Ltd, also mutated the land measuring 2.617 hectares under

Mouza Bhatapani in Kundra Tahsil of Koraput District in favour of State Forest Department, Government of Odisha for additional compensatory afforestation as per the aforesaid order. A Copy of letter No. 2588/9F-(ET)-24/2004 dated 04-02-2021 issued by the Office of the Principal Chief Conservator of the Forests, Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar and all such receipts showing the compliances by the Respondent No. 12 is enclosed as **Annexure 13**. The joint committee inspected the site today i.e 23-08-2021 and has satisfied themselves that the said land adjoins Sindhigaon PRF and is suitable for plantation. A copy of the RoR of the site is enclosed as **Annexure No 14**.

10. That, subsequently, the Deputy Inspector General of Forests, MoEF & CC, Government of India vide letter No-5-ORB009/2005-BHU Dt.22.2.2021 revoked the suspension of work over the diverted forest area after being satisfied that, the Respondent No. 12- M/s. Sharvani Energy Pvt. Ltd, had complied with the order No-FC-11/131/2019-FC dated 21-10-2020 of MoEF & CC. subject to the condition that, Respondent No.12 shall maintain a Green Belt in available vacant land after completion of construction of the project. A copy of the letter dated 22-02-2021 is enclosed as **Annexure -15**.

In view of the above facts and circumstances, the Committee is of opinion that there is no violation of any rules/norms/orders at Dumajorhi Small Hydro Electric Project at present by Respondent No.12- M/s. Sharvani Energy Pvt. Ltd. Moreover, the allegations made in OA 04/ 2018 / NGT/ EZ, Kolkata by the applicants have already been enquired by the relevant authorities earlier and the same has been complied in toto by Respondent No. 12- M/s. Sharvani Energy Pvt. Ltd, the project proponent. The project proponent is in total compliance with all the mandated guidelines.


(23.08.21)
Scientist - B
IRO, Bhubaneswar


Sub-Collector &
SDM, Jeypore


D.F.O, 23.8.2021
Jeypore Forest Division,
Jeypore


Collector &
District Magistrate,
Koraput.

ANNEXURES

Sl. No.	Description of documents
1.	<u>Annexure - 1</u> : Stage - II clearance dated 06-12-2005 by MOEF, Government of India
2.	<u>Annexure - 2</u> : copy of ROR vide Khata No.202/2 of Mouza Bagderi
3.	<u>Annexure - 3</u> : copy of Environment Impact Assessment (EIA) Notification No. 2006, Dt. 14.08.2018 issued by the Govt of India
4.	<u>Annexure - 4</u> : Copy of the Order dtd. 15.01.2018 passed in O.A. No.4/2018/EZ
5.	<u>Annexure -5:</u> Copy of Joint Inspection Report of Collector, Koraput and DFO, Jeypore on 03-09-2019
6.	<u>Annexure-6:</u> Copy of Letter No.2107/XXVII-258/2019, dtd.18.09.2019 of Collector, Koraput
7.	<u>Annexure - 7</u> : The copy of order dtd.16.08.2019 of writ W.P(C) No.14371/2019 of Hon'ble High Court of Odisha.
8.	<u>Annexure - 8</u> : Copy of W.P.(C) No.14371/2019.
9.	<u>Annexure - 9</u> : Annexure-11 of W.P.(C) No.14371/2019
10.	<u>Annexure -10</u> : Copy of order dated 21-10-2020 of MOEF, N Delhi.
11.	<u>Annexure - 11</u> : Copy of Challan dated 24-12-2020 towards deposit of INR 2,40,384 towards Penal NPV.
12.	<u>Annexure - 12</u> : Copy of Challan dated 11-01-2021 deposit of INR 5,87,600 towards additional Compensatory Afforestation.
13.	<u>Annexure - 13:</u> Copy of letter No. 2588/9F-(ET)-24/2004 dated 04-02-2021 issued by PCCF, Govt of Odisha, Bhubaneshwar
14.	<u>Annexure - 14</u> : Copy of RoR of Mouza Bhatapani, Kundra Tahasil.
15	<u>Annexure - 15</u> : Copy of letter dated 22-02-2021 of MOEF, Eastern Zone, Government of India.

GOVERNMENT OF INDIA
 MINISTRY OF ENVIRONMENT & FORESTS
 EASTERN REGIONAL OFFICE
 A/3, CHANDRASEKHARPUR, BHUBANESWAR - 751 023
 TEL. : (Off.) 2301213, 2302432, 2302443, 2302452, 2302453
 FAX : 0674-2302432. GRAM : PARYAVARAN, BHUBANESWAR
 Email : mef@ori.nic.in

भारत सरकार
 पर्यावरण एवं वन मंत्रालय,
 पूर्वी क्षेत्रीय कार्यालय
 ए/3, चन्द्रशेखरपुर, भुवनेश्वर - 751 023
 तार - पर्यावरण, भुवनेश्वर

5-ORB009/2005-BHU

December 6, 2005

To

The Principal Secretary,
 Forest & Environment Department,
 Govt. of Orissa,
 Bhubaneswar.

Sub:- Diversion of 4.772 ha of village forest land for setting up Dumajhori Small Hydro Electric Project on river Kolab near Village-Dumajhori under Kotpad Tahasil of Koraput district, Jeypore Forests Division.

Sir,

I am directed to refer to your letter No. 10F(Cons)/05.18375/F&E dated 24.10.2005 on the above mentioned subject seeking prior approval of the Central Govt. in accordance with Section-2 of the Forest(Conservation) Act, 1980.

After careful consideration of the proposal of the State Government, the Central Government hereby conveys its approval under Section-2 of the Forest(Conservation) Act, 1980 for diversion of 4.772 ha of village forest land for setting up Dumajhori Small Hydro Electric Project on river Kolab near Village-Dumajhori under Kotpad Tahasil of Koraput district, Jeypore Forests Division., subject to the compliance of the following conditions:-

- i) Legal status of the forest land diverted shall remain unchanged.
- ii) Compensatory afforestation shall be raised and maintained on 5.20 ha of non-forest private land and mutated in favour of State Forest Department and handed over to Forest Department at the project cost and the non-forest private land shall be declared as PF/RF. The Nodal Officer will submit a report regarding the above issue within 6 months.
- iii) The Catchment Treatment Plan should be implemented at the project cost. The User Agency will deposit the funds for the CAT Plan with State Forest Department, after approval of CAT Plan by State Forest Department. A copy of the CAT Plan shall be furnished to the Regional Office within 90 days.
- iv) The funds received from the User Agency towards compensatory afforestation, NPV and the funds to be received for CAT Plan shall be kept in fixed deposit in the name of the concerned Divisional Forest Officer or the Nodal Officer(Forest Conservation) of the State or head of account intimated by the State Government. In this respect letter issued vide Regional Office vide no. 7(27)2004-FCE dated 2.12.2005 shall be strictly adhered to.
- v) RCC pillars of 4 feet height shall be erected to demarcate the area by the user agency at the project cost and will be marked with forward and back bearing.

- vi) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner. They shall also not borrow soil or any other material nor shall dump any debris/excavated material in the adjacent forest land.
- vii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- viii) The user agency will neither borrow any material from adjoining forest land nor dump any construction or other material there.
- ix) No labour camps shall be established on the forest land.
- x) Sufficient alternative fuel like coal, kerosene, cooking gas shall be provided by the user agency to the labourers at project cost.
- xi) The user agency shall ensure that there should be no damage to the available wildlife or to the flora in the neighbouring forest labourers/workmen engaged by the project authorities or contractors working under them.
- xii) The forest land shall not be used for any purpose other than that specified in the proposal.
- xiii) Any other conditions that the Central Government may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area shall be complied by the user agency.
- xiv) In case of non-compliance of any of the above conditions, the concerned Divisional Forest officer shall report through the State Govt. to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest(Conservation) Act, 1980 on 25.10.1992.

Yours faithfully,

(S. MOHAPATRA)

DY. CONSERVATOR OF FORESTS(CENTRAL)

Copy to:-

1. The Asst. Inspector General of Forests(FC), Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi - 110 003.
2. The Principal Chief Conservator of Forests, Govt. of Orissa, Aranya Bhawan, C.S.Pur, Bhubaneswar - 16.
3. The Nodal Officer, O/o the Principal Chief Conservator of Forests, Govt. of Orissa, Aranya Bhawan, C.S.Pur, Bhubaneswar - 16.
4. The Divisional Forest Officer, Jeypore Forest Division, Jeypore.
5. M/s Sharvani Energy Pvt.Ltd., Dumajhori Hydro Electric Project, Dumajhori.
6. Guard File.

S. Mohapatra
DY. CONSERVATOR OF FORESTS(CENTRAL)

6.12.2005

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भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 1331]

नई दिल्ली, बुधवार, जून 25, 2014/आषाढ़ 4, 1936

No. 1331]

NEW DELHI, WEDNESDAY, JUNE 25, 2014/ASADHA 4, 1936

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 25 जून, 2014

का.आ. 1598(अ).—भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ) तारीख 14 सितंबर, 2006 का और संशोधन करने के लिए निम्नलिखित प्रारूप, जिसका केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (2) के खंड (v) के साथ पठित उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जारी करने का प्रस्ताव करती है, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार जनसाधारण की जानकारी के लिए, जिनके उसके द्वारा प्रभावित होने की संभावना है, प्रकाशित किया जाता है ; और सूचना दी जाती है कि उक्त प्रारूप अधिसूचना पर, उस तारीख से, जिसको भारत के राजपत्र की प्रतियां, जिसमें यह अधिसूचना अंतर्विष्ट है, जनसाधारण को उपलब्ध करा दी जाती हैं, साठ दिन की अवधि की समाप्ति पर या उसके पश्चात् विचार किया जाएगा:-

ऐसा कोई व्यक्ति, जो प्रारूप अधिसूचना में अंतर्विष्ट प्रस्तावों पर कोई आक्षेप या सुझाव देने में हितबद्ध है, इस प्रकार विनिर्दिष्ट अवधि के भीतर, केंद्रीय सरकार द्वारा विचार किए जाने के लिए, आक्षेप या सुझाव सचिव, पर्यावरण और वन मंत्रालय, पर्यावरण भवन, सीजीओ काम्प्लेक्स, लोदी रोड, नई दिल्ली-110003 या ई-मेल पते: satish.garkoti@nic.in पर लिखित रूप में भेज सकेगा ।

प्रारूप अधिसूचना

उक्त अधिसूचना की अनुसूची में,-

- (i) मद 1(ग) में स्तंभ (2), स्तंभ (3), स्तंभ (4) और स्तंभ (5) में की प्रविष्टियों के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :-

"1(ग)	(iii) बृहत पेयजल आपूर्ति परियोजना जैसी गैर सिंचाई परियोजनाएं ।	(iii) \geq 5,000 है. जलमग्न क्षेत्र	(iii) $<$ 5,000 है. जलमग्न क्षेत्र	साधारण शर्त लागू होगी
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- (ii) ईंधन के रूप में गैर परिसंकटमय नगर पालिक ठोस अपशिष्ट पर आधारित तापीय विद्युत संयंत्रों से संबंधित मद 1(घ) में स्तंभ (3) और स्तंभ (4) में की प्रविष्टियों के पश्चात् निम्नलिखित प्रविष्टियां रखी जाएंगी, अर्थात् :-

(i) स्तंभ (3).-

" \geq 15 मे.वा."

(ii) स्तंभ (4).-

" $<$ 15 मे.वा."

[फा. सं. जे- 11013/12/2013-आईए.II(1)(भाग)]

अजय त्यागी, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और तत्पश्चात् का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007, का.आ. 3067(अ), तारीख 1 दिसंबर, 2009, का.आ. 695(अ), तारीख 4 अप्रैल, 2011, का.आ. 2896 (अ), तारीख 13 दिसंबर, 2012, का.आ. 674(अ), तारीख 13 मार्च, 2013, का.आ. 2559(अ), तारीख 22 अगस्त, 2013, का.आ. 2731(अ), तारीख 9 सितंबर, 2013, का.आ. 562(अ), तारीख 26 फरवरी, 2014 और का.आ. 637(अ), तारीख 28 फरवरी, 2014 द्वारा संशोधित किए गए ।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 25th June, 2014

S.O. 1598(E).—The following draft of the notification, further to amend the notification of the Government of India in the Ministry of Environment and Forests number S.O.1533(E) dated the 14th September, 2006 which the Central Government proposes to issue in exercise of the powers conferred by Sub-section (1), read with clause (v) of Sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette of India containing this notification are made available to

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment and Forest, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi-110 003, or at e-mail address:- satish.garkoti@nic.in.

Draft Notification

In the said notification, in the Schedule.-

(i) in item 1(c), after the entries in columns (2), (3), (4) and (5), the following inserted, namely:-

1(c)	“(iii) Non –Irrigation projects such as large drinking water supply projects.	(iii) \geq 5,000 ha submergence area	(iii) $<$ 5,000 ha submergence of area	General Condition shall apply.”;
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(ii) in, item 1(d), for the entries in column (3) and column (4), relating to thermal power plants based on non-hazardous municipal solid waste as fuel, the following entries shall be substituted, namely.-

- (i) In column(3).-
“ \geq 15MW”
- (ii) In column(4).-
“ $<$ 15MW”

[F. No. J-11013/12/2013-IA-II (1) (part)]

AJAY TYAGI, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O.695(E) dated the 4th April, 2011, S.O.2896(E) dated the 13th December, 2012, S.O.674(E) dated the 13th March, 2013, S.O.2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014 and S.O.637(E) dated the 28th February, 2014.

अधिसूचना

नई दिल्ली, 25 जून, 2014

का.आ. 1599(अ).—केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त नियमों के नियम 5 के उपनियम (3) के खंड (क) के अधीन सूचना की अपेक्षा से अभिमुक्ति देने के पश्चात्, भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्या का.आ. 1533 (अ), तारीख 14 सितंबर, 2006 में निम्नलिखित और संशोधन करती है, अर्थात्:-

I. उक्त अधिसूचना की अनुसूची में,-

(i) मद 1(ग) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"1(ग)	(i) नदी घाटी परियोजनाएं (ii) सिंचाई परियोजनाएं	(i) ≥ 50 मे.वा. जल विद्युत उत्पादन (ii) $\geq 10,000$ हे० खेती योग्य प्रभावित क्षेत्र	(i) $< 50 \geq 25$ मे.वा. जल विद्युत उत्पादन (ii) $< 10,000$ हे० > 2000 हे० खेती योग्य प्रभावित क्षेत्र	साधारण शर्त लागू होगी टिप्पण :- एक से अधिक राज्य में आने वाली प्रवर्ग 'ख' नदी घाटी परियोजनाओं का मूल्यांकन केन्द्रीय सरकार स्तर पर किया जाएगा।";
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(ii) मद 1(घ) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"1(घ)	तापीय विद्युत संयंत्र	≥ 500 मे.वा. (कोयला/लिग्नाइट/नेप्टा और गैस आधारित) ; ≥ 50 मे.वा. (जैव द्रव्यमान के सिवाय सभी अन्य ईंधन) । ≥ 20 मे.वा. (जिसमें गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट का ईंधन के रूप में उपयोग होता है) ।	≥ 50 मे.वा. से < 500 मे.वा. (कोयला/लिग्नाइट/नेप्टा और गैस आधारित) < 50 मे.वा. और ≥ 5 मे.वा. (जैव द्रव्यमान और गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट के सिवाय सभी अन्य ईंधन) । < 20 मे.वा. > 15 मे.वा. (जिसमें गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट का ईंधन के रूप में उपयोग होता है) । ≥ 15 मे.वा. जैव द्रव्यमान पर आधारित संयंत्र	साधारण शर्त लागू होगी टिप्पण :- (i) जैव द्रव्यमान या गैरपरिसंकटमय नगरपालिक ठोस अपशिष्ट जिसमें कोयला, लिग्नाइट/पेट्रोलियम उत्पाद पेट्रोलियम उत्पाद जैसे सहायक ईंधन का उपयोग होता है, पर आधारित 15 मे.वा. तक के तापीय विद्युत संयंत्रों को छूट प्राप्त है । (ii) किसी सहायक ईंधन के बगैर अपशिष्ट ताप बायलरों का उपयोग करने वाले तापीय विद्युत संयंत्र छूट प्राप्त हैं ।";
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(iii) मद 2(ख) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"2(ख)	खनिज सज्जीकरण	≥ 0.5 मिलियन टी पी ए का उत्पादन	> 0.5 मिलियन टी पी ए का उत्पादन	साधारण शर्त लागू होगी (अनापत्ति प्रदान करने के लिए खनन प्रस्ताव का खनिज सज्जीकरण के साथ मूल्यांकन
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(iv) मद 4(ख) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात्:-

"4(ख)	(i) कोक भट्टी संयंत्र	$\geq 2,50,000$ टन/प्रतिवर्ष	$< 2,50,000$ और $\geq 2,50,000$ टन/प्रतिवर्ष	साधारण शर्त लागू होगी।";
	(ii) कोलतार प्रसंस्करण इकाईयां	-	सभी परियोजनाएं	

(v) मद 4(घ) के स्तंभ (3) में की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

"उत्पादन क्षमता ≥ 300 यदि कोई इकाई अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित है।";

(vi) मद 4(च) के स्तंभ (2) में, की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :-

"त्वचा/खाल प्रसंस्करण जिसके अंतर्गत चर्म शोधन उद्योग भी है।";

(vii) मद 5(क) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(क)	रासायनिक उर्वरक	रासायनिक उर्वरकों के दानों के सिवाय सभी परियोजनाएं जिसके अंतर्गत H_2SO_4 उत्पादन के साथ सभी एकल सुपर फोस्फेट परियोजनाएं भी हैं।	H_2SO_4 उत्पादन और रासायनिक दानों के बगैर सभी एकल सुपर फोस्फेट परियोजनाएं	साधारण शर्त लागू होगी सुपर फॉस्फेट पाउडर के दाने बनाने को छूट दी गई है।";
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(viii) मद 5(ड) में :-

(क) स्तंभ (2) में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

"पेट्रोलियम उत्पाद और पेट्रो रसायन आधारित कार्बन ब्लैक तथा इलेक्ट्रोड ग्रेड ग्रेफाइट के उत्पादन का प्रसंस्करण (भंजन से भिन्न अन्य प्रसंस्करण तथा सुधार और जो परिसरों के भीतर समाविष्ट नहीं है)।";

(ख) स्तंभ (5) में की प्रविष्टि के स्थान पर, निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:-

"साधारण और विनिर्दिष्ट शर्त लागू होगी।

टिप्पण—बदलक दानों से उत्पादों के विनिर्माण को छूट प्राप्त होगी।"

(ix) मद 5(च) और उससे संबंधित प्रविष्टियों के स्थान पर, निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(च)	संश्लिष्ट कार्बनिक रसायन उद्योग (रंजक और रंजक मध्यक ; थोक ओषधि और ओषधि विनिमित्तियों को छोड़कर मध्यक ; संश्लिष्ट रबर मूल कार्बनिक रसायन और अन्य संश्लिष्ट कार्बनिक रसायन मध्यक)	स्तंभ (5) में यथापरिभाषित लघु इकाइयों के सिवाय अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित ।	(i) अधिसूचित औद्योगिक क्षेत्र/संपदा के बाहर अवस्थित । (ii) स्तंभ (5) में यथापरिभाषित लघु इकाइयां ।	साधारण और विनिर्दिष्ट शर्त लागू होगी लघु इकाइयां : < 25m ³ /दिन जल खपत, < 25टीपीडी ईंधन खपत के साथ और जो परिसंकटमय रसायन का प्रबंधन, भंडारण और आयात नियम, 1989 के अनुसार एमएएच इकाइयों के प्रवर्ग में नहीं आती हैं ।";
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(x) मद 5(छ) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(छ)	आसवनी	(i) सभी शीरा आधारित आसवनी । (ii) गैर शीरा आधारित आसवनी \geq 60 कि.ली.दैनिक	गैर शीरा आधारित आसवनी- < 60 कि.ली.दैनिक	साधारण शर्त लागू होगी ।";
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(xi) मद 5(झ) और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और प्रविष्टियां रखी जाएंगी, अर्थात् :-

"5(झ)	लुग्दी और कागज उद्योग	लुग्दी विनिर्माण तथा अपशिष्ट कागज से विनिर्माण के सिवाय लुग्दी तथा कागज विनिर्माण उद्योग ।	अपशिष्ट कागज से लुग्दी विनिर्माण तथा अपशिष्ट कागज लुग्दी और अन्य तैयार लुग्दी से कागज विनिर्माण ।	साधारण शर्त लागू होगी टिप्पण : रंजन, विरंजन और रंगाई के बगैर अपशिष्ट कागज लुग्दी और तैयार लुग्दी से कागज विनिर्माण को छूट प्राप्त है ।";
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II. अनुसूची के पश्चात्, साधारण शर्त से संबंधित टिप्पण में निम्नलिखित साधारण शर्त रखी जाएगी, अर्थात् :-

"साधारण शर्त (सा.श.) :

प्रवर्ग 'ख' विनिर्दिष्ट किसी परियोजना या क्रियाकलाप का केन्द्रीय स्तर पर प्रवर्ग 'क' के रूप में

अधिनियम, 1972 (1972 का 53) के अधीन संरक्षित क्षेत्रों की ; (ii) जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 (1974 का 6) के अधीन गठित केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा समय-समय पर पहचान किए गए गंभीर रूप से प्रदूषित क्षेत्रों की ; (iii) पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 3 की उप-धारा (2) के अधीन यथाअधिसूचित पारिस्थितिकी संवेदनशील क्षेत्रों की और (iv) अंतर राज्यिक सीमाओं और अंतराष्ट्रीय सीमाओं से पांच किलोमीटर की सीमाओं के भीतर अवस्थित हैं ;

परंतु 1(ग) में विनिर्दिष्ट नदी घाटी परियोजनाएं, मद 1(घ) में विनिर्दिष्ट तापीय विद्युत संयंत्र, मद 7(ग) विनिर्दिष्ट औद्योगिक संपदा/पार्क/क्षेत्र/निर्यात प्रसंस्करण जोन, विशेष आर्थिक जोन, जैव प्रौद्योगिकी पार्क, चमड़ा परिसर और मद 7(घ) में विनिर्दिष्ट सामान्य परिसंकटमय अपशिष्ट उपचार, भंडारण और निपटान सुविधाओं का मूल्यांकन केन्द्रीय स्तर पर किया जाएगा यदि वह 10 किलोमीटर के भीतर अवस्थित हैं ।

परंतु यह और कि उपरोक्त मद (i), मद (ii) और मद (iii) में वर्णित क्षेत्रों की, यथास्थिति, पांच किलोमीटर या दस किलोमीटर के भीतर कोई क्रियाकलाप न होने की दशा में अंतर राज्यिक सीमाओं की, यथास्थिति, पांच किलोमीटर या दस किलोमीटर की दूरी से संबंधित अपेक्षा को क्रमशः सामान्य सीमाओं वाले राज्यों या संघ राज्यक्षेत्रों की बीच करार द्वारा कम या पूर्ण रूप से समाप्त किया जा सकता है ।"

[फा. सं. जे- 11013/12/2013-आईए.II(1)(भाग)]

अजय त्यागी, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र असाधारण, भाग II, खंड 3, उपखंड (ii) में अधिसूचना सं. का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा प्रकाशित किए गए थे और तत्पश्चात् का.आ. 1737(अ), तारीख 11 अक्टूबर, 2007, का.आ. 3067(अ), तारीख 1 दिसंबर, 2009, का.आ. 695(अ), तारीख 4 अप्रैल, 2011, का.आ. 2896 (अ), तारीख 13 दिसंबर, 2012, का.आ. 674(अ), तारीख 13 मार्च, 2013, का.आ. 2559(अ), तारीख 22 अगस्त, 2013, का.आ. 2731(अ), तारीख 9 सितंबर, 2013, का.आ. 562(अ), तारीख 26 फरवरी, 2014 और का.आ. 637(अ), तारीख 28 फरवरी, 2014 द्वारा संशोधित किए गए ।

NOTIFICATION

New Delhi, the 25th June, 2014

S.O. 1599(E).—In exercise of the powers conferred by Sub-section (1) and clause (v) of Sub-section (2) of Section 3 of the Environment (Protection) Act, 1986(29 of 1986) read with sub-rule(4) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments to the notification of the Government of India, in the Ministry of Environment and Forests number S.O.1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of rule 5 of the said rule, in public interest, namely:-

I. In the said notification, in the Schedule,-

- (i) for item 1(c) and the entries relating thereto, the following item and entries shall be substituted, namely:-

“1(c)	(i) River Valley projects	(i) ≥ 50 MW hydroelectric power generation;	(i) ≤ 50 MW ≥ 25 hydroelectric power generation;	General condition shall apply. Note:- Category ‘B’ river valley projects falling in more than one state shall be appraised at the central Government Level..”;
	(ii) Irrigation projects	(ii) $\geq 10,000$ ha. of culturable command area.	(ii) $< 10,000$ ha. > 2000 ha. of culturable command area.	

(ii) for item 1(d) and the entries relating thereto, the following item and entries shall be substituted, namely:-

“1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphta and gas based);	≥ 50 MW to < 500 MW (coal/lignite/ naphta and gas based);	General condition shall apply Note:- (i) Thermal Power plants up to 15 MW based on biomass or non hazardous municipal solid waste using auxiliary fuel such as coal, lignite/ petroleum products upto 15% are exempt. (ii) Thermal power plants using waste heat boilers without any auxiliary fuel are exempt.”;
		≥ 50 MW (all other fuels except biomass).	< 50 MW and ≥ 5 MW (all other fuels except biomass and municipal solid non hazardous waste).	
		≥ 20 MW (using municipal solid non hazardous waste, as fuel).	< 20 MW > 15 MW (using municipal solid non hazardous waste, as fuel).	
			≥ 15 MW plants based on biomass fuel.	

(iii) for item 2(b) and the entries relating thereto, the following item and entries shall be substituted, namely:-

“2 (b)	Mineral beneficiation	≥ 0.5 million TPA throughput	< 0.5 million TPA throughput	General condition shall apply (Mining proposal with mineral beneficiation shall be appraised together for grant of clearance).”;
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(iv) for Item 4(b) and the entries relating thereto, the following item and entries shall be substituted, namely:-

“4(b)	(i)Coke oven plants	$\geq 2,50,000$ tonnes/annum	$< 2,50,000$ and $\geq 25,000$ tonnes/annum	General condition shall apply.”;
	(ii) Coaltar processing units		All projects	

(v) in item 4(d), in column (3), for the entry, the following entry shall be substituted, namely:-

“ ≥ 300 TPD production capacity if a unit located outside the notified industrial area/ estate.”;

(vi) in item 4(f), in column (2), for the entry, the following entry shall be substituted, namely:-

“Skin/hide processing including tanning industry.”;

(vii) for item 5(a) and the entries relating thereto, the following item and entries shall be substituted,

"5(a)	Chemical fertilizers	All projects including all single super phosphate with H ₂ SO ₄ production except granulation of chemical fertilizers.	All Single Super Phosphate without H ₂ SO ₄ production and granulation of chemical fertilizers.	General condition shall apply. Granulation of single super phosphate powder is exempt.";
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(viii) in item 5(e):-

(a) in column (2), for the entry, the following entry shall be substituted, namely:-

"Petroleum products and petrochemical based processing such as production of carbon black and electrode grade graphite (processes other than cracking and reformation and not covered under the complexes).";

(b) in column (5), for the entry, the following entry shall be substituted, namely:-

"General as well as specific condition shall apply.

Note- Manufacturing of products from polymer granules is exempt.";

(ix) for item 5(f) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(f)	Synthetic organic chemicals and industry (dyes and dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located outside the notified industrial area/ estate except small units as defined in column (5).	(i) Located in a notified industrial area/ estate. (ii) Small units as defined in column (5).	General as well as specific condition shall apply. Small units: with water consumption <25m ³ /day, fuel consumption <25TPD and not covered in the category of MAH units as per the Management, Storage and Import of Hazardous Chemical Rules, 1989.";
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(x) for item 5(g) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(g)	Distilleries	(i) All Molasses based distilleries (ii) Non-molasses based distilleries ≥ 60KLD	Non-molasses based distilleries – <60 KLD	General condition shall apply.";
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(xi) for item 5(i) and the entries relating thereto, the following item and entries shall be substituted, namely:-

"5(i)	Pulp and paper industry	Pulp manufacturing and Pulp and Paper manufacturing industry except from waste paper.	Pulp manufacturing from waste paper and paper manufacturing from waste paper pulp and other ready pulp.	General condition shall apply Note: Paper manufacturing from waste paper pulp and ready pulp without deinking, bleaching and colouring is exempt.";
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II. After the Schedule, in the Note relating to General Condition(GC), the following General Condition shall be substituted, namely:-
General Condition(GC):

Any project or activity specified in category 'B' will be appraised at the Central level as Category 'A', if located in whole or in part within 5 km. from the boundary of : (i) Protected areas notified under the Wildlife (Protection) Act, 1972 (53 of 1972); (ii) Critically polluted areas as identified by the Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) from time to time; (iii) Eco-sensitive areas as notified under sub-section (2) of section 3 of the Environment (Protection) Act, 1986, and (iv) inter-State boundaries and international boundaries; provided that for River Valley Projects specified in item 1(c), Thermal Power Plants specified in item 1(d), Industrial estates/parks/complexes/areas, export processing zones (EPZs), Special Economic Zones (SEZs), biotech parks, leather complexes specified in item 7(c) and common hazardous waste treatment, storage and disposal facilities (TSDFs) specified in item 7(d), the appraisal shall be made at Central level even if located within 10km.

Provided further that the requirement regarding distance of 5 km or 10 km, as the case may be, of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or the Union Territories sharing the common boundary in case the activity does not fall within 5km or 10 km, as the case may be of the areas mentioned at item (i), (ii) and (iii) above."

[F. No. J-11013/12/2013-IA-II (1) (part)]

AJAY TYAGI, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O. 1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O. 695(E) dated the 4th April, 2011, S.O. 2896(E) dated the 13th December, 2012, S.O. 674(E) dated the 13th March, 2013, S.O. 2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014 and S.O. 637(E) dated the 28th February, 2014.

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No. 04/2018/EZ

Kiran kumar Mishra & Ors.

Vs

The State of Odisha & Ors.

Hon'ble Mr. Justice S.P.Wangdi, Judicial Member

CORAM:

PRESENT:

Applicants
Other Respondents

: Mr. Debasis Tripathy, Advocate
: None

Date & Remarks	Orders of the Tribunal
<p>Item No. 10 15th January 2018.</p>	<p>This OA raises the question of violation of Forest (Conservation) Act, 1980, as well as the orders passed by the various authorities against the Respondent No.12, M/s Sharvani Energy Private Limited. It is inter-alia alleged that the said Respondent is indulging in rampant destruction of the forest falling within the Gulum Forest, in the District of Koraput, Odisha.</p> <p>The Applicant contends that although Stage-I clearance had been accorded for the project by the MoEF and the validity of the Stage-II clearance granted</p>

by the State in the year 2005 expired a long time back, the Respondent No.12 has been continuing with the project works. It is further alleged that on the complaint lodged against the project, a committee was constituted by the State of Odisha, which had found the complaint to be true leading to directions being issued to the Respondent No.12 prohibiting them from continuing further with the work. Cases under the Odisha Forest Act, 1972, are also said to be pending against the said Respondent but the illegalities are continuing unabated.

Considering the facts and circumstances stated in the OA and the submissions of the Ld. Counsel for the Applicant, we find that substantial questions relating to environment arise in this case for consideration.

Issue notice returnable in three weeks.

Let requisites be filed within one week.

In the meanwhile, we direct the Divisional Forest

Officer, Jeypore Forest Division, Respondent No.9, and the Collector, District-Koraput, Respondent No.8, to inspect the area in question and verify on the correctness of the allegations contained in the OA and submit a report on the next date. If the allegations are found to be true, these authorities are liberty to take action as per law against the Respondent No.12.

List on 12.02.2018.

Justice S.P. Wangdi, JM
15-02-2018

TC
CRV
hsh
7/7/19

Report Visit of Collector, Koraput and DFO, Jeypore to the Project Site of DUMAJORHI Small HEP (Hydro Electric Project) on Dtd 03-09-2019

On Dtd 03-09-2019, the project site of Dumajorhi SHEP (15 M.W) was visited jointly by Collector, Koraput & DFO, Jeypore accompanied with ACF, Jeypore & Addl.Tahasildar, Kotpad. The M.D, SHARVANI ENERGY PVT. LTD. was also present on the site.

Verified the maps, plots involving Area of Ac 11.93 with the help of Addl.Tahasildar, ARI and ACF, Jeypore in respect of following Plots

LAND SCHEDULE

Name of Mouza – DUMAJODI

Khata No – 83 (Rakhit)

<u>Plot No</u>	<u>Kisam</u>	<u>Total Area</u>	<u>Area Applied</u>
873/A	P.Jungle	Ac 48.13	Ac 1.63
873/A	P.Jungle	Ac 48.13	Ac 0.06
874/A	P.Jungle	Ac 7.38	Ac 0.12
920/A	G.Jungle	Ac 46.75	Ac 5.87
855/A	P.Jungle	Ac 22.25	Ac 0.06
857/A	G.Jungle	Ac 44.00	Ac 2.10
859/A	G.Jungle	Ac 45.63	Ac 0.27
860/A	G.Jungle	Ac 37.49	Ac 1.82
			<u>Ac 11.93</u>

The site was verified with reference to the plan & design of the project. It was ascertained from the villagers that when the land (Proposed Site) was excavated approximately before 4 to 5 years, there was only bushes with

sporadic growth of newly grown trees sparsely. They also told that the project will benefit the local people in direct & indirect manner.

Then returned from site to the nearest hamlet namely kasiguda (Rev. Village – Dumajodi). Congregated within the complex of “ Kasiguda Primary School” & some of the villagers approached us within the said school premises. The villagers were asked some relevant questions pertaining to the proposed project of “ Dumajorhi SHEP”. All of them agreed for the project and expressed no harm to the village, environment & villagers on account of the project. They told that they were engaged in work when excavation took place before 4 to 5 years & there were few newly grown trees approximately 50 to 60 over the site and only bushy growth was there. The company has not encroached any other land apart from the work over the site at that point of time when work was going on. The statement of villagers were reduced to writing by ARI of Kotpad Tahasil.

Then returned to office of the DFO, Jeypore. The DFO, Jeypore showed the record of Joint Verification made by Sub Collector, Jeypore & ACF, Jeypore on dtd 29-12-2018 and 12-01-2019 on both sides of kolab river i.e Kasiguda & Gulimi. The statement of villagers given before us and the inspection of the site made today were in consonance with the detailed enquiry report of ACF & Sub Collector, Jeypore conducted on above said dates. Besides the Stage – I and Stage – II clearance documents etc. were also verified.

From our field verification, Statement of Villagers, Joint Enquiry findings dtd 29-12-2018 & dtd 12-01-2019 of ACF & Sub Collector, Jeypore, Records relating to Stage –I and Stage – II clearance along with the land particulars

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ed over to the DFO, Jeypore by "SHARVANI ENERGY PVT. LTD." etc., it is clear that the project proponent has abided by the stipulations of MOEF and neither felled big trees as alleged from the project site nor indulged in any encroachment of Govt. Land outside the revenue forest land ordered for diversion, as alleged. That apart, it is established that there is no waterfall at Gulmi.

The allegations of violation of Forest (Conservation) Act levelled against the project proponent are not based on factual reality as the project has been approved under section -2 of the Forest (Conservation) Act, 1980, by Govt of India. As observed by the Government in R & DM letter no 10111/ R & DM dtd 28-03-2019 it is ascertained that the Stage – II clearance from MOEF is valid & also no restriction has been imposed by Hon'ble NGT in OA No 4 of 2018/EZ and Hon'ble High Court in Writ Petition (C) (PIL) No 8209 of 2017 against the functioning of "DUMAJORHI SHEP (15M.W)" till date.

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DFO, Jeypore

**Divisional Forest Officer
Jeypore Division**

Handwritten: 3/9/19
Collector, Koraput

ପ୍ରାକୃତ ଲକ୍ଷଣ ପ୍ରକାଶ, ଭୃଗୁମୋଚିତ୍ତୁ ଚି. ୪. ୩୩
 ଜନ ସ୍ୱାଧୀନତା ସମ୍ପର୍କିତ ପ୍ରକାଶ ସମ୍ପର୍କିତ ସ୍ୱଳ୍ପ ଚ
 ସମ୍ପର୍କିତ କବିଗୁଣ (ପଢ଼ାଗ୍ରାମ), ଭୃଗୁମୋଚି, ପ୍ରା. ପ. ଛତ୍ତୀ
 ପ୍ରା. କାମ୍ୟାଳୀ କନ୍ୟା ସମ୍ପର୍କି
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ଅଧ୍ୟା ଟା: ୦୩/୦୧/୨୦୧୧ ଲିଖ, ଅପରାଧି ଟା: ୧. ୦
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 ଶତ ୫ କବି ଚିତ୍ର ଚିତ୍ର ଚିତ୍ର । ପ୍ରାକୃତ କବିଗୁଣ କବିଗୁଣ
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ଆକାର କିମ୍ବା ସାମାନ୍ୟତା କବିଗୁଣ ପ୍ରାକୃତ
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୧. [Redacted] L.I. ଡଃ Bhim Santa, S/o- Lingu Santa
୨. [Redacted] S/o- Jogi Santa
୩. [Redacted] L.I. ଡଃ Kacai Santa, w/o- Milkhu Santa
୪. [Redacted] L.I. ଡଃ Phula Santa, w/o- Rameswar Santa
୫. ଭୃଗୁସୂତ୍ରୀ ସମିତି D/o- Lachaman Santa
୬. ସୁଦା ଭୃଗୁସୂତ୍ରୀ W/o- Suresh Santa
୭. [Redacted] L.I. ଡଃ Sanej Santa, w/o- Madhu Santa
୮. [Redacted] L.I. ଡଃ Metai Santa, w/o- Nari Santa
୯. Sankar Das D/o- Samanath Das (Baktiguda)
୧୦. [Redacted] L.I. ଡଃ Kamehu Das S/o- Dasanath Das (Lactiguda)
୧୧. [Redacted] L.I. ଡଃ Kajaram Das, S/o- Ramdhar Das (Lactiguda)
୧୨. ବିନୟ କୁମାର ଜାନି S/o- Ram Chandra Jani (Baktiguda)
୧୩. ସୁଧା କୁମାର ଜାନି S/o- Kusha Jani
୧୪. [Redacted] L.I. ଡଃ Ananath Jani, S/o- Sukru Jani
୧୫. ଦିନକର ସାହୁ S/o- Tirli Santa
୧୬. ଦାମୟାଣୀ ସାହୁ S/o- Dandu Santa

Santosh Kumar Behera
 A/c R.D. Chaturda
 Anu Lu L
 (DFO, 1024 PM PH)
 31/9/19

Devi Kameswar Patrao.
 (Aid. Dir, Kaptad)

Madali Mohit Lal
 Asst. Conservator of Forests
 Jajpur District, Orissa

Collector, Koraput

COLLECTORATE : KORAPUT
(REVENUE SECTION)

No. 2107 /XXVII-258/19

Date 18.09.2019

ORDER

The following diverted forest land is hereby handed over to the M/S SHARVANI ENERGY PVT. LTD. for construction of Dumajorhi Small Hydro Electric Project on River Kolab near village Dumajorhi under Kotpad Tahasil under the conditions as detailed below in pursuance to the letter No. 5-ORB009/2005-BHU dated 18.03.2005 and 6.12.2005 of Govt. of India, Ministry of Environment and Forest, Eastern Regional Office, Bhubaneswar, letter No. 10111 dated 28.03.2019 of Additional Secretary, Revenue & Disaster Management Department, Odisha, Bhubaneswar and letter No.7259 dated 31.08.2019 of Special Secretary to Government, Department of Energy, Odisha with following land schedule and terms & conditions.

LAND SCHEDULE

Name of the Tahasil	Mouza	Khata No.	Plot No.	Area in Ac.	Kissam
Kotpad	Dumajorhi	83. (Rakhit)	873/A	1.63	P. Jungle
			873/A	0.06	P. Jungle
			874/A	0.12	P. Jungle
			920/A	5.87	G. Jungle
			855/A	0.06	P. Jungle
			857/A	2.10	G. Jungle
			859/A	0.27	G. Jungle
			860/A	1.82	G. Jungle
			Total	11.93	

Terms & Conditions.

- Project proponent will abide all conditions of Govt.
- In case violation noticed, the said land will be reverted back to Govt.
- This order is subject to the outcome of order of Hon'ble National Green Tribunal, Kolkata vide NGT Case No.4/2018/EZ from time to time and Hon'ble High Court, Odisha, Cuttack in WP(C) (PIL) No.8209 /2017
- Periphery development shall be executed by the project authority as per law.
- Compensatory afforestation shall be done by the project proponent, M/S SHARVANI ENERGY PVT. LTD as per law.
- As per MoU signed with the State Govt., the Bank Guarantee No.2003/18 dated 27.11.2003 amounting to Rs.12.00 lakhs (Rupees twelve lakhs) only and the additional Bank Guarantee No.2006/9 dated 11.9.2006 amounting to Rs.3.00 lakhs (Rupees three lakhs) only / M.W furnished towards Security Deposit will be encashed by the Government if detailed project report is not submitted in proper form to the S.T.C. for appraisal within one year from the date of allotment. It will be converted to performance Bank Guarantee after receipt of the approved DPR from STC. The said bank Guarantee will remain valid till the commissioning of this project.

13/9/19
COLLECTOR & D.M., KORAPUT.

P.T.O.

Memo No. 2108 /

Date 18.09.2019

Copy to Project Proponent, M/S SHARVANI ENERGY PVT. LTD, #12-13-416, Street No.-1, Tamaka, Secunderabad, Hyderabad-500017, Telangana, India for information and necessary action.

hote
13/9/19
COLLECTOR & D.M., KORAPUT.

Memo No. 2109 /

Date 18.09.2019

Copy to the Sub-Collector, Jeypore / DFO, Jeypore for information and necessary action.

Copy to the Tahasildar, Kotpad / Kundra for information and necessary action.

hote
13/9/19
COLLECTOR & D.M., KORAPUT.

Memo No. 2110 /

Date 18.09.2019

Copy submitted to the Dy. Conservator of Forest (Central), Ministry of Environment and Forest, Eastern Regional Office, A/3, Chandrasekharpur, Odisha, Bhubaneswar for information and necessary action.

hote
13/9/19
COLLECTOR & D.M., KORAPUT.

Memo No. 2111 /

Date 18.09.2019

Copy submitted to the Principal Chief Conservator Forest, Bhubaneswar / Regional Chief Conservator Forest, Koraput Circle, Koraput for information and necessary action.

hote
13/9/19
COLLECTOR & D.M., KORAPUT.

Memo No. 2112 /

Date 18.09.2019

Copy submitted to the Revenue Divisional Commissioner (SD), Berhampur for favour of kind information.

hote
13/9/19
COLLECTOR & D.M., KORAPUT.

Memo No. 2113 /

Date 18.09.2019

Copy submitted to the Principal Secretary, Revenue & Disaster Management Department, Govt. of Odisha, Bhubaneswar / Principal Secretary, Energy Department, Govt. of Odisha, Bhubaneswar / Principal Secretary to Govt., Water Resources Department, Govt. of Odisha, Bhubaneswar / Director (Operation), OHPC Limited, Bhubaneswar for favour of kind information.

hote
13/9/19
COLLECTOR & D.M., KORAPUT.

W.P.(C) No. 14371 of 2019

137
29/5
H. C.-98]

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any) taken on Order.
2.	16.08.2019	<p>Heard learned counsel for the petitioner and the learned counsel appearing for Union of India.</p> <p>2. Since petitioner challenges the action of M/s Shrivani Energy Private Limited, learned counsel for the petitioner is directed to implead M/s Shrivani Energy Private Limited, Dumajodi, Kotpad, Koraput as an opposite party to this case in Court itself.</p> <p>3. Petitioner in this writ petition assails the establishment of small hydroelectric project of 15 MW by M/s Shrivani Energy Private Limited, a Company of Telengana State, in the guise of such establishment, the Company alleged to have destroyed the forest and removed the trees for construction of open channel instead of tunnel beyond the approved plan of the project.</p> <p>In course of hearing, learned counsel for the petitioner prayed for a direction to opposite party No.2-Director General of Forests, Ministry of Environment and Forest and Climate Change, New Delhi, for expeditious disposal of the representation dated 29.06.2019 as at Annexure-11, which is stated to be pending before him.</p> <p>5. In that view of the matter, without entering into merit of the case, the writ petition is</p>	

[O. H. C.-98]

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any) taken on Order
		<p>disposed of directing the opposite party No.2- Director General of Forests, Ministry of Environment and Forest and Climate Change, New Delhi to consider and dispose of the representation of the petitioner as at Annexure-11, which is self-explanatory and to take necessary action within a period of eight weeks from the date of production/receipt of certified copy of this order.</p> <p>6. With the aforesaid direction, the writ petition is disposed of.</p> <p>Urgent certified copy of the order on proper application.</p>	

IN THE HIGH COURT OF ORISSA, CUTTACK.

W.P (c) No. 14371 / 2019

Baristha Budhijibee Manch

Petitioner.

-Versus-

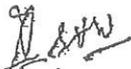
Union of India & Anr.

Opp. Parties

"CODE NO. 140100"

I N D E X.

Sl.No.	Description	Page.
1.	Writ Petition	01 to 14
2.	<u>Annexure-1</u> Copy of the notification of the government identifying the Gulumu as a tourist spot.	15 to 17
3.	<u>Annexure-2 series</u> Copy photographs of the tourists spots.	18
4.	<u>Annexure-3.</u> Copy of the communication of the Dy. Secretary to Govt. in the department of Water Resources ,	19 to 24
5.	<u>Annexure-4</u> Copy of the joint verification report dated 23.08.2016.	25 to 27
6.	<u>Annexure-5</u> Copy of the communication of the Secretary to R.D.C , Southern Division , Odisha dated 29.03.2017.	28 to 29
7.	<u>Annexure-6</u> Copy of the representation dated 14.03.2017 made by the Honorary Wild Warden, Jeypore addressed to the Revenue Divisional Commissioner.	30 to 31
8.	<u>Annexure-7</u> Copy of the communication of the Ministry of Environment dated 06.12.2005.	32 to 33


 1/1/19

~~9. Annexure-8~~

~~Copy of the show cause notice dated
08.03.2016.~~

~~34 to 35~~

10. Annexure-9 series

Copies of letter dated 28.04.2015 and
letter dated 29.03.2017 of the R.D.C.

~~36 to 39~~

11. Annexure-10

Copy of the letter of the D.F.O., Jeypore
dated 06.09.2014.

40 to 41

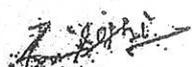
12. Annexure-11

Copy of the said representation to Opp.
No.2.

42 to 48

7. Vakalatnama.

Cuttack
Dtd. 14.08.2019


Advocate
For the Petitioner.

IN THE HIGH COURT OF ORISSA : CUTTACK

W.P. (C) No. ^{1459f} 14371/2019

Code No. 140100

IN THE MATTER OF:

An application under Article 226 & 227 of the Constitution of India, 1950.

AND

IN THE MATTER OF:

An application relating to Environment Protection --An application seeking a direction to the Director General of Forest Government of India, Ministry of Environment Forest & Climate Change to consider and dispose of the representation of the Petitioner.

AND

IN THE MATTER OF:

Baristha Budhijibee Manch, Jeypore, represented by its president Dasarathi Nanda aged about 77 years, S/o Late Gangadhar Nanda, At/P.O. Jeypore, Dist. Koraput.

.....Petitioner

-Versus-

1. Union of India, represented through the Secretary Ministry of Environment, Forest and Climate Change, Government of India, Central Secretariat, New Delhi.
2. The Director - General of Forest, Government of India Ministry of Environment Forest and Climate Change, Indira Pariyavaran Bhawan, Jor Bagh Road, Lodi Colony, New Delhi.

.....
16.3.19

3. M/s. Sravani Energy Pvt Ltd. represented by its Managing Director At- Dumajodi, Kotpad, Dist. Koraput

..... Opp. Parties

Presented in Court

B.O.
11-8-19

The matter out of which this Writ Application arises was never before this Hon'ble Court in any manner whatsoever;

To

The Hon'ble Sri K.S. Jhaveri, B.Sc. LL.B., the Chief Justice of Orissa High Court and His Lordship's Companion Justices of the said Hon'ble Court;

The humble Petition of the above named Petitioner;

MOST RESPECTFULLY SHEWETH:

1. That the petitioner finding no other alternative remedy equally speedy and efficacious, humbly invokes the extraordinary jurisdiction of this Hon'ble Court seeking a direction to the Opp. Party No.2 to consider and dispose of the representation of the Petitioner within a stipulated time period.
2. That the case of the Petitioner in brief is that Kolab River situated in the district of Koraput in the state of Odisha is flowing in deep green forest through the Gulumi water fall which is a gift of nature. The main attraction is the water fall which is of 60 feet height (18 Mtrs) through which the perennial water of the river is flowing. The said Gulumi water fall is situated near village Dumajodi of Kotpad Block in Koraput District. It is an eco tourism spot inside the rich green forest. The Gulumi is naturally designed for adventure and for picnic entertainment where thousands of tourists are coming from other States like M.P., Andhra Pradesh, Chhattisgarh and Odisha as well and enjoying the Gulumi Water Fall, the

beauty of nature. Out of different tourists spots in the district of Koraput, the Govt. of Odisha has identified Gulumu as one of the tourist centre in Koraput District. For development of the said tourist spot and to attract more numbers of tourists, the Govt. of Odisha has sanctioned huge amount for its beautification, improvement of the surroundings etc. Copy of the notification of the government identifying the Gulumu as a tourist spot is annexed herewith as Annexure:1 to the writ petition, and some photographs of the said tourists spots are also annexed herewith as Annexure:2 series.

3. That one Shrivani Energy Pvt. Ltd of Telengana State applied to the Government of Odisha for establishment of its own small hydroelectric project of 15 MW utilizing the quantum of water of Kolab river whose fall height is 60'. It was approved by the Government provisionally in the year 2002 and subsequently in the year 2006 (MoUs are made for production of 15 MW power). Though the project was approved in the year 2006, the work started only from the year 2014 (After expiry of the implementation agreement which was lapsed in the year 2012). Without getting the lease of the forest land, for the purpose of the project, the company has destroyed the forest and removed the trees and illegally started constructing open channel instead of a tunnel beyond the approved plan of the project. It will destroy much more land and forest and affect the Gulumu Water Fall and deteriorate its natural

beauty. It will also affect the quantum of water fall over the fall.

4. That looking to the situation and construction of the project, the President of the Baristha Budhijibee Manch who is a retired Engineer in Chief, Water Resource Department, approached the Hon'ble Chief Minister, Odisha regarding the alarming situation of the tourist spot, bringing it to the notice that if the project will continue, the Gulumi water fall will loss its glamour and the said place shall be erased from the tourist map of Odisha.
5. That on the basis of the representation, the department of Water Resource was intimated to take appropriate action in the matter. Accordingly, the Dy. Secretary to Govt. in the department of Water Resources, informed the Collector and District Magistrate, Koraput to conduct an enquiry into the matter and to submit a report, but till date, no such report was submitted by the opposite party no.1, i.e the Collector and District Magistrate, Koraput in spite of the reminders. A copy of the communication of the Dy. Secretary to Govt. in the department of Water Resources is annexed herewith as Annexure:3.
6. That a joint enquiry was conducted on 11.08.2016 as per the direction of the Collector, Koraput by the Sub-Collector, Jeypore, Divisional Forest Officer, Jeypore and Tahsildar, Koraput with regard to the allegations on gross violation of the Forest

Conservation Act, 1980 and illegal construction activities done by Shravani Energy Pvt. Ltd. It is revealed from the joint enquiry report that without taking possession of the diverted land from the forest department and without sanction of lease of the forest land, the company has started construction activities and removed the trees and forest growth from the proposed area, which is in clear violation of lease principles, as well as Forest Conservation Act, 1980. A copy of the joint verification report was sent by the Sub-Collector duly signed by the D.F.O., Jeypore to the Collector, Koraput on dated 23.08.2016 for necessary action at its end. A copy of the joint verification report dated 23.08.2016 is annexed herewith as Annexure-4.

7. That the Secretary to R.D.C., in its communication dated 29.03.2017 informed the Collector, Koraput to instruct the Tahasildar Kotpad and other agencies to act diligently and submit action taken report within a period of 15 days. A copy of the communication of the Secretary to R.D.C., Southern Division, Odisha dated 29.03.2017 is annexed herewith as Annexure 5.

8. That one of the members of the petitioner- organization also brought it to the notice of the Revenue Divisional Commissioner, Southern Division regarding the illegal plan of the company in raising the weir of the project over the river Kolab. It is submitted that forest department has given clearance to the Project on the basis of the information given by the project proponent that water will be raised only up to 4 meters of the

solid weir to be constructed on the upstream of the fall. By this, water will be contained within the bank. But in reality water level will rise 7 meters more which is the height of the gate. This will seriously affect the nearby forest and revenue land in the big reservoir of 11 meter height (inclusive of the gate height). The forest department has approved 4.772 hectares for the total need of the project which has a provision of tunnel for which no land and forest clearance is necessary. From the joint verification report it is revealed that the company has illegally constructed an open channel instead of tunnel which will lead to loss of vast forest land beyond the approved quantity of land, i.e, 4.772 Hectres.

A copy of the representation dated 14.03.2017 made by the Honorary Wild Warden, Jeypore addressed to the Revenue Divisional Commissioner requesting to take steps to save the forest is annexed herewith as Annexure: 6.

9. That for setting up of the project on the basis of the proposal given by the State Government, the Central Government in its communication dated 6th December, 2005 conveyed its approval as per the provisions of the Forest (Conservation) Act, 1980 for diversion of 4.772 Hc. Of village forest land for setting up Dumajodi small hydro electric project on river Kolab near village Dumajodi under Kotpad Tahasil under the Jeypore forest division subject to compliance of different conditions as mentioned in the communication of the Ministry of Environment, Govt. of India

' dated 06.12.2005. The said communication dated 06.12.2005 is quoted herein below:

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

ii) Compensation aforestation shall be raised and maintained on 5.20 ha of non-forest private land and mutated in favour of State Forest Department and handed over to Forest Department at the project cost and the non-forest private land shall be declared as PF / RF. The Nodal Officer will submit a report regarding the above issue within 6 months.

iii) The Catchment Treatment Plan should be implemented at the project cost. The User Agency will deposit the funds for the CAT Plan with State Forest Department, after approval of CAT Plan by State Forest Department. A copy of the CAT Plan shall be furnished to the Regional Office within 90 days.

iv) The funds received from the User Agency towards compensatory aforestation, NPV and the funds to be received for CAT Plan shall be kept in fixed deposit in the name of the concerned Divisional Forest Officer or the Nodal Officer (Forest Conservation) of the State or head of account intimated by the State Government. In this respect letter issued vide Regional Office vide no.7(27) 2004-FCE dated 2.12.2005 shall be strictly adhered to

Dr. Debit

- v) RCC pillars of 4 feet height shall be erected to demarcate the area by the user agency at the project cost and will be marked with forward and back bearing.
- vi) The user agency while executing, works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner. They shall also not borrow soil or any other material nor shall dump any debris / excavated material in the adjacent forest land.
- vii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- viii) The user agency will neither borrow any material from adjoining forest land nor dump any construction or other material there.
- ix) No labour camps shall be established on the forest land.
- x) Sufficient alternative fuel like coal, kerosene, cooking gas shall be provided by the user agency to the labourers at the project cost.
- xi) The user agency shall ensure that there should be no damage to the available wild life or to the flora in the neighbouring forest labourers / workmen engaged by the project authorities or contractors working under them.
- xii) The forest land shall not be used for any purpose other than the specified in the proposal.

xiii) Any other conditions that the Central Government may impose from time to time in the interest of a forestation, conservation and management of flora and fauna in the area shall be complied by the user agency.

xiv) In case of non-compliance of any of the above conditions, the concerned Divisional Forest Officer shall report through the State Govt. to this office as per procedure laid down in the clause 1.5 of guidelines issued under Forest (Conservation) Act, 1980 on 25.10.1992.

One of such condition as mentioned above that the user agency while executing the work shall not fell any tree or damage forest growth in surrounding forest area in any manner. No additional or new path shall be constructed inside the forest area for transport of construction materials for execution of the project.

It was also indicated that in case of non-compliance of any of the conditions as mentioned in the communication dated 6th December, 2005, the concerned Divisional Forest Officer shall report through the State Govt. to the Govt. of India as per the procedures and guidelines issued under the Forest Conservation Act, 1980. A copy of the communication of the Ministry of environment dated 06.12.2005 is annexed herewith as Annexure:7.

10. That in course of execution of the work, in the year 2016, it was found that the user agency Ms. Sravani Energy

Pvt. Ltd has not followed the guidelines as per the communication of the Govt. of India dated 6th December, 2005. Accordingly, after due verification by the forest authorities, the Assistant Conservator of Forest, in-charge of Kundra Range, issued show cause notice U/s.27 of the Orissa Forest Act, as well as the serious allegations, irregularities on violation of the Forest Conservation Act, 1980. Copy of the show cause notice dated 08.03.2016 is annexed herewith as Annexure:8.

11. That due to violation of the Forest Conservation Act and damage cause to the forest land, removal, illegal cutting of trees & fallings, Grama Sabha was held in the village, wherein it was alleged that the company has not only damaged the forest land, but also the agricultural lands of the villagers. The report of the Grama Sabha which has been collected by the petitioner through R.T.I Act is from the Office of R.D.C., Southern Division, Berhampur which indicates that the company has submitted its fault and has begged apology.
12. That the Revenue Divisional Commissioner, Berhampur in his letter No.777 dt.28.4.15 and letter No.377 dt.29.3.17 addressed to Collector, Koraput describes the various irregularities committed by the project proponent in relation to forest clearance, land acquisition, forgery of the present Managing Director N. Prasant Rao, forest devastation, failure of the Tanasildar, Kotpad, the Sub-Collector, Jeypore to tackle the problem which resulted in chaotic outcome. But the

Collector and Sub-Collector are silent over the matter till date. Copies of letter dated 28.04.2015 and letter dated 29.03.2017 of the R.D.O. is annexed herewith as Annexure:9 Series.

13. That another illegal act was done by Mr. N. Prasant Rao, is getting the forgery signatures of high rank forest officials, fabrication of office records, misrepresentation in the forest department, which is confirmed by the DFO, Jeypore Division in his letter to Additional Principal Chief Conservator of Forest (Nodal), Bhubaneswar, vide letter No.6079 / 210 dated 6.9.2014. It is surprise to see the lacuna in taking action against the person / company till now. The DFO, Jeypore has failed in taking legal action for forgery of DFO's signature and fabricating the records. The irregularities in the matter of forest, violation of conservation acts, illegal tree felling, illegal construction of roads in forest land made by the project proponent have been admitted by the DFO, Jeypore in the joint enquiry report. Nevertheless he failed in taking deemed legal actions to deter the arbitrary acts of project proponent for devastating the forest wealth. Copy of the letter of the D.F.O., Jeypore dated 06.09.2014 is annexed herewith as Annexure:10

During the sanctioning of the stage 2 clearance of the forest land the then DFO of Jeypore Forest division strictly mentioned in his inspection report as the tunnel will pass through a depth of 30'-60' there is no need to fell a single tree of the mountain proposed site].

14. That several representations were submitted before the Principal Secretary, Forest and Environment Department, Odisha, Additional P.C.C. of Forest, Govt. of India, Eastern Regional Office, Odisha and to the Collector, for taking immediate action to stop the illegal work of Shrivani Energy Pvt. Ltd regarding violation of Forest Conservation Act during the diversion of proposal, illegal and unauthorized construction, cutting of trees and forest growth and construction of open channel water. Will cause vast devastation of forest wealth.

15. That none of such representations are considered by the concerned authorities. Being so helpless, the Petitioner submitted a detailed representation to Opp. Party No.2 seeking his intervention. The copy of the said representation is annexed hereto as Annexure-11.

16. That it is humbly submitted here that the aforesaid authority has not taken any step on the representation of the petitioner. On the other hand due to callous attitude of the Govt. authorities, forest, environment, ecology of Kotpad area is going to be devastated.

17. That the petitioner organisation is voluntary organisation which is working for environment protection, wild life protection and forest conservation. The said organisation is being represented by its president. Who is citizen of India, resides within the territorial jurisdiction of this Hon'ble Court. Cause of action for filing this writ petition also arises within the said territorial jurisdiction.

Parties are amenable to the writ jurisdiction of this Hon'ble Court.

18. That this petition is bonafide.

PRAYER

Therefore it is humbly prayed that this Hon'ble Court may graciously be pleased to

- i. Admit this writ petition;
- ii. Issue notice to the Opp. Parties & call for relevant records;
- iii. Pass appropriate order/orders, direction/directions directing the Opp. Party No.2 to consider and dispose of the representation of the Petitioner under Annexure-11 and to cancel the stage-II forest clearance issued for the proposed project as per the representation.

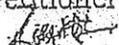
And to pass any such other order/orders, direction/directions as this Hon'ble Court deems just and proper;

And to do the act of which kindness the petitioner shall pray for ever

Cuttack

Date: 14-08-2019

By the Petitioner through


Advocate

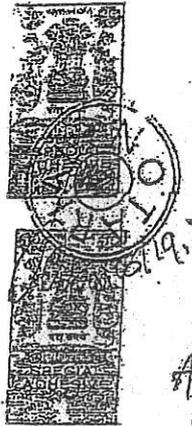
- 14 -

AFFIDAVIT

I, Dasarathi Nanda aged about 77 years, ~~S/O Late Gangadhar Nanda, At/P.O. Jayopre, Dist. Kendrapada~~ do hereby ~~solemnly~~ affirm state as follows :

1 I am the president of the petitioner, Baristha Budhijibee Manch, Jeypore and competent to wear this affidavit in the representative capacity.

2 That the averments stated in this writ petition are true to the best of my knowledge and belief.



Identified by
Ajoy Kumar Rout, Advocate
Cuttack A.C. 14/08/19

Date: 14-08-2019

(Dasarathi Nanda)
Deponent

Due to non-availability of cartridge papers thick white papers are used.

The deponent being identified by
Ajoy Kumar Rout Adv. / Clerk
Swear on oath & Solemnly affirms
before me on 14/08/19
that the facts stated are true to
his / her knowledge.

[Signature]
Advocate

[Signature] 14/08/19
Notary for Cuttack Town
GOVT. OF ODISHA

ବରିଷ୍ଠ ବୁଦ୍ଧିଜୀବୀ ମଞ୍ଚ, ଜୟପୁର, ଜିଲ୍ଲା - କୋରାପୁଟ

BARISTHA BUDHIJIBEE MANCH, JEYPORE, Dist. KORAPUT

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Invited Honorary Member

Sri Naba Krishna Rathi

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MOST URGENT
BEFORE YOUR GRIEVANCE CELL

From,

Er. Dasarathi Nanda

Retd. E.I.C.W.R. Dept., Govt. of Odisha,
President, Baristha Budhijibee Mancha
At/Po-Jeyapore, Dist-Koraput.

To,

The Director General of Forests, Central
MOEF & Climate Change Govt. of India
Indira Pariyavaran Bhawan, New Delhi.

Sub:- Regarding the support of the DFO & ACFO of Jeyapore Forest Division against the serious irregularities, fraud, fake and gross violations of Forest (Conservation) Act, 1980 loss of State Ex-Chequer and Forest and Its Environment by M/s. Shrivani Energy Pvt.Ltd. 15MW SHEP at Dumajodi under Kotpad Tahasil of Koraput District.

KIND ATTENTION:- Pray for revocation of Stage-I & II Forest clearance as you and your office empowered under the Notification vide No.SQ-1186(E), Dtd-01-10-2003 of D:G(Para 1.9 of Guidelines of to F.C.Act,1980).

Respected Sir,

With profound regret, we beg to bring to your kind notice about the unwitting illegal support of the Jeyapore Forest Division the DFO & the ACF, as we are astonished to find that both the joint enquiry report done by the Jeyapore Forest Division by the DFO & ACFO are contradictory and hence ridiculous. The first enquiry report and other related correspondences held the project proponent responsible for all violations and mischievous activities. The second contradictory report absolves the project proponent from all misdeeds with a clean cheat. It clearly reveals that as the DFO cannot contradict his earlier statement made during his first enquiry report, the second time enquiry was made by the ACFO.

Thus it clearly establishes that the present DFO & the ACFO seems to be hand in glove with the project proponent to free him from the clutches of Law by concealing his crimes. Instead of criminal proceedings along with revocation of Stage-I & II clearance. Now we brief Sir,

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Asstt. Secy

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Sri Naba Krishna Rathi

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When the reports of the National Green Tribunal and Hon'ble High Court are awaited and no enquiry report of investigation by the Adm. PCCF is given to us & other retinees, a hasty enquiry report of the ACFO of Jeypore Forest Division and along with the Sub-Collector Jeypore seems to be veritably intentional, i.e., to conceal the crimes, criminals and corruption of Departmental officers including the Forest Officers and DFO because of non-furnishing of reality & truth. In the 2nd enquiry report N. Prasant Rao, who was the prime accused is given a clean chit by the enquiring officers during our absence. In our opinion it is nothing but sophistry.

1. As regards the joint enquiry report which was conducted by the ACF & Sub-Collector, Jeypore on 29th December, 2018 and 12th January, 2019 is prepared with vested interest at the behest of the Project Proponent, which adverse, far from the truth to the earlier joint report which was conducted by the Sub-Collector and D.F.O., Jeypore on 11.08.2016, on the similar allegations on gross violation to Forest Conservation Act deforestation, removal of trees etc. is enclosed herewith under ANNEXURE-I. All the allegations which are made by us were admitted in the earlier enquiry. In the second enquiry the concerned officers the Sub-Collector & the A.C.F. of Jeypore Forest Division needed the accompaniment of the Project Proponent, being the complainants we are deprived nor also intimidated is unfortunate also unfair and unjust.

The previous report contradicts the later enquiry report that absolves the culprit from all miss deeds with a clear cheat to produce the same before the NGT as well as Hon'ble High Court of Odisha, it is also clearly reveals as the DFO can not contradict to his earlier statement and correspondences, hence the second enquiry was made by the ACF, who is a subordinate officer to DFO. Over and all it clearly establishes that the present enquiry officers are hand in glove with the Project Proponent to free the Project Proponent from the clutches of law by concealing.

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his irregularities and crimes for their vested interest.

As regards Stage-I & II Forest Clearance

2. It is a fact that the Project Proponent has obtained Stage-I & II clearance in the year 2005 from the MoEF under certain conditions vide their Letter No.5/ORB009/2005 BBSR, dt.06.12.2005 as ANNEXURE-II. The said diversion proposal is obtained on fraud, manipulation and misrepresentation of facts also as all the time violations are made to the conditions for which correspondences, enquiries are pending. In this connection the MoEF has issued number of letters including reminders the last was on 19th Feb, 2018 addressed to the Addl. Chief Secretary, Forest Department for initiation of legal action in the matter (letter enclosed) is enclosed under ANNEXURE-III.

As regards to the Gram Sabha of 2014 the Project Proponent agreed to the violations, illegal tree fellings which are also removed by using machine also illegally buried in the river bed for which the Project Proponent begged apology is placed under Annexure-IV. This also reveals much earlier in the report of Sri Bibhu Prasad Mohanty, Ex-ACFO in his letter Dated.28.02.2013 to DFO, Jeypore about the irregularities, illegal alignment and removal of trees are intentionally suppressed.

3. Since the project has already obtained Stage-I & II clearance by the Forest Department so question of lease from Revenue Department is not applicable. Here what made the your Tahasildar, Sub-Collector, including the Collector to process a lease proposal under Kotpad Tahasil vide Lease Case No.10/2014. Is they all are ignorant about the law of the land? In this connection Special Secretary to the Forest Department. In reply to Principal Secretary to Revenue Department in his Letter No.14705, Dated.05.07.2018 has admitted and ascertained from the different reports, the

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activities of the Project Proponent which also amounts violation of Forest Conservation Act, 1980. Letter enclosed under Annexure-IV.

Regarding illegal weir, sub-mergences, excess land use

In the proposed diverted land in principle nearby there is no villages rather Revenue Hamlets. The total 4 villages population might be less than 1500 of total populations, as well as they are not affected, because they are staying in the downstream of the weir. As the weir height is being raised illegally submergences cannot be ignored. The Weir height is approved by the MoEF as per the proposal under Stage-I & II and the Forest Department also proposed for 4 Meters.

Further, raising of the weir height loss of Forest wealth, land and impact on the environment cannot be ignored, instead of a Tunnel excavation of a open channel more land involvement on calculation seems not less than 24 Ac. Whereas, the Project Proponent obtained 4.772 Ha. of Forest land by way of Forest Clearance for the entire project. The said land is also divided as below.

Approach channel to Tunnel	- 0.492 Hec.
Open Channel & Penstock	- 1.020 Hec.
P.H. and Talrace Channel	- 0.520 Hec.
Switch yard & Transmission line	- 2.155 Hec.
Road	- 0.516 Hec.
Total...	4.772 Hec.

The Project Proponent has obtained 4.772 Ha. of Forest land in total in which the open channel is only 0.492 Ha. and to be added open channel and penstock totaling 0.794 Ha. (2 Acres) But the Project Proponent has done a open channel in a separate unapproved alignment amounting roughly 24 Acres. Hence the land use is excess than the approved land i.e. 0.794 Ha as regards the open channel is concern.

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The submergence is takes up to solid weir i.e. 4 Meters from the bed level of the river. But it is a gated weir of 7 Meter (total 11 Mtr.) height gate. In all the gated weirs or spillways of dam the water rises to the top of the gate (i.e. water in level MWL). Hence, here submergence will not 4 Mtrs but 11 Mtrs which is not considered during Stage-I & II clearance. This also requires a new survey along with enquiry with us.

The weir was approved only for 4 Meters by the MoEF during Stage-I, & II clearance. Raising of the weir height from 4 meters plus 7 Meters along with gated system will raise water to the top of gate. Thus there will be more submergence. For which it is clear violation of MoEF, loss of Forest & Revenue land and environmental impact including submergence cannot be ignored. When the ACF given a gist about the approval of design & drawing he should have mentioned about the gate system which the State and Forest Department have ignored, being a responsible field officer, he omitted intentionally. More over the need of extra land because of new alignment and about the illegal excavation purposefully not mentioned is unfortunate.

5. Stating on GULMI is not a Tourist spot and there is no water fall is false. It is complete lie. It was duly notified in the Gazettees of Odisha. The GULMI Water Fall is passing through the lime stones. Lime stones are permeable and the water seeps through these lime stones. The GULMI Water Fall only can be visible from the month of June to November many more such type water falls are available in Odisha, which are recognized by the Tourist Department. Here tactfully the Project Propogent mentioned in his DPR that the place not a cultural, religious importance also amounts misrepresentation of fact. Because of GULMI WATER FALL, the District Administration along with Tourist Department have displayed "WAY TO GULMI WATER FALL" in all important road points of State High Ways and National Highways. The photo & Gazetteed Publication are enclosed here under ANNEXURE-V.

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Hence we strongly condemn to those who gave their false stand and advocating that GULMI is not a water fall. Because of raising the weir height, when the waters will be diverted the fall & the place will vanish forever and without water, the GULMI WATER FALL will only be a stone bulk.

6. The violation points which are raised by us including in the earlier reports are intentionally suppressed, facts are not reflected. Unnecessary matters such as Motorcycle, Temple, Ambulance, Supply of Water, Exchange of land etc. which are placed in the joint report are no way related to our allegations.

7. As regards to NPV, exchange of land of the Stage-I & II in connection to Forest Clearance are mandatory of MoEF.

8. Whereas the ACF is able to furnish from the records, the old letter No. and facts, similarly he should have mentioned, the letters of ACF-cum-Range Officer, Kundura Range about the devastation of Forest including a proposal for revocation of Forest land, about the fraud signatures of Sri S.K. Acharya, IFS, complaints of Sri R.K. Padhi, ACF about his signature and fake transmission line, illegal alignment along with removal of trees report along with diagram by another ACF Sri Bibhu Prasad Mohanty, Foresters letter to DFO about illegal road over Forest land are intentionally with a vested interest the enquiry officer the ACFO being the Forest Department responsible field officer kept in dark having a illegal connivance along with the Project Proponent cannot be ignored.

9. How the ACF ignored remained silent about the proposal of a Tunnel in which Sri S.K. Acharya has cleared mentioned in his field enquiry report, not a single tree need to fell because of Tunnel. Here because of Channel, instead of the Tunnel, against to MoEF approval, wide range of trees fellings, and land use are suppressed it seems and establishes the illegal connivance with the User Agency.

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10. As regards fraud and manipulations when reported by the DFO, Jeypore under Memo No.6075, Dtd.06.09.2014 to the Addl. PCCF (Nodal) how this ACF unable to notice, failed to place in his enquiry report which also amounts the vested interest of the enquiring officer- ACF.
11. The Principal Department is the energy and the EIC-cum-P.C.C.I. is the nodal officer, because it is a Hydro Project. The Energy Department has given a instruction to the EIC-cum-Nodal Officer vide Letter No.10624, Dated.26.12.2018 for conduct of joint enquiry along with the complainants i.e. with us, which is pending till now. The letter is enclosed annexed under ANNEXURE-VI.

Hence, on the above stated facts of evidences a direction may kindly be given at your end to the MOEF Eastern Region, Bhubaneswar subsequently the Forest Department for revocation of Forest clearance proposal along with deemed legal actions against the Project, as per the instruction and guideline of MOEF in the greater interest of State. We hope you will do the needful action as deemed fit, at the earliest in the greater interest of Justice.

With regards Sir,

Yours faithfully

Er. Dasarathi Nanda
President

Along with Enclosures:-
Date:-29-06-2019

True COPY
[Handwritten signature]

No.FC-11/131/2019-FC
Government of India
Ministry of Environment, Forests and Climate Change

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi - 1100 03.

Dated: 21st October, 2020

ORDER

Sub: Serious irregularities and gross violations of Forest (Conservation) Act, 1980 (FCA 1980) etc. by M/s. Shrivani Energy Pvt, Ltd. 15 MW Small Hydro Electricity Project (SHEP) at Dumajhori under Kotpad Tahasil of Koraput District-regarding.

Whereas Hon'ble High Court of Odisha at Cuttack vide order dated 16.08.2019 in WP(C) No. 14371 of 2019 disposed off the representation dated 29.06.2019 made by Shri Dasarathi Nanda, President, Baristha Budhijibee Manch, Jeypore, Dist. Koraput raising serious irregularities and gross violations of Forest (Conservation) Act, 1980 etc. by M/s. Shrivani Energy Pvt, Ltd. 15 MW Small Hydro Electricity Project (SHEP) at Dumajhori under Kotpad Tahasil of Koraput District with the direction to the undersigned to consider and dispose of the representation.

- i. I have gone through the representation which was considered by the Hon'ble High Court of Odisha. Following facts are highlighted in the said petition:
- ii. Involvement of local forest staff in encouraging commission of illegal act
- iii. Violation of FCA 1980
- iv. Illegal removal of trees
- v. Change in land use
- vi. Fraud, manipulation and misrepresentation of facts while taking permission under FCA 1980
- vii. Change in project design by raising weir height. It will result in more submergence of forest area.


21/10

2. Project detail:

The project is known by name Dumajhori Small Hydro Electric Project on Kolab River in Kotpad Tahasil of Koraput District. It is owned by M/s Sharvani Energy Pvt Ltd. An area of 4.772 ha of forest land has been approved for non forestry use under the provisions of Forest (Conservation) Act 1980 by Regional Office (RO), Bhubaneswar on 06.12.2005 with certain conditions and land use.

3. In order to understand the facts related to the proposal and take decision as per the direction of Hon'ble Court a meeting was convened on 23rd Oct., 2019 and 11 Nov., 2019. The officials from MoEF&CC and RO Bhubaneswar attended the meeting. State representative could not attend the meeting and in order to ascertain present ground position it was decided that Inspector General of Forest(IGF), MoEF&CC and Dy. Inspector General (DIG) (Central) of Regional Office will personally visit the site to carry out site inspection and submit the report to the undersigned.
4. Site inspection was carried by IGF (Inspector General of Forest), MoEF&CC along with DIG (Deputy Inspector General of Forest), RO Bhubaneswar on 10-12 January 2020.
5. From the perusal of Site Inspection Report (SIR), it was decided, as an interim measure, to suspend the Stage-II approval issued under the Forest (Conservation) Act, 1980 . It was also decided to seek explanation for such actions from the user agency/State Government. The decision of suspension of Stage II approval was conveyed to Govt. of Odisha on 30.04.2020.
6. The State Government submitted clarification on the issue on 12.8.2020 and confirmed that at present the work has been stopped.
7. From the perusal of facts placed before me through SIR and by clarifications submitted by the State Government, I have arrived at the following conclusion:-

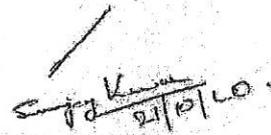
Decision

As per the report of State Government and observations in the Site Inspection Report it is clear that there is violation of conditions of forest clearance granted to the project. It is now clear that the user agency has modified the approved land use and carried out felling of trees over diverted forest land without approval of the competent authority. This act on part of user agency amounts to violation of conditions imposed in the approval granted under the provisions of FCA 1980. In this case the action is required to be taken as per the provisions laid in FCA guideline Para 1.21(iii). The user agency shall pay penal NPV (Net Present Value) for the area equal to twice the forest area over which the approved land use has been varied. In order to compensate ecological loss due to illegal felling of trees the user agency shall carry out Additional CA (Compensatory Afforestation) over non forest area equal to the area over which tree felling has taken place. The Additional CA area (to be acquired by the user agency) shall be transferred and mutated in the name of forest department and notified as RF/PF under the relevant Forest Act. It shall be ensured that the selected Additional CA area is in continuity of a notified forest area. The

9/21/10

State Government shall ascertain the fulfillment of the penalty and report the matter to the Integrated Regional Office (IRO), Bhubaneswar. Till then the work over the diverted forest land shall remain suspended. The IRO shall place the matter before REC and the REC after examination of the matter, may allow the change in land use or may decide as deemed appropriate. The State Government and the IRO, Bhubaneswar shall complete the whole exercise within three-month time from the date of issue of this order.

The suspension of work over diverted forest area shall be revoked by IRO, Bhubaneswar only after complete compliance of above stated direction.


(Sanjay Kumar)
Director General of Forests & Special Secretary

To

1. Addl. Chief Secretary (Forests), Government of Odisha, Bhubaneswar.
2. PCCF (HoFF), Government of Odisha, Bhubaneswar.
3. Nodal Officer (FCA), O/o PCCF(HoFF), Government of Odisha, Bhubaneswar.
4. The Deputy Director General (Central), Integrated Regional Office of MoEF&CC, Bhubaneswar.
5. Shri Dasarathi Nanda, President, Baristha Budhijibee Manch, Jeypore, Dist. Koraput.
6. M/s. Shravani Energy Pvt, Ltd. (User agency).
7. (Monitoring Cell of FC Division, MoEF&CC, New Delhi - with a request to issue through e-mail to all concerned
8. Guard File.

24-12-2020

AGENCY COPY

NEFT / RTGS CHALLAN for Ad-HOC CAMPA

Date : 24-12-2020

Agency Name.	SHARVANI ENERGY PVT LTD
Application No.	5615980932
MoEF/SG File No.	5-ORB009/2005-BHU
Location.	ORRISA
Address.	DUMAJORHI VILLAGE Koraput
Amount(in Rs)	240384/-

Amount in Words :Two Lakh Forty Thousand Three Hundred and Eighty-Four Rupees Only

NEFT/RTGS to be made as per following details;

Beneficiary Name:	ORRISA CAMPA
IFSC Code:	CORP0000371
Pay to Account No.	150825615980932 Valid only for this challan amount.
Bank Name & Address:	Corporation Bank Lodhi Complex Branch, Block 11,CGO Complex, Phase I, Lodhi Road, New Delhi -110003

- This Challan is strictly to be used for making payment to CAMPA by NEFT/RTGS only.

BANK COPY

NEFT / RTGS CHALLAN for Ad-HOC CAMPA

Date : 24-12-2020

Agency Name.	SHARVANI ENERGY PVT LTD
Application No.	5615980932
MoEF/SG File No.	5-ORB009/2005-BHU
Location.	ORRISA
Address:	DUMAJORHI VILLAGE Koraput
Amount(in Rs)	240384/-

Amount in Words :Two Lakh Forty Thousand Three Hundred and Eighty-Four Rupees Only

NEFT/RTGS to be made as per following details;

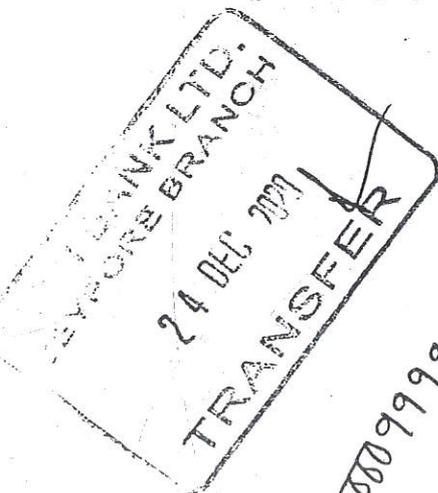
Beneficiary Name:	ORRISA CAMPA
IFSC Code:	CORP0000371
Pay to Account No.	150825615980932 Valid only for this challan amount.
Bank Name & Address:	Corporation Bank Lodhi Complex Branch, Block 11,CGO Complex, Phase I, Lodhi Road, New Delhi -110003

- This Challan is strictly to be used for making payment to CAMPA by NEFT/RTGS only

After making successful payment, User Agencies may send a line of confirmation through
Email: helpdeskampa@corpbank.co.in

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11-1-2021

AGENCY COPY	
NEFT / RTGS CHALLAN for Ad-HOC CAMPA	
Date : 11-01-2021	
Agency Name.	SHARVANI ENERGY PVT LTD
Application No.	5615980375
MoEF/SG File No.	5-ORB009/2005-BHU
Location.	ORRISA
Address.	DUMAJORHI VILLAGE Koraput
Amount(in Rs)	587600/-
Amount In Words :Five Lakh Eighty-Seven Thousand Six Hundred Rupees Only	
NEFT/RTGS to be made as per following details;	
Beneficiary Name:	ORRISA CAMPA
IFSC Code:	CORP0000371
Pay to Account No.	150825615980375 Valid only for this challan amount.
Bank Name & Address:	Corporation Bank Lodhi Complex Branch, Block 11,CGO Complex, Phase I, Lodhi Road, New Delhi -110003
• This Challan is strictly to be used for making payment to CAMPA by NEFT/RTGS only	

BANK COPY	
NEFT / RTGS CHALLAN for Ad-HOC CAMPA	
Date : 11-01-2021	
Agency Name.	SHARVANI ENERGY PVT LTD
Application No.	5615980375
MoEF/SG File No.	5-ORB009/2005-BHU
Location.	ORRISA
Address:	DUMAJORHI VILLAGE Koraput
Amount(in Rs)	587600/-
Amount In Words :Five Lakh Eighty-Seven Thousand Six Hundred Rupees Only	
NEFT/RTGS to be made as per following details;	
Beneficiary Name:	ORRISA CAMPA
IFSC Code:	CORP0000371
Pay to Account No.	150825615980375 Valid only for this challan amount.
Bank Name & Address:	Corporation Bank Lodhi Complex Branch, Block 11,CGO Complex, Phase I, Lodhi Road, New Delhi -110003
• This Challan is strictly to be used for making payment to CAMPA by NEFT/RTGS only	

After making successful payment, User Agencies may send a line of confirmation through
Email: helpdeskampa@corpbank.co.in

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12 F

OFFICE OF THE
PRINCIPAL CHIEF CONSERVATOR OF FORESTS, ODISHA
ARANYA BHAWAN, CHANDRASEKHARPUR, BHUBANESWAR - 33

No. 2588 /9F(ET)-24/2004
Dated, Bhubaneswar, the 04th February, 2021

To

The Additional Chief Secretary to Government,
F & E Department, Govt. of Odisha, Bhubaneswar

Sub:- **Serious irregularities & Gross violations of Forest (Conservation) Act 1980 etc by M/s Shravani Energy Pvt Ltd - 15MW Small Hydro Electricity Project (SHEP) at Dumajodi under Kotpad Tahsil of Koraput District- as per order of Hon'ble High Court, Odisha- Regarding.**

Ref: Letter No :- F No .FC-11/131/2019-FC dtd 21.10.2020 of MoEF, Govt of India & No 10F(Cons) 126/2020-19555/F&E dtd 03.12.2020 from Special Secretary to Govt in F&E Deptt.

Madam,

In inviting a reference to the letter from MoEF, Govt of India & Letter from Special Secretary to Govt in F&E Deptt cited above on the captioned subject, this is to inform that MoEF in Govt of India, vide their Order dtd 21.10.2020 has imposed additional 04 conditions for violation of conditions of forest clearance granted in favour of M/s Shravani Energy Private Ltd for their 15 MW Small Hydro Electricity Project (SHEP) at Dumajodi under Kotpad Tahsil with request to State Government for compliance to the additional conditions (penalty) imposed by them to IRO, MoEF& CC, Govt of India.

RCCF, Koraput vide his Memo No 99 dtd 12.01.2021 (**Copy enclosed**) has submitted the point-wise compliance to the conditions/penalties imposed by Govt of India MoEF & CC, New Delhi vide their order dtd 21.10.2020 as detailed below.

Point No -1:- The User Agency shall pay penal NPV (Net Present Value) of the area equal to twice the forest area over which the approval land use has been varied.

Compliance:-RCCF, Koraput has reported that DFO Jeypore, assessing the extent of Forest land over which the User Agency has violated the provision of FC act 1980 to be 0.192 ha, has raised demand of Rs 2,40,384.00 as penal NPV vide his Letter No 5753 dtd 28.10.2020, which has been appended as **Annexure-1** and the User Agency has deposited the amount of Rs 2,40,384.00 in to State Specific CAMPA Acct No 150825615980932 on 24.12.2020. The copy of e-challan with UTR No;000099995814 in support of the said deposit by the User Agency has been appended as **Annexure-2a & 2b.**

Contd..P-2

Point No -2:- In order to compensate the ecological loss due to illegal felling of trees the User Agency shall carry out additional Compensatory Afforestation over non-forest area equal to the area over which tree felling has taken place .

Compliance:-RCCF, Koraput has reported that DFO Jeypore, has prepared , a scheme for Addl compensatory Afforestation over 2.617 ha of non-forest land identified in village Bhatapani under Kundra tahsil of Koraput District in Jeypore Forest Division, which was technically approved by PCCF (FD & NO, FC Act) with financial out lay of Rs 5, 87,600.00 at wage rate of Rs 308.00 per man day with provision for 10 years maintenance(appended as **Annexure- 3a**) & as per demand raised by DFO Jeypore Division vide his Letter No 151 dtd 04.01.2021(Appended as **Annexure-3b**), the User Agency has deposited the amount of Rs 5,87,600.00 in to State Specific CAMPA Acct No 150825615900375 on 11.01.2021. The copy of e-challan with UTR No ICICR5202101110076994 in support of the said deposit by the User Agency has been appended as **Annexure-3c**.

Point No -3:- The Addl. Compensatory Afforestation area (to be acquired by the User agency) shall be transferred and mutated in the name of Forest Department and notified as PF/RF under relevant Act .

Compliance:-RCCF, Koraput has reported that the additional Compensatory area of 2.617 ha located in village Bhatapani under Kundra tahsil of Koraput District has been acquired by the User Agency and also been mutated and transferred in to the name of Forest Department. RORs issued by Addl Thasildar ,Kundra for the above mutated & transferred non-forest land of 2.617 ha in village Bhatapani under Kundra Tahsil with land schedule furnished below are appended as **Annexure 4a & 4b**

LAND SCHEDULE

ge/za	Khata No.	Plot No	Kissam	Total Area (in Ac.)	Boundary Description (Plot nos. Existing)				ROR enclosed as
					North	South	East	West	
Bhatapani	25/14	107/139	Dangar-II	1.598	106	108, 111	106	108	Annexure-4b
	25/13	111/138	Dangar-II	4.868	107, 108	115, 121	101	110,113	Annexure-4a
Total Area(Two plots)			6.466 Acre or 2.617 ha						

Further, proposal for declaration of the above identified, mutated & transferred Addl CA land of 2.617 ha located in village Bhatapani has been submitted to Govt in F&E Department vide this office Letter No 1278 dtd 20.01.2021, copy appended as **Annexure-5** and the transferred land of 2.617 ha in village Bhatapani has been notified as Bhatapani Protected Forest vide F&E Deptt Notification No 10F(Cons) 126/2020-2370/F&E dtd 02.02.2021 (Copy of which has been appended as **Annexure-05b**).

Contd..P-3

1/3/1

Point No -4:- Till then the work over the diverted Forest land shall remain suspended.

Compliance:-RCCF, Koraput has reported that DFO Jeypore vide his letter dtd 11.01.2021 has intimated that all works over the diverted Forest land has been suspended since 06.05.2020 (Appended as **Annexure-6a**) and the User Agency has also furnished an undertaking to that affect, which has been appended as **Annexure-6b**.

This is submitted for favour of kind information & necessary action of the Government in F&E Department with reference to Order dtd 21.10.2020 of GoI , MoEF & CC, New Delhi.

Encl:- As above in duplicate

Yours faithfully,


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, F.C. Act
04/2/21

Memo No dtd

Copy forwarded to Asst. Inspector General of Forests , Govt. of India, MoEF & CC ,(FC Division) , Indira Paryavaran Bhawan, Jorbagh Road, Alligunj, New Delhi -110003, with reference to his Letter F.No FC-/11/131/2019-FC dtd 21.10.2020.


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, F.C. Act
04/2/21

Memo No dtd

Copy forwarded to the Deputy Inspector General of Forests (C) , IRO, GoI, MoEF & CC, Bhubaneswar.


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, F.C. Act
04/2/21

Memo No dtd

Copy forwarded to the Regional Chief Conservator of Forests, Koraput Circle with refrence to his Memo No 99 dtd 12.01.2021 for information and necessary action.


Principal Chief Conservator of Forests
Forest Diversion & Nodal Officer, F.C. Act
04/2/21

AGENCY COPY
NEFT / RTGS CHALLAN for Ad-HOC CAMPA
Date : 24-12-2020

Agency Name	SHARVANI ENERGY PVT LTD
Application No.	5615920932
NEFT/RTGS File No.	6-ORR009/2005-BHU
Location	ORRISA
Address	DUMAJORHI VILLAGE Koraput
Amount (in Rs)	240364/-

Amount In Words: Two Lakh Forty Thousand Three Hundred and Eighty Four Rupees Only

NEFT/RTGS to be made as per following details:

Beneficiary Name	ORRISA CAMPA
IFSC Code	CORP0000371
Pay to Account No.	150825615920932 Valid only for this challan amount
Bank Name & Address	Corporation Bank Lodhi Complex Branch, Block 11, CGO Complex, Phase I, Lodhi Road, New Delhi -110003

This Challan is strictly to be used for making payment to CAMPA by NEFT/RTGS only.

BANK COPY
NEFT / RTGS CHALLAN for Ad-HOC CAMPA
Date : 24-12-2020

Agency Name	SHARVANI ENERGY PVT LTD
Application No.	5615920932
NEFT/RTGS File No.	6-ORR009/2005-BHU
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Bank Name & Address	Corporation Bank Lodhi Complex Branch, Block 11, CGO Complex, Phase I, Lodhi Road, New Delhi -110003

This Challan is strictly to be used for making payment to CAMPA by NEFT/RTGS only.

After making successful payment User Agencies may send a line of confirmation through Email: helpdeskcampa@corpbank.co.in

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SHARVANI ENERGY PVT LTD
 BRANCH
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ମୌଜା : ଭଟ୍ଟାପାଣି

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ତହସିଲ ନମ୍ବର : 6

ଥାନା ନମ୍ବର : 49

ଜିଲ୍ଲା : କୋରାପୁଟ

ଜମିଦାରଙ୍କ ନାମ ଓ
ଖେଡ଼ାଟ ବା ଖତିୟାନର
କ୍ରମିକ ନମ୍ବର

ଓଡ଼ିଶା ସରକାର ଖେଡ଼ାଟ ନମ୍ବର 01

୧) ଖତିୟାନର କ୍ରମିକ ନଂ

25/14

୨) ପ୍ରକାର ନାମ, ପିତାଙ୍କ
ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ

ରାଜ୍ୟ ଜଙ୍ଗଲ ବିଭାଗ ମାଧ୍ୟତ ବାର ସହକାରୀ ବନ ସଂରକ୍ଷକ, (ଏ. ସି. ଏଚ. ଅ), ଜୟପୁର ପି:

ମାପ	ରଞ୍ଜିତ					
	ଜଳକର	ଖଜଣା	ସେସ	ନିସ୍ତାର ସେସ ଓ ଅନ୍ୟାନ୍ୟ ସେସ ଯଦି କିଛି ଥାଏ	ମୋଟ	୪) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
୪) ଦେଇ	0.00	0.97	0.70	0.00	1.67	

୬) ବିଶେଷ ଅନୁସୂଚିତ
ଯଦି କିଛି ଥାଏ

BLANK SPACE FOR STAMPING

ଅତିରିକ୍ତ ପ୍ରକାଶକ ତାରିଖ :
ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ :



ବାସ୍ତବ୍ୟ ସୂଚନା ବିଭାଗ କେନ୍ଦ୍ର, ଓଡ଼ିଶା

02/12/2020

ଖୁଚ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପୁରର ଖରଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରଜିବୀ			କିଲ୍ଲା କୋରାପୁଟ ମନ୍ତବ୍ୟ
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107/139 ବରଗଞ୍ଜ-ଡଞ୍ଜର	ଡଞ୍ଜର ବୁଝ		15988	0.6470	ଦା.ଖା. ମା. ନଂ. ୩୨୮/୨୦୨୦ ପ୍ରକାରେ ସା. ଖାତା ନଂ. ୨୫/୩୧୧ ।	
I ପୁଟ			15988	0.6470		



[Signature]
 ADDL TAHSILDAR
 KUNDERA TAHASIL

N. B. Bena
 Divisional Forest Officer
 13.1.2021
 Jaypore Forest Division

ଖତିୟାନ

ଜା : ଭବାପାଣି
ଥାନା : କୁନ୍ଦୁରା
ଥାନା ନମ୍ବର : 49

ଡହସିଲ : କୁନ୍ଦୁରା
ଡହସିଲ ନମ୍ବର : 6
ଜିଲ୍ଲା : କୋରାପୁଟ

ଜମିଦାରଙ୍କ ନାମ ଓ
ଖେଡ଼ାଟ ବା ଖତିୟାନର
କ୍ରମିକ ନମ୍ବର

ଓଡ଼ିଶା ସରକାର ଖେଡ଼ାଟ ନମ୍ବର 01

୧) ଖତିୟାନର କ୍ରମିକ ନଂ

25/13

୨) ପ୍ରକାର ନାମ, ପିତା
ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ

ରାଜ୍ୟ ଜଳାଇ ବିଭାଗ ମାର୍ଚ୍ଚିତ ଦାର ସହକାରୀ ବନ ସଂରକ୍ଷକ, (ଏ. ବି. ଏ. ଥ), ଜୟପୁର

ନାମ	ରସତି					
	ଜଳକର	ଖଜଣା	ସେସ	ନିସ୍ତାର ସେସ ଓ ଅନ୍ୟାନ୍ୟ ସେସ ଯଦି କିଛି ଥାଏ	ମୋଟ	୪) କ୍ରମବଦନଶୀଳ ଖଜଣାର ବିବରଣୀ
୪) ରେସ	0.00	2.95	2.20	0.00	5.15	

୬) ବିଶେଷ ଅନୁସୂଚି
ଯଦି କିଛି ଥାଏ

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ଅନ୍ତମ ପ୍ରକାଶନ ତାରିଖ :
ଖଜଣା ଆୟତ୍ତ ତାରିଖ :



ରାଷ୍ଟ୍ରୀୟ ପୂରଣ ବିଧାନ ବେନୁ, ଓଡ଼ିଶା

02/12/2020

ପୁର ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପୁରର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ରୌହତ	ରକବା			ମନ୍ତବ୍ୟ
			ଏକର	ଡ଼ି	ହେକ୍ଟର	
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111/138 କେନ୍ଦୁଗଞ୍ଜ ଡଙ୍ଗର	ଡଙ୍ଗର ଦୁଇ		4868		1.9700	ଦା.ଖା. ମା. ନଂ. ୩୨୭/୨୦୨୦ ପ୍ରକାରେ ସା. ଖାତା ନଂ. ୨୫/୨ ରୁ ।
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[Handwritten Signature]
ADDL. TAHSILDAR
KUNDRA TAHASIL

ରାଷ୍ଟ୍ରୀୟ ସ୍ୱରକ୍ଷା ବିଭାଗ କେନ୍ଦ୍ର, ଓଡ଼ିଶା

02/12/2020

[Handwritten Signature]
13-1-2024
Divisional Forest Office
Bhubaneswar Forest Division

129



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
ए/3, चंद्रशेखरपुर / A/3, Chandrasekharpur
भुवनेश्वर - 751 023, ओडिशा / Bhubaneswar - 751 023, Odisha



Telephone: 0674 - 2301213, 2302432, 2301245, 2302452, 2302453. E-mail: roez.bsr.mef@nic.in

No.5-ORB009/2005-BHU

21st February, 2021
2204

To

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

Sub:- Diversion of 4.772 ha of village forest land for setting up Dumajhori Small Hydro Electric Project on river Kolab near village-Dumajhori under Kotpad Tehsil of Koraput district - Serious irregularities and gross violation of FC Act, 1980 by M/s Shrivani Energy Pvt. Ltd. 15. MW Small Hydro Electric Project (SHEP) at Dumajhori under Kotpad Tehsil of Koraput District.

Madam,

I am directed to refer to Ministry's letter No.FC-11/131/2019-FC dated 21.10.2020, wherein Ministry has suspended the work over the diverted forest land till compliance of additional conditions imposed for violation of conditions of forest clearance granted in favour of M/s Sharvani Energy Pvt. Ltd. for their 15 MW Small Hydro Electric Project (SHEP) at Dumajhori under Kotpad Tehsil of Koraput District. Ministry has directed the State Govt. to ascertain the fulfillment of the penalty and report the matter to the Integrated Regional Office (IRO), Bhubaneswar. The State Govt. has furnished the compliance report in respect of the additional conditions stipulated in Ministry's letter dated 21.10.2020 and has requested to consider the matter and communicate order thereon.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Govt. vide their letter No.10F(Cons)126/2020-3129/F&E dated 11.02.2021 and on the basis of decision of Regional Empowered Committee meeting held on 10.02.2021, the Ministry of Environment, Forest & Climate Change hereby revoke the suspension of work over diverted forest area, subject to the fulfillment of the following conditions:-

- i. The State Govt. shall ensure that the State Forest Department will raise the additional Compensatory afforestation over 2.617 ha of non-forest identified in Plot No.107/139, Khata No.25/14 & Plot No.111/138, Khata No.25/13 of village Bhatapani under Kundra Tahsil of Jeypore Forest Division within three years from the issue of this order as per approved plan/scheme and maintained thereafter, from the funds deposited by the user agency in CAMPA account. The species to be planted shall be indigenous to the area and naturally growing species shall be planted using intensive

planting technique to ensure survival of the plantation. Intensive monitoring of the plantation needs to be done and documented using Geo tagging so that the increase of canopy density and survival and growth of plantation can be evaluated at regular intervals. These reports with photographs of plantation, videos and geo tagged image shall be communicated to IRO every six monthly.

- ii. After commissioning of the project and completion of construction work, whatever vacant land is available in the project area, the user agency shall take up plantation over it and maintain green belt of indigenous species. The progress of this plantation shall be communicated to IRO, Bhubaneswar periodically.

Yours faithfully,

Padma Mahanti

(Padma Mahanti) 22/2/21

Dy. Inspector General of Forests (C)

Copy to:-

1. The Director General of Forests & Special Secretary, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110003.
2. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
3. M/s Sharvani Energy Pvt. Ltd., Dumajorhi, Kotpad, Dist: Koraput - 763 008.
4. Guard File.

Dy. Inspector General of Forests (C)