

23/11/10
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ANNEX-1

F. No. 8-99/1987-FC (pt.)
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003.
Dated: 8th December 2010.



The Principal Secretary (Forests),
Government of Orissa,
Bhubaneswar.

Sub: Re-diversion of 0.81 ha. forest land for Balugaon Reserved Forest in Angul Forest Division for construction of alternate coal transportation road from Dera Chhak to National Highway-200 by M/s Mahanadi Coalfields Ltd.

Sir,

I am directed to refer to the State Government of Orissa's letter No. 10F(Cons) 31/2010/18565/ F & E dated 13.08.2010 on the above-mentioned subject, wherein prior approval of the Central Government for the re-diversion of 0.81 ha. forest land for Balugaon Reserved Forest in Angul Forest Division for construction of alternate coal transportation road from Dera Chhak to National Highway-200 by M/s Mahanadi Coalfields Ltd, was sought, in accordance with Section 2 of the Forest (Conservation) Act, 1980. The said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section 3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Orissa and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby accords **Stage-I approval** for the re-diversion of 0.81 ha. forest land for Balugaon Reserved Forest in Angul Forest Division for construction of alternate coal transportation road from Dera Chhak to National Highway-200 by M/s Mahanadi Coalfields Ltd, subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) The User Agency shall raise avenue plantation at project cost on both sides and central verge of proposed road in at least five rows with barbed wire fencing or by using tree guards;
- (iii) The State Government shall charge the Net Present Value (NPV) of the forest area diverted under this proposal from the User Agency as per the Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition

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(Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;

- (iv) At the time of payment of the Net Present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (v) All the funds received from the User Agency under the project shall be transferred to Ad-hoc CAMPA in Account Number- Account No. 344901010070194 of Union Bank of India, Sunder Nagar, New Delhi-110003;
- (vi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (vii) No labour camp shall be established on the forest land;
- (viii) The User Agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (ix) The boundary of the forest land being diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, DGPS coordinates and distance from pillar to pillar *etc.*;
- (x) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xi) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof;
- (xii) Any other condition that the Eastern Regional Office of this Ministry, Bhubaneswar and State Government of Orissa may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xiii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

3. After receipt of a report on compliance to the conditions stipulated in Paragraph -2 above, from the State Government of Orissa, final/stage-II approval of the Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980, for diversion of the Said forest land will be issued by this Ministry. Till receipt of the final/

Government of Orissa
Forest & Environment Department

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letter No. 5-

Memo No. 26985 /F&E, Dated: 27/12/10
No.10F (Cons) 31/2010

Copy of Government of India, MoEF, letter F. No. 8-99/1987-FC(Pt.) dt.

8.12.2010 regarding accordance of Stage-I forest clearance for re-diversion of 0.81ha. of forest land in Angul forest division for construction of alternate coal transportation road from Dera Chhack to National Highway-200 by M/s Mahanadi Coalfields Ltd. forwarded to the Principal Chief Conservator of Forests, Orissa for information and necessary compliance of the stipulations prescribed therein.

The detailed compliance of all the stipulations may be furnished to F&E department early for seeking final forest clearance from the Government of India, MoEF.

Memo No. 26985 /F&E, Dated: 27/12/10
Copy along with the copy of the enclosures forwarded to the Pr.CCF(WL)&CWLW, Orissa for information and necessary action.

Joint Secretary to Government

Memo No. 26987 /F&E, Dated: 27/12/10

Joint Secretary to Government

Copy along with the copy of the enclosures forwarded to the Regional Chief Conservator of Forests, Angul Circle/Divisional Forest Officer, Angul Forest Division, for information and immediate necessary compliance.

Memo No. 26988 /F&E, Dated: 27/12/10
Copy along with copy of the enclosure forwarded to the Steel & Mines Department / Collector, Angul for information and necessary action.

Joint Secretary to Government

Memo No. 26989 /F&E, Dated: 27/12/10
Copy along with copy of the enclosure forwarded to the Project Officer, Lingaraj oCP, Lingaraj Area, Mahanadi Coalfields Ltd., Talcher, Dist. Angul for information and necessary action.

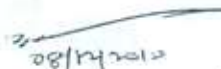
Joint Secretary to Government

Joint Secretary to Government

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stage-II approval, transfer of the said forest land to the User Agency shall not be affected by the State Government.

Yours faithfully,



(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Orissa, Bhubaneswar.
2. The Nodal Officer, Forest Department, Government of Orissa, Bhubaneswar.
3. The CCF (Central), Regional Office, Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.



(H. C. Chaudhary)

Assistant Inspector General of Forests