

Government of Odisha
Forest & Environment Department

-0-

No.10F (Con) 16/2014 17237 F&E, Bhubaneswar, dated the 4.8.18

ORDER

Sub: Diversion of 25.74ha. of Revenue forest land in village Sandhakunda(within the limit of Paradip Port) of Kujanga Tehsil in Jagatsinghpur district for development of Southern Dock Complex inside Paradip Port Complex by Paradip Port Trust

WHEREAS, Chief Engineer, Paradip Port Trust, At/PO Paradip, Dist. Jagatsinghpur Pin 754142 had applied for diversion of 25.74ha. of Revenue forest land in village Sandhakunda(within the limit of Paradip Port) of Kujanga Tehsil in Jagatsinghpur district for development of Southern Dock Complex inside Paradip Port Complex by them.

And whereas, the Ministry of Environment, Forests and Climate Change (hereinafter referred to as MoEF&CC), Government of India, had accorded 'in-principle' approval for diversion of 25.74ha. of Revenue forest land in village Sandhakunda(within the limit of Paradip Port) of Kujanga Tehsil in Jagatsinghpur district for development of Southern Dock Complex inside Paradip Port Complex by Paradip Port Trust vide its letter No. 5-ORC162/2013-BHU dt. 22.5.2011(ANNEXURE-1).

And whereas, the MoEF&CC, Government of India, Eastern Regional Office in consideration of the compliance of the conditions of the 'in-principle' approval, has accorded final approval for diversion of said 25.74ha. of Revenue forest land in village Sandhakunda(within the limit of Paradip Port) of Kujanga Tehsil in Jagatsinghpur district for development of Southern Dock Complex inside Paradip Port Complex by Paradip Port Trust vide its letter No. 5-ORC162/2013-BHU dt.10.2.2014 (Annexure-2) under Section 2 of the Forest (Conservation) Act, 1980. Detailed land schedule of 25.74ha. of diverted forest land duly authenticated by Tahasildar, Kujanga as received from DFO, Rajnagar vide his letter No. 5056 dt 13.7.2018 is appended herewith as Annexure-3.

Now therefore, the Government of Odisha, do hereby allow diversion of above mentioned 25.74ha. of Revenue forest land in Rajnagar Mangrove Forest Division of Kendrapara/Jagatsinghpur district in favour of Paradip Port Trust as per approved land use pattern subject to fulfillment of the conditions of final forest clearance order as stipulated by the MoEF&CC, Government of India, Eastern Regional Office.

The Collector of Jagatsinghpur district is authorized to handover the diverted forest land to the user agency **subject to availability of all other statutory clearance/permission and compliance of Court's order, if any**, following due procedure of law. Before handing over the diverted forest land to the user agency, it shall be ensured that Net Present Value for forest land for this project as well as for any other projects, belonging to same user agency, is deposited, in full, at applicable rates.

The Divisional Forest Officer of Rajnagar Mangrove Forest Division is also directed to monitor compliance to the conditions stipulated for such diversion in the respective forest/Wildlife clearance order and to report violations, if any, to the Nodal Officer, O/O Pr. CCF, Odisha and to the Forest & Environment Department.

Execution of project activities will be subject to availability of all other statutory clearances required under relevant Act/Rules for this infrastructure project, deposit of requisite funds and compliance of Court's order, if any.

By order of Governor

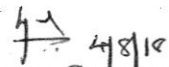

(Debidutta Biswal)

Special Secretary to Government

Memo No. 17238 /F&E, Dated: 4.8.18

Copy along with the copy of Annexure 1, Annexure-2 and Annexure-3 above forwarded to the Principal Chief Conservator of Forests, Odisha for kind information and necessary follow up action.

Appropriate instruction to the Divisional Forest Officer of Mangrove Forest Division, Rajnagar and user agency may be imparted for required follow up action at his end. It may be ensured by the Divisional Forest Officer that Net Present Value for the forest land involved in this project of user agency as well as for any other projects of the same user agency, is deposited by them in appropriate head of account in Adhoc-CAMPA in full, at applicable rates. The user agency may also be instructed to furnish compliance to the conditions of forest/Wild life clearance pertaining to the project in every quarter to the Divisional Forest Officer of Mangrove Forest Division, Rajnagar for facilitating monitoring of compliances.


Special Secretary to Government

Memo No. 17239 /F&E, Dated: 4.8.18

Copy along with the copy of annexures as above forwarded to the Asst. Inspector General of Forests, Government of India, MoEF&CC(FC Division), Indira Paryavaran Bhawan, Jor Bagh, Aliganj Road, New Delhi, Pin-110003/Addl. Principal Chief Conservator of Forests(Central), MoEF&CC, Government of India, A/3, Chandrasekharpur, Bhubaneswar for kind information and necessary follow up action in compliance to the order of Hon'ble NGT dt. 7.11.2012 in

Appeal No. 7/2012 communicated by the MoEF, Government vide their letter F. No.7-23/2012-FC dt. 24.7.2013.

Memo No. 17240 /F&E, Dated: 4.8.18 H 4/8/18
Special Secretary to Government

Copy along with the copy of annexures as above forwarded to the Pr. CCF(WL)&CWLW, Odisha/Director, Environment, F&E department/ Member Secretary, State Pollution Control Board, Odisha for information and necessary action.

H 4/8/18
Special Secretary to Government

Memo No. 17241 /F&E, Dated: 4.8.18

Copy along with the copy of annexures as above forwarded to the Regional Chief Conservator of Forests, Bhubaneswar/ Collector, Jagatsinghpur /Divisional Forest Officer, Mangrove Forest Division, Rajnagar for information and immediate necessary compliance.

It may be ensured by the Divisional Forest Officer that Net Present Value for the forest land involved in this project of user agency as well as for any other projects of the same user agency, shall be deposited by them in full at applicable rates in appropriate head of account in Adhoc-CAMPA before handing over of the forest land to user agency. Besides, funds, if any, due to be deposited by the user agency in this project shall also be deposited by the project proponent before the forest land is handed over to them. The user agency may also be instructed to furnish compliance to the conditions of forest/Wild life clearance pertaining to the project in every quarter to the Divisional Forest Officer concerned for facilitating monitoring of compliances by them.

The Divisional Forest Officer of Rajnagar Mangrove Division is **also instructed to ensure that the direction given to the user agency are executed immediately.**

H 4/8/18
Special Secretary to Government

Memo No. 17242 /Dated. 4.8.18

Copy along with the copy of annexures as above forwarded to the Industries Department /Commerce & Transport(Commerce) Department/Revenue & Disaster Management Department for information and necessary follow action.

H 4/8/18
Special Secretary to Government

Memo No. 17243 /Dated. 4.8.18

Copy along with the copy of annexures as above forwarded to the Private Secretary to Minister of Forest & Environment Department for kind information of Hon'ble Minister.

H 4/8/18
Special Secretary to Government

Memo No. 17244 /Dated. 4.8.18

Copy along with the copy of the enclosures forwarded to Chief Engineer, Paradip Port Trust, At/PO Paradip, Dist. Jagatsinghpur Pin 754142 for information and immediate necessary action.

The user agency is asked to take following actions immediately as per orders of Hon'ble National Green Tribunal dt. 7.11.2012 in Appeal No. 7/2012 communicated by the MoEF, Government vide their letter F. No.7-23/2012-FC dt. 24.7.2013.

- (i) *They shall publish the entire forest clearance granted in verbatim along with conditions and safeguards imposed by the Central Government in Stage-I/II forest clearance in two widely circulated daily newspapers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the Project for use of forest land for non-forest purposes.*
- (ii) *They shall submit the copies of forest clearance orders granted by the Central Government/State Government to the Heads of local bodies and Municipal bodies along with the relevant offices of the State Government, who in turn, shall display the same for 30 days from date of receipt.*
- (iii) *Detailed action taken in compliance to the above order of State Government shall be intimated to the DFO, Rajnagar Mangrove Forest Division/RCCF, Bhubaneswar/Pr. CCF, Odisha/F&E Department for reference.*

Besides the above, the user agency is also asked to deposit Net Present Value of forest land for this project and for any other projects belonging to him in full, if not deposited yet, at applicable rates. Also requisite funds due for deposit by the user agency on account of this project shall also be deposited in Adhoc-CAMPA Account.

The user agency shall furnish compliances to the conditions prescribed in the forest/wildlife clearance order to the Divisional Forest Officer of Rajnagar Mangrove Division in every quarter, for the purpose of monitoring by him.

AP
06/08/18
Memo No. 17245 Dated- 4.8.18

Special Secretary to Government

Copy with copy of enclosure forwarded to the O.I.C., State Portal, N.I.C., I.T. Department, Odisha Secretariat, Bhubaneswar/ M/s Luminous Infoways Pvt. Ltd, Sadhana, N-6/373, Nayapalli, Jayadev Vihar, Bhubaneswar-15 for information and necessary action. They are requested to upload this letter along with enclosed forest clearance order of Government of India, MoEF&CC, in the website of Forest & Environment Department **immediately** for information of all concerned. **This is required in compliance to order of Hon'ble National Green Tribunal dt. 7.11.2012 in Appeal No. 7/2012. Hence this may be done unflinchingly.**

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Memo No. 17246 Dated- 4.8.18

Special Secretary to Government

Copy with copy of enclosure forwarded to the Under Secretary to Government, Office Establishment Section, F&E Department for information and necessary action with reference to their letter No.21646/F&E Dt. 22.11.2016.

Special Secretary to Government

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No.5-ORC162/2013-BHU
Government of India
Ministry of Environment and Forests

Paryavaran Bhavan, CGO Complex
Lodi Road, New Delhi-110003
22 May 2013



✓ The Principal Secretary
Forest & Environment Department
Government of Orissa
Bhubaneswar.

Stage - I approval order

Sub: Diversion of 25.74 ha of Revenue forest land in village Sandhakuda (within the limit of Paradip Port) of Kujanga Tehsil in Jagatsinghpur district for development of Southern Dock Complex inside Paradip Port Complex by Paradip Port Trust.

Sir,

I am directed to refer to your letter No. 10F(Cons)-541/2012-487/F&E dated 07.01.2013 on the above mentioned subject seeking prior approval of the Government of India under section 2 of Forest(Conservation) Act, 1980.

After careful consideration of the proposal of the State Government, the Central Government hereby agrees for diversion of 25.74 ha of Revenue forest land in village Sandhakuda (within the limit of Paradip Port) of Kujanga Tehsil in Jagatsinghpur district for development of Southern Dock Complex inside Paradip Port Complex by Paradip Port Trust, subject to the fulfillment of the following conditions.

1. The State Government shall realize the Net Present Value (NPV) of forest area diverted under this proposal from the user agency as per Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (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.
2. Compensatory Afforestation shall be raised and maintained over double the degraded forest land i.e. 25.74 ha. X 2 = 51.48 or 52.00 ha identified in Jariput DPF of Khurda Forest Division for raising compensatory afforestation. The user agency shall transfer the cost of compensatory afforestation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to the State Forest Department. The cost of subsequent maintenance as and when required and demanded by the Forest Department shall also be borne by the use agency.
3. An undertaking from the user agency shall also be obtained to the effect that in case the rates of NPV are revised upwards, the additional/differential amount shall be paid by the user agency.
4. The State Government shall deposit Net Present Value and all other funds with the Ad-hoc Body of Compensatory Afforestation Fund Management and Planning Authority (CAMPA), in SB Account No. SB01025222 of Corporation Bank, CGO Complex, Phase-1, Lodhi Road, New Delhi - 110 003 (RTGS/IFSC No. CORP0000371) or in SB Account No. 344902010105428 of Union Bank of India, Sunder Nagar, New Delhi - 110 003 (RTGS/IFSC No. UBIN0534498) by RTGS/NEFT modes, as per the instruction communicated vide letter No.12-2/2010-CAMPA dated 13.05.2011 and dated 24.06.2011.

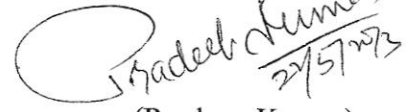
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5. The State Forest Department/User Agency shall submit the surveyed sketch of 25.74 ha. Revenue forest land proposed for diversion, giving forward and backward bearing of each demarcation pillars and distance between them. The State Forest Department/User Agency shall submit the GPS reading of each demarcated pillar giving the latitude and longitude.
6. The State Forest Department/UA shall submit the surveyed sketch of 52.00 ha of degraded forest land identified in Jariput DPF of Khurda Forest Division for raising compensatory afforestation and demarcate the area proposed for CA, giving the forward and backward bearing and GPS reading of each demarcation pillars/stations and distance between them. The latitude and longitude of those pillars/stations shall also be marked.
7. No construction activity is allowed during breeding/migration season of Olive Ridley Turtles. The Conservation Plan for protection of Olive Ridley Turtle shall be prepared and implemented by Forest Department at the cost of user agency throughout the project life.
8. The project proponent shall obtain CRZ clearance before Stage-II forest clearance of the project. No activity will be undertaken by Paradip Port Trust until CRZ clearance is given and conditions are fully complied.
9. The user agency shall make proportionate contribution to State Government's Action Plan for Marine Life Conservation including Olive Ridley Conservation.
10. The user agency shall take adequate measures to prevent/minimize erosion along the sea coast at project cost in consultation with Forest Department.
11. An undertaking from the user agency shall also be obtained to the effect that no damage to flora and fauna found in the adjoining area will be caused during the execution of the project and also after the project becomes operational. Any damage done in this respect shall be assessed by the concerned DFO and will be compensated at the project cost.
12. No labour camps shall be established on the forest land.
13. The user agency shall provide alternate fuel to the labourers and staff working at the site so as to avoid any damage and pressure on the adjacent forest area.
14. The forest land shall not be used for any purpose other than that specified in the proposal.
15. The user agency shall ensure that there shall be no damage to the available forest, wildlife, if any by the user agency or by the Labourers/Contractors engaged by them.
16. The user agency shall prepare a plan in consultation with State Forest Department for plantation of indigenous tree species suitable to the area, in all available open spaces, and subsequently plant the trees.
17. Physical impact of the project shall be monitored regularly and any adverse impact on Turtles or other marine life shall be reported immediately and all work be stopped.
18. The user agency should ensure that no oil or any hazardous substance is released in sea water at the work site and/or around it.
19. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under Environment (Protection) Act, 1986 and all other Acts, Rules/Regulation as applicable to such project.
20. Any other conditions that the Central Government or Addl. PCCF (Central) of Eastern Regional Office, Bhubaneswar 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.
21. 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.



After receipt of the compliance report on fulfilment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. **Transfer of forest land to user agency shall not be effected by the State Government till formal order approving diversion of forest land is issued by the Central Government.**

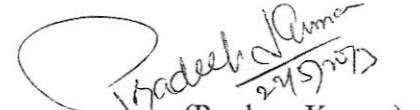
Yours faithfully,


Pradeep Kumar
27/5/2013

(Pradeep Kumar)
Director

Copy to:-

1. The 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, Forest Department, Govt. of Odisha, Aranya Bhawan, C.S. Pur, Bhubaneswar – 16.
3. The CCF and Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, C.S.Pur, Bhubaneswar – 16.
4. The Divisonal Forest Officer, Mangrove Wildlife Division, Rajnagar, Jagatsinghpur
5. The Chief Manager, Paradip Port Trust, At/PO: Paradip, Dist: Jagatsinghpur – 754 142.
6. IA Division, MoEF
7. Monitoring Cell, MoEF
8. Guard File.


Pradeep Kumar
27/5/2013
(Pradeep Kumar)
Director



Government of India/ भारत सरकार
Ministry of Environment & Forests/ पर्यावरण एवं वन मंत्रालय
Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय
A/3, Chandrasekharpur/ ए/३, चंद्रसेखरपुर
Bhubaneswar - 751 023/ भुवनेस्वर - ७५१ ०२३



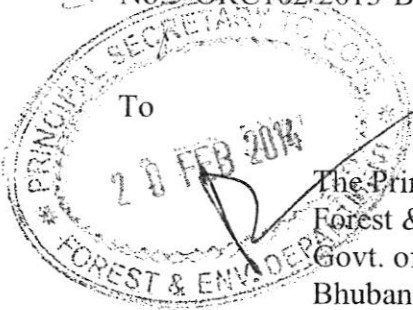
जहाँ है चरियाली ।
जहाँ है खराखाली ॥

Tel: 0674-2301213, 2301248, 2302452, 2302453, Telefax: 0674-2302432, E-mail : mef.or@nic.in

No.5-ORC162/2013-BHU

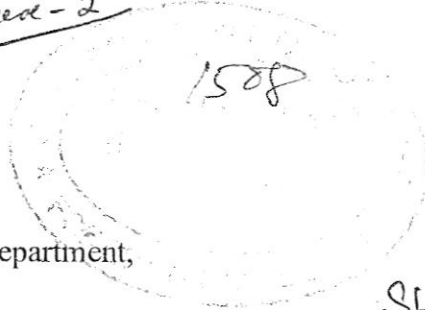
Approved - 2

10th February, 2014



To

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



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State-TT order

Sub:- Diversion of 25.74 ha of Revenue forest land in village Sandhakuda (within the limit of Paradip Port) of Kujanga Tehsil in Jagatsinghpur district for development of Southern Dock Complex inside Paradip Port Complex by Paradip Port Trust.

Sir,

I am directed to refer State Govt. letter No. 10F(Cons)-541/2012-487/F&E dated 07.01.2013, wherein prior approval of the Ministry of Environment & Forests for diversion of 25.74 ha of Revenue forest land in village Sandhakuda (within the limit of Paradip Port) of Kujanga Tehsil in Jagatsinghpur district for development of Southern Dock Complex inside Paradip Port Complex by Paradip Port Trust was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After due consideration of the proposal by the Ministry of Environment & Forests and on the basis of recommendation of State Advisory Group, the in-principle approval for diversion of the said forest land was accorded by Ministry vide letter of even number dated 22.05.2013, subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Odisha vide their letter No. 10F(Cons)-541/2012-1235/F&E dated 21.01.2014 and OSD, Ad-hoc CAMPA, New Delhi letter No.1-26/2013-CAMPA dated 27.01.2014, approval of the Ministry of Environment & Forests is hereby granted under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 25.74 ha of Revenue forest land in village Sandhakuda (within the limit of Paradip Port) of Kujanga Tehsil in Jagatsinghpur district for development of Southern Dock Complex inside Paradip Port Complex by Paradip Port Trust, Odisha, subject to the fulfillment of the following conditions:-

1. Legal status of forest land diverted shall remain unchanged.
2. Compensatory Afforestation shall be raised and maintained for 10 years over double extent of degraded forest land i.e. 25.74 ha. X 2 = 51.48 or 52.00 ha identified in Jariput DPF of Khurda Forest Division at the cost of user agency.
3. Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by State Govt. from the user agency. An undertaking from the user agency shall be obtained in this regard.

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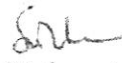
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4. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc. The distance between any two pillars shall be kept at 50 mtrs and each pillar should be clearly visible from pillars on both sides.
5. No construction activity is allowed during breeding/migration season of Olive Ridley Turtles. The Conservation Plan for protection of Olive Ridley Turtle shall be implemented by Forest Department at the cost of user agency through out the project life.
6. The project proponent shall obtain CRZ clearance of the project, if applicable.
7. The user agency shall make proportionate contribution to State Government's Action Plan for Marine Life Conservation including Olive Ridley Conservation.
8. The user agency shall ensure to take adequate measures to prevent/minimize erosion along the sea coast at project cost in consultation with Forest Department.
9. The user agency shall ensure that no damage to flora and fauna found in the adjoining area will be caused during the execution of the project and also after the project becomes operational. Any damage done in this respect shall be assessed by the concerned DFO and will be compensated at the project cost.
10. No labour camps shall be established on the forest land.
11. The user agency shall provide fire wood, preferably alternate fuel, to the labourers and staff working at the site so as to avoid any damage and pressure on the adjoining forest area.
12. The forest land shall not be used for any purpose other than that specified in the proposal.
13. The layout plan of the proposal shall not be changed without prior approval of the Ministry of Environment & Forests.
14. The diverted forest land shall under no circumstances be transferred to any other agency, department or person without prior approval of the Ministry of Environment & Forests.
15. The user agency shall ensure that there shall be no damage to the available forest, wildlife, if any by the user agency or by the Labourers/Contractors engaged by them.
16. The user agency shall carry out plantation of local indigenous tree species suitable to the area, in all available open spaces, in consultation with State Forest Department.
17. Physical impact of the project shall be monitored regularly and adverse impact on Turtles or other marine life, if any, shall be reported immediately.
18. The user agency shall ensure that no oil or any hazardous substance is released in sea water at the work site and/or around it during execution of project work.

19. The user agency shall obtain Environment clearance as per the provisions of Environment (Protection) Act, 1986, if required.
20. The user agency shall submit the annual self compliance report containing status of compliance of the stipulated conditions to the State Government and to the Regional Office, regularly.
21. Any other conditions that the Ministry of Environment & Forests 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.
22. The user agency and State Government shall ensure compliance to provisions of all the Acts, Rules, Regulations and Guidelines for the time being in force, as applicable to the project.
23. In case of non-compliance of any of the above conditions, the State Govt. shall report to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980.

Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken accordingly.


Yours faithfully,


(S. Mohapatra)

Conservator of Forests (Central)

Copy to:-

1. The 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, Forest Department, Govt. of Odisha, Aranya Bhawan, C.S.Pur, Bhubaneswar – 16.
3. The Addl. PCCF and Nodal Officer, Forest Department, Govt. of Odisha, Aranya Bhawan, C.S.Pur, Bhubaneswar – 16.
4. The Divisonal Forest Officer, Mangrove Wildlife Division, Rajnagar, Jagatsinghpur, Odisha.
5. The Chief Manager, Paradip Port Trust, At/PO: Paradip, Dist: Jagatsinghpur – 754 142.
6. Environment Section/Guard File.


Conservator of Forests (Central)

Answer - 3

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LAND SCHEDULE FOR FOREST DIVERSION PROPOSAL FOR
SOUTHERN DOCK COMPLEX

NAME OF THE VILLAGE	KHATA NO.	PLOT NO.	AREA IN HEC.	KISSAM
SANDHAKUDA	24	189	6.71	JUNGLE-2
SANDHAKUDA	24	49	11.53	JUNGLE-2
SANDHAKUDA	24	48	1.20	JUNGLE-2
SANDHAKUDA	24	187	2.85	JUNGLE-2
SANDHAKUDA	24	10	2.03	JUNGLE-2
SANDHAKUDA	24	9	0.58	JUNGLE-2
SANDHAKUDA	24	8	0.84	JUNGLE-2
		TOTAL	25.74	


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