

GOVERNMENT OF ODISHA
FOREST, ENVIRONMENT & CLIMATE CHANGE DEPARTMENT

No.FE-DIV-FLD-0017-2022- 8518/FE&CC, Bhubaneswar, dated the 25.04.23
10F (Cons) 10/2022

ORDER

Sub: Proposal for seeking prior permission under Section 2 (iii) of Forest (Conservation) Act, 1980 for grant of lease over 112.621 ha forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power & Steel Limited under Bonai Forest Division of Sundargarh District of Odisha State regarding.

WHEREAS, EVP-cum-Hole Time Director, Bhusan Power & Steel Limited, Sambalpur, Odisha had applied for permission under Section-2 (iii) of Forest (Conservation) Act, 1980 for grant of lease over 112.621 ha forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power & Steel Limited under Bonai Forest Division of Sundargarh District, Odisha.

And whereas, the Government of India, MoEF&CC (FC Division), New Delhi in consideration of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee and approval of the same by the Competent Authority of the MoEF&CC, New Delhi, the Central Government accords approval under Section-2 (iii) of Forest (Conservation) Act, 1980 for grant of lease over 112.621 ha forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power & Steel Limited under Bonai Forest Division of Sundargarh District of Odisha State vide its Letter No.8-03/2022-FC dtd.24.04.2023 (**Annexure**) subject to fulfillment of certain conditions as stipulated therein.

Now, in view of the approval under Section 2 (iii) of the Forest (Conservation) Act, 1980 by the Central Govt., the Government of Odisha, do hereby accords approval for grant of lease over 112.621 ha forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power & Steel Limited under Bonai Forest Division of Sundargarh District of Odisha State subject to fulfillment of the conditions as stipulated by the MoEF&CC, Government of India, New Delhi in their approval order.

The Collector, Sundargarh and Divisional Forest Officer, Bonai Forest Division as the case may be are hereby requested to take further follow up action on the matter after necessary compliance following due procedure of law.

The Divisional Forest Officer, Bonai Forest Division is also directed to monitor compliance to the conditions stipulated for such approval and to report violations, if any, to the Nodal Officer, O/o PCCF & HoFF, Odisha and to the Forest, Environment & Climate Change Department.

This order is subject to availability of all other statutory clearances required under relevant Acts/ Rules, deposit of requisite funds and compliance of Court's order, if any.

By order of Governor

25/4/2023

(Lingaraj Otta)

OSD-cum-Special Secretary to Government



Memo No. 8519 /FE&CC, Date 25.04.23

Copy with copy of Annexure forwarded to the Principal Chief Conservator of Forests & HoFF, Odisha for kind information and necessary follow up action.

Appropriate instruction to the Divisional Forest Officer, Bonai Forest Division and User Agency may be imparted for required follow up action at their end.

ds/25/4/2023

OSD-cum-Special Secretary to Government

Memo No. 8520 /FE&CC, Date 25.04.23

Copy with copy of Annexure 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 / Deputy Director General of Forests (Central), MoEF&CC, Government of India, IRO, A/3, Chandrasekharpur, Bhubaneswar for kind information and necessary follow up action in compliance to the order of Hon'ble NGT dtd.07.11.2012 in Appeal No.7/2012 communicated by the MoEF, Government of India vide their letter F. No.7-23/2012-FC dtd.24.7.2013.

ds/25/4/2023

OSD-cum-Special Secretary to Government

Memo No. 8521 /FE&CC, Date 25.04.23

Copy with copy of Annexure forwarded to the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha / Principal Chief Conservator of Forests (FD&NO), FC Act, O/o the PCCF & HoFF, Odisha for information and necessary action.

ds/25/4/2023

OSD-cum-Special Secretary to Government

Memo No. 8522 /FE&CC, Date 25.04.23

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

ds/25/4/2023

OSD-cum-Special Secretary to Government

Memo No. 8523 /FE&CC, Date 25.04.23

Copy with copy of Annexure forwarded to Steel & Mines Department/ Revenue & Disaster Management Department/ Director of Mines, Odisha/ Collector, Sundargarh for information and necessary follow up action.

ds/25/4/2023

OSD-cum-Special Secretary to Government

Memo No. 8524 /FE&CC, Date 25.04.23

Copy with copy of Annexure forwarded to M/s Bhusan Power & Steel Ltd, Telkoi, Po-Lapanga, Dist-Sambalpur, Odisha, Pin-768212 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 dtd.07.11.2012 in Appeal No.7/2012 communicated by the MoEF, Government of India vide their letter F. No.7-23/2012-FC dtd.24.07.2013.

- i. They shall publish the approval order granted by MoEF&CC in verbatim along with conditions and safeguards imposed by the Central Government in the approval order 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.
- ii. They shall submit the copies of approval orders granted by the Central Government/State Government to the Heads of local bodies, Panchayats 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 Divisional Forest Officer, Bonai Forest Division/ Regional Chief Conservator of Forests, Rourkela Circle/ Principal Chief Conservator of Forest & HoFF, Odisha/ Forest, Environment & Climate Change Department for reference.

The user agency shall furnish compliances to the conditions prescribed in the approval order to the Divisional Forest Officer, Bonai Forest Division for the purpose of monitoring by him.

ds/25/2023

OSD-cum-Special Secretary to Government

Memo No. 8525/FE&CC, Date 25.04.23

Copy with copy of Annexure forwarded to the Head, State Portal, I.T. Centre, Odisha Secretariat, Bhubaneswar for information and necessary action. He is requested to upload this order along with its enclosures in the website of Forest, Environment & Climate Change Department **immediately** for information of all concerned. **This is required in compliance to order of Hon'ble National Green Tribunal dtd.07.11.2012 in Appeal No.7/2012. Hence this may be done unflinchingly.**

ds/25/2023

OSD-cum-Special Secretary to Government

Memo No. 8526/FE&CC, Date 25.04.23

Copy with copy of Annexure forwarded to the Under Secretary to Government, Office Establishment Section, Forest, Environment & Climate Change Department for information and necessary action with reference to their letter No.12939/F&E dtd.16.07.2016.

ds/25/2023

OSD-cum-Special Secretary to Government

8-03/2022-FC

ANNEXURE

11547 | FE | 23
25 | 4 | 23

I/41477/2023

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

Indira Paryavaran Bhawan
Jor Bagh Road Aliganj
New Delhi-110003
Dated: 24th April, 2023

To,

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

Sub: Proposal for seeking prior permission under Section 2 (iii) of Forest (Conservation) Act, 1980 for grant of lease over 112.621 ha forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power & Steel Limited under Bonai Forest Division of Sundargarh District of Odisha State regarding.

Madam/Sir,

I am directed to refer to the State Government's letter No. FE-DIV-FLD-0017-2022-4420 dated 03.03.2022 submitting above mentioned proposal for seeking prior approval of the Central Government under Section-2 (iii) of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section - 3 of the aforesaid Act. The detailed minutes of the FAC meeting held on 24.03.2023 are available on the PARIVESH portal (<https://parivesh.nic.in/>).

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords approval under Section-2 (iii) of Forest (Conservation) Act, 1980 for grant of lease over 112.621 ha forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power & Steel Limited under Bonai Forest Division of Sundargarh District of Odisha State subject to the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. The State Government shall ensure that NPV, in lieu of the forest land under consideration will be realized from the user agency, in accordance with MoEF&CC's guidelines dated 06.01.2022 read with guidelines dated 22.03.2022 and deposited, through e-challan, in to the CAMPA account of the State concerned;
- iii. 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;
- iv. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, into the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
- v. **The approval under section 2(iii) does not in any manner exempt the user agency from obtaining prior approval under section 2(ii) of the FCA, 1980 in**

US (Div)

d
25/4/2023

SO (Div)
WP
25/4/2023

- regard to such area of forest land which is to be used for non-forest purpose.*
- vi. *Grant of approval under section 2(iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under section 2(ii) of the Forest (Conservation) Act, 1980 and decision on proposal under section 2(ii) will be taken purely on the merit of the case.*
 - vii. *The State govt. shall ensure that breaking up of land or mining operations within the lease area are not allowed without prior approval of the Central Govt. under Section 2(ii) of Forest(Conservation) Act, 1980.*
 - viii. *The user agency shall be responsible for the protection of the forest land located in the mining lease. However, administrative and management control of such forest land will remain with the State Forest department or other forest land owning agencies.*
 - ix. State Government shall, within a period 30 days from the date of issue of this letter, realize from the user agency, NPV of the entire forest land falling in the mining lease, in case NPV of such forest land has not already been realised;
 - x. In case State Government fails to realize NPV from the user agency, NPV of the entire forest land falling in a mining lease within a period of 30 days from the date of issue of this letter, this approval in respect of such mining lease shall be deemed to have been kept in abeyance.
 - xi. The approval Section 2(iii) of the Forest (Conservation) Act, 1980 shall be valid for a period co-terminus with the period of mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended, and the Rules framed thereunder;
 - xii. No physical diversion of forestland shall be allowed and no breaking up of forest land shall be permitted;
 - xiii. State Government to confirm complete compliance of the provision of FRA 2006 prior to executing/ granting forest area on lease.
 - xiv. Grant of this approval does not in any manner, exonerate the concerned authorities in the State Government or in any other Authority, from the proceedings under Section 3A and 3B of the FC Act, liable to be initiated for violation, if any, of the FC Act committed by them by assigning such forest land on mining lease without obtaining prior approval of Central government under Section- 2 of the FC Act;
 - xv. This permission does not confer any right to User Agency for physical diversion/ Mining or any other activity on the Forest Land;
 - xvi. No staff/ laborer shall be allowed to enter inside forest area without valid permission of competent local forest authority;
 - xvii. Demarcation of mining lease area will be done on the ground at project cost using 4 feet high concrete pillars with serial numbers, bearing, distance from pillar to pillar and GPS coordinates;
 - xviii. The User Agency shall submit the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly;
 - xix. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
 - xx. 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; and
 - xxi. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of

Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

3. The above approval under Section-2 (iii) of Forest (Conservation) Act, 1980 is subject to verification of deposit of NPV in State CAMPA Account by the National Authority (CAMPA) and complete compliance of settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as prescribed by this Ministry in its letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013.

Yours Sincerely,

Signed by Suneet Bhardwaj

Date: 24-04-2023 17:49:04

Reason: Approved

Sd/-

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Government of Odisha, Bhubaneswar.
2. DDGF (Central), Integrated Regional Office, Bhubaneswar.
3. PCCF cum Nodal Officer (FCA), Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.
6. Guard File.