

12/12

GOVERNMENT OF ODISHA
FOREST & ENVIRONMENT DEPARTMENT

No.10F (Cons) 29/19 23133 /F&E, Bhubaneswar, dated the 29.11.19

ORDER

Sub: Diversion of 44.038 ha of forest land including 9.286 ha. of forest land in Safety Zone within total ML area of 58.704ha. in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining.

WHEREAS, M/s Pradhan Industries, Telenga Bazar, Cuttack had applied for diversion of 44.038 ha of forest land including 9.286 ha. of forest land in Safety Zone within total ML area of 58.704ha. in Bainibasa Graphite Mining lease located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining.

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 44.038 ha of forest land including 9.286 ha. of forest land in Safety Zone within total ML area of 58.704ha. in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining vide its letter F.No.8-58/2017-FC dtd.22.01.2018 (**Annexure-I**).

And whereas, the MoEF&CC, Government of India, in consideration of the compliance of the conditions of the 'in-principle' approval, has accorded final approval for diversion of 44.038 ha of forest land including 9.286 ha. of forest land in Safety Zone within total ML area of 58.704ha. in Bainibasa Graphite Mining lease located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining in favour of above mentioned User Agency vide its letter F.No.8-58/2017-FC dtd.26.11.2019 (**Annexure-II**) under Section 2 of the Forest (Conservation) Act, 1980.

Now, therefore, Govt. of Odisha do hereby allow as per approved land use pattern subject to fulfillment of the conditions of final forest clearance order as stipulated by the MoEF&CC, Govt. of India, New Delhi. Detailed land schedule of the diverted forest land of 44.038ha duly authenticated by the Tahasildar, Muniguda received from the PCCF, Odisha vide his letter No.17400 dtd.31.07.2017 appended herewith as **Annexure-III**.

The Collector, Rayagada and Divisional Forest Officer, Rayagada Forest Division are authorized to hand over the diverted forest land to the user agency subject to having valid lease and compliance of Court's order, if any, following due procedure of law.

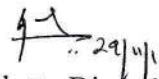
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Before handing over the diverted forest land to the user agency, it shall be ensured that Net Present Value for forest land for this project as well as for any other projects, belonging to same user agency, is deposited, in full, at applicable rates.

The Divisional Forest Officer of Rayagada 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 Principal Chief Conservator Forests, 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 mining project, deposit of requisite funds and compliance of Court's order, if any.

By order of Governor

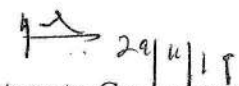

(Debidutta Biswal)

Special Secretary to Government

Memo No. 23134 /F&E Dated 29.11.19

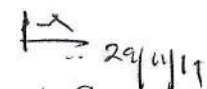
Copy along with the copy of Annexure-I, Annexure-II and Annexure-III above forwarded to the Principal Chief Conservator of Forests, Odisha for kind information and necessary follow up action.

Appropriate instruction to the Divisional Forest Officer of Rayagada Forest Division and user agency may be imparted for required follow up action at his end. It may be ensured by the Divisional Forest Officer, Rayagada 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 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 Rayagada Forest Division for facilitating monitoring of compliances.


Special Secretary to Government


Memo No. 23135 /F&E Dated 29.11.19

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. Director General of Forests (Central), MoEF & CC, Government of India, ERO, A/3, Chandrasekharapur, 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.07/2012 communicated by the MoEF, Government vide their letter F. No.7-23/2012- FC dtd.24.07.2013.


Special Secretary to Government

Memo No. 23136 /F&E Dated 29.11.19

Copy along with the copy of annexures as above forwarded to the Principal Chief Conservator of Forests (WL) & CWLW, Odisha/ Director, Environment, Forest & Environment Department/ Member Secretary, State Pollution Control Board, Odisha for information and necessary action.

 29/11/19


Special Secretary to Government

Memo No. 23137 /F&E Dated 29.11.19

Copy along with the copy of annexures as above forwarded to the Regional Chief Conservator of Forests, Koraput /Collector, Rayagada/ Divisional Forest Officer, Rayagada Forest Division 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 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, Rayagada Forest Division for facilitating monitoring of compliances by them.


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

 29/11/19

Special Secretary to Government

Memo No. 23138 /F&E Dated 29.11.19


Copy along with the copy of annexures as above forwarded to the Steel & Mines Department/ Collector, Rayagada for information and necessary follow up action.

 29/11/19

Special Secretary to Government

Memo No. 23139 /F&E Dated 29.11.19

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.

 29/11/19

Special Secretary to Government

Memo No. 23140 /F&E Dated 29.11.19

Copy along with the copy of the enclosures forwarded to M/s Pradhan Industries, Telenga Bazar, Cuttack, Odisha, Pin-753009 for information and immediate necessary action.

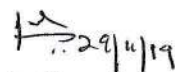
The user agency is asked to take following actions immediately as per orders of Hon'ble National Green Tribunal dtd.07.11.2012 in Appeal No.07/2012 communicated by the MoEF, Government vide their letter F. No.7-23/2012-FC dtd.24.07.2013.

- (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, 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 DFO, Rayagada/ RCCF, Koraput / PCCF, 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 them in full, if not deposited yet, at applicable rates.

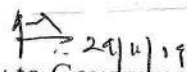
The user agency shall furnish compliances to the conditions prescribed in the forest/wildlife clearance order to the Divisional Forest Officer of Rayagada Forest Division in every quarter, for the purpose of monitoring by them.

 29/11/19

Special Secretary to Government

Memo No. 23141 /F&E Dated 29.11.19

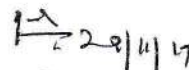
Copy with copy of enclosure forwarded to the O.I.C., State Portal, N.I.C., I.T. Department, Odisha Secretariat, Bhubaneswar/ M/s Luminous Infoways Pvt. Ltd, Sadhana, N-6/373, Nayapalli, Jayadev Vihar, Bhubaneswar-15 for information and necessary action. They are requested to upload this letter along 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 dtd.07.11.2012 in Appeal No.07/2012. Hence this may be done unfailingly.**

 29/11/19

Special Secretary to Government

Memo No. 23142 /F&E Dated 29.11.19

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 dtd.22.11.2016.

 29/11/19

Special Secretary to Government



F. No. 8-58/2017-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: January, 2018

To,
The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

File - I approval only

Sub: Diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining.

Sir,

I am directed to refer to the State Government's letter No. 10F (Cons)289/2016/22319/F & E dated 31.10.2017 submitting the above subject proposal for seeking prior approval of the Central Government for diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining under Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

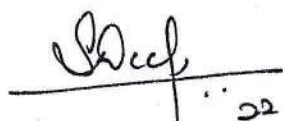
2. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee, ***In-principle*** approval is hereby granted for diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining under the Forest (Conservation) Act, 1980 subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Safety belt of at least 7.5 m along the inner side of the total mining lease area over 2.253 ha (0.737 ha on forest land and 1.516 ha on non-forest land) will be raised and maintained and no tree will be felled or ground vegetation cleared in the identified safety belt. In addition to the safety belt around the entire mining lease area, 50 m wide strip along Nala course measuring 9.20 ha (8.549 ha in forest and 0.651 ha in non-forest) will be maintained as green zone. 54 Nos of trees above 30 cm girth which have been enumerated in 9.286 ha of forest land coming within safety zone area will be preserved.
- (iii) The Compensatory afforestation will be raised over the 43.30 ha (44.038-0.737) of non-forest land. Since the CA site identified is 34.753 ha only, the State Government shall submit details of additional 8.548 ha non forest land for Compensatory afforestation with shape files. The compensatory scheme shall be revised accordingly. The requisite details shall be submitted prior to stage II approval.
- (iv) As informed by the State Government out of 14.585 ha of non-forest land within mining lease, 2.167 ha will be maintained as safety zone and remaining 12.418 ha of private land shall not be utilized in any manner for the purpose of mining and related ancillary activities, except 0.081 ha for future Exploration & Utilization, and shall remain untouched. 86 no. of trees present on such land have been enumerated which are to be kept intact at project cost. Large number of local species will be planted over this non-forest land which is not under mining scheme. The details of such plantation will be provided to the DFO and the Regional Office of the Ministry who will monitor such plantations.
- (v) Compensatory afforestation shall be raised over 43.30 ha of non-forest land equal to the diverted forest land and under bald hill plantation scheme recommended by the State Government, at least 1600 tall plants per hectare (43.3 hectares x 1000 = 69280 plants)


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[Signature]
22.1.18

- shall be planted over identified non- forest land (43.3 ha) in pits of size 0.6m x 0.6m x 0.6m with provision for ten years of subsequent maintenance. If it is not possible to plant the above stated numbers of plants in the identified non- forest land then the balance are to be raised over degraded forest land as per working plan prescriptions.
- (vi) 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
- (vii) In compliance of the rule 41 of the Mineral Conservation and Development Rules, 1988 the restoration of flora in the entire lease area (58.704 ha) will be done in such a manner so as
- to cause least damage to the flora of the area held under prospecting licence/ mining lease and the nearby areas.
 - take immediate measures for planting in the same area or any other area selected by the Controller General or the authorised officer not less than twice the number of trees destroyed by reason of any prospecting or mining operations;
 - look after them during the subsistence of the licence/lease after which these trees shall be handed over to the State Forest Department or any other authority as may be nominated by the Controller General or the authorised officer; and
 - restore, to the extent possible, other flora destroyed by prospecting or mining operations.
- (viii) The details of such number of trees to be felled on forest as well as non-forest area in the lease and plantation of double the number of trees in the lease area or outside will be provided to the Divisional Forest Office, Rayagada and the Regional Office of the Ministry who will monitor such plantation efforts by the company.
- (ix) It is reported that the user agency had paid the NPV amount .The detail of deposit of NPV for the entire applied forest area amounting to Rs. 2,75,67,788 before execution of mining lease deed shall be submitted and verified from Ad hoc CAMPA before stage-II clearance.
- (x) For Wildlife Conservation in the area, a Site-specific Wildlife Conservation plan will be prepared as per guidelines of CWLW, Odisha for approved by PCCF (WL) & CWLW, Odisha, and will be implemented at project cost inside the ML area as well as in the project impact area. This will be regularly monitored by the CWLW Odisha and the Regional office of the Ministry. Besides, proportionate cost of Regional Wildlife Management Plan, as per revised rate prescribed by the State of Odisha on ML area basis, will also be deposited by the lessee for its implementation. The amount such deposited will be informed by the user agency to the Regional Office and CAMPA.
- (xi) The lessee has to carry out reclamation of the ML area as per the provision of the approved reclamation plan. Therefore, the lessee has to submit Phased reclamation Plan (as per provision of para 5.2(i)(a) of FC Act guidelines) for its implementation at project cost.
- (xii) Any change in the existing Mining Plan, as approved by the competent authority, will be compulsorily informed to the State Forest Department and the Regional Office before actual change on the ground. The State Government and the Regional office will examine and give concurrence/ comments within a 30 working days from the date of submission with recommendation, if any, which will be binding on the user agency.
- (xiii) The FC approval will be ~~in~~ coterminous with the lease period i.e up to 50 years from date of execution of ML on 10.01.2017 or the date of closure of the mine whichever is earlier.
- (xiv) Following activities shall be undertaken by the user agency at the project cost and appropriate cost of the plan/scheme shall be deposited in Ad-hoc CAMPA Account:
- Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.
 - Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;


22.1.16

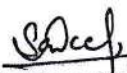
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- (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- (xiv) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
 - (xv) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance. The non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months.
 - (xvi) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
 - (xvii) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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 (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
 - (xviii) **The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance**
 - (xix) At the time of payment of the Net Present Value (NPV) at the then prevailing 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;
 - (xx) Fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] shall be done within three year at the project cost from the issue of Stage-II Clearance. Besides this, afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost; The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files and afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;
 - (xxi) **Any fund received from the user agency** under the project and deposited in the State Forest Department account, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred **through online portal** into Ad-hoc CAMPA account of the State Concerned;
 - (xxii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - (xxiii) No labour camp shall be established on the forest land;
 - (xxiv) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 - (xxv) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
 - (xxvi) The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
 - (xxvii) The forest land shall not be used for any purpose other than that specified in the proposal;
 - (xxviii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 - (xxix) No damage to the flora and fauna of the adjoining area shall be caused;


 22.1.18

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- (xxx) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - (xxxi) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other 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 its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
 - (xxxii) User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease. The plan for plantation and SMC activities will be prepared and submitted to MoEF & CC before Stage-II Clearance;
 - (xxxiii) The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concern Addl. Principle Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
 - (xxxiv) The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;
 - (xxxv) The User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
 - (xxxvi) 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;
 - (xxxvii) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;

After receipt of the report on the compliance to the conditions stipulated in the para-2 above from the State Government of Odisha, final/stage-II approval for diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining under Section-2 of the Forest (Conservation) Act, 1980 would be considered by this Ministry.

Yours faithfully,


(Sandeep Sharma) 22.8.18

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), O/o the PCCF, Government of Odisha, Bhubaneswar.
3. The Addl. PCCF (Central), Regional Office, Bhubaneswar
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC
6. Guard File


(Sandeep Sharma) 22.1.18

Assistant Inspector General of Forests (FC)

By 14908/12
29.11.2019

F. No. 8-58/2017-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 26th November, 2019

To,
The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: **Diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining.**

Sir,

(By 12/29)
I am directed to refer to the State Government's letter No. 10F (Cons)289/2016/22319/F & E dated 31.10.2017 submitting the above subject proposal for seeking prior approval of the Central Government and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee, **In-principle/Stage-I** approval was granted vide this Ministry's letter of even number dated 22.01.2018 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Odisha vide their letters No. 17557/9F(MG)-367/2017 dated 14.10.2019 and No. 19361/9F (MG)-367/2017 dated 08.11.2019, **Stage-II/Final approval** of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 44.038 ha of forest land including 9.286 ha forest land in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/s Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining subject to following conditions:

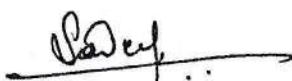
1. Legal status of the forest land shall remain unchanged.
2. State Govt. shall ensure that the safety belt of at least 7.5 m along the inner side of the total mining lease area over 2.253 ha (0.737 ha on forest land and 1.516 ha on non-forest land) will be raised and maintained, and no tree will be felled or ground vegetation cleared in the identified safety belt. In addition to the safety belt around the entire mining lease area, 50 m wide strip along Nala course measuring 9.20 ha (8.549 ha in forest and 0.651 ha in non-forest) will be maintained as green zone and 54 Nos of trees above 30 cm girth which have been enumerated in 9.286 ha of forest land coming within safety zone area will be preserved.
3. Compensatory afforestation and soil & moisture conservation activities shall be taken up as per approved plan/scheme by the Forest Department over 43.30 ha. of identified non-forest from the funds deposited by the user agency and at least 1600 tall plants per hectare shall be planted over identified non- forest land (43.3 ha) in pits of size 0.6m x 0.6m x 0.6m with provision for ten years of subsequent maintenance. If it is not possible to plant the above stated numbers of plants in the identified non- forest

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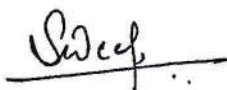
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land then the balance are to be raised over degraded forest land as per working plan prescriptions. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

4. State Govt. shall ensure that out of 14.585 ha of non-forest land within mining lease, 2.167 ha will be maintained as safety zone and remaining 12.418 ha of private land shall not be utilized in any manner for the purpose of mining and related ancillary activities, except 0.081 ha for future Exploration & Utilization, and shall remain untouched. 86 no. of trees present on such land have been enumerated which are to be kept intact at project cost and large number of local species will be planted over this non-forest land which is not under mining scheme. The details of such plantation will be provided to the DFO and the Regional Office of the Ministry for monitoring of such plantations.
5. State Govt. shall ensure that in compliance of the rule 41 of the Mineral Conservation and Development Rules, 1988 the restoration of flora in the entire lease area (58.704 ha) will be done in such a manner so as
 - a. to cause least damage to the flora of the area held under prospecting licence/ mining lease and the nearby areas.
 - b. take immediate measures for planting in the same area or any other area selected by the Controller General or the authorised officer, not less than twice the number of trees destroyed by reason of any prospecting or mining operations;
 - c. look after them during the subsistence of the licence/lease after which these trees shall be handed over to the State Forest Department or any other authority as may be nominated by the Controller General or the authorised officer; and
 - d. restore, to the extent possible, other flora destroyed by prospecting or mining operations.
6. State Govt. shall ensure that the details of such number of trees to be felled on forest as well as non-forest area in the lease and plantation of double the number of trees in the lease area or outside will be provided to the Divisional Forest Office, Rayagada and the Regional Office of the Ministry for monitoring of such plantation.
7. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
8. State Govt. shall ensure that the State Forest Department will implement the approved Site-specific Wildlife Conservation Plan and Regional Wildlife Management Plan from the funds deposited by the user agency.
9. State Govt. shall ensure that the lessee has to carry out reclamation of the ML area as per the provision of the approved reclamation plan. Any change in the existing Mining Plan, as approved by the competent authority, will be compulsorily informed to the State Forest Department and the Regional Office before actual change on the ground. The State Government and the Regional office will examine and give concurrence/ comments within a 30 working days from the date of submission with recommendation, if any, which will be binding on the user agency.
10. The period of diversion of the said forest land shall be co-terminus with the period of the mining lease granted under the Mines and Minerals (Development & Regulating) Act, 1957 or Rules framed thereunder.
11. State Govt. shall ensure that the following activities shall be implemented by the user agency at the project cost :
 - (a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.
 - (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;


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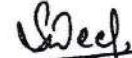
- (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
12. State Govt. shall ensure that State Forest Department shall implement the approved plan for fencing, protection and afforestation of the safety zone area (7.5 meter strip shall be kept within the mining lease or mining cluster, as applicable and such other areas as specified in the approved mining plan) from the funds provided and deposited in CAMP account. Area of safety zone of a mining lease shall be a part of the total area of the mining lease.
 13. State Govt. shall ensure that the User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 14. State Govt. shall ensure that no labour camp shall be established on the forest land and the the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 15. State Govt. shall ensure that the boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
 16. State Govt. shall ensure that the layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
 17. State Govt. shall ensure that the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 18. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 19. State Govt. shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 20. State Govt. shall ensure that the State Forest Department shall carry out gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area.
 21. State Govt. shall ensure that the concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concern Dy. Director General (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
 22. State Govt. shall ensure that the User Agency shall regularly carry out desilting of identified village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies.
 23. State Govt. shall ensure that the User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
 24. 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


26.11.19

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

25. State Govt. shall ensure that any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;
26. State Govt. shall ensure that the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
27. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Government shall ensure compliance of all the above conditions.

Yours faithfully,



(Sandeep Sharma) 26.11.19

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer (FCA), O/o the PCCF, Government of Government of Odisha, Bhubaneswar.
3. The Dy. Director General (Central), Regional Office, Bhubaneswar
4. User Agency
5. Monitoring Cell, FC Division, MoEF&CC
6. Guard File

ANNEXURES

CHECK LIST SERIAL NUMBER: - 07

STATEMENT SHOWING DETAILS OF FOREST AREA

PROPOSED FOR DIVERSION.

Sl No	Division	District	Range/ Block/ village limit	Survey/ Compartment			Forest area Proposed for Diversion (Ha)	Legal Status of Forest area	Remark
				Khata No	Plot No	Area in Ac			
1	2	3	4	5a	5b	5c	6	7	8
1				16	22/p	0.10		Patra Jungle	
2				16	49/p	29.43		Patra Jungle	
3				16	51	46.57		Patra Jungle	
4				16	57	0.11		Patra Jungle	
5	Rayagada	Rayagada	Muniguda Range Vill.-Bainibasa	16	59/p	2.40		Patra Jungle	
6				16	64/p	5.57		Patra Jungle	
7				16	111/p	6.52		Patra Jungle	
8				16	123/p	16.19		Patra Jungle	
9				18	125/p	1.93		Bada Jungle	
Total							108.82	44.038	

Date :

Place :

Divisional Forest Officer
Rayagada Forest Division

Office seal
Divisional Forest Officer
Rayagada Division

Full Title of the Project :

File No. :

Date of Proposal :

BAINIBASA GRAPHITE MINE

F. No 8-60/2016-FC of MoEF & CC, New Delhi.

15.03.2017

FOR PRODUCTION INDUSTRIES

Annexure III
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ANNEXURE - 8

LAND SCHEDULE OF THE DECIDED FOR GRANT FOR M.L. AREA FOR GRAPHITE OVER AN AREA OF 145.06 ACRES OR 58.704 HECTARES IN VILLAGE BAINIBASA NO.197 UNDER MUNIGUDA TAHSIL OF RAYAGADA DISTRICT OF M/S PRADHAN INDUSTRIES.

Plot No	Khata No	Name of the Tenant	Class of land	Area in acres.
16/P	8	Sikaka Dhanamani	Dangar-III	0.18
21/P	8	Sikaka Dhanamani	Dangar-III	0.06
22/P	16	A.J.A	Patra jungle	0.10
35/P	8	Sikaka Dhanamani	Dangar-II	0.07
37/P	11	Bhikari Dalapati	Dangar-III	2.58
49/P	16	A.J.A	Patra jungle	29.43
50/P	8	Sikaka Dhanamani	Dangar-II	0.27
51	16	A.J.A	Patra jungle	46.57
52/P	8	Sikaka Dhanamani	Dangar-III	0.92
53/P	8	Sikaka Dhanamani	Dangar-II	1.55
54/P	8	Sikaka Dhanamani	Dangar-III	1.30
55/P	8	Sikaka Dhanamani	Dangar-II	0.26
56/P	8	Sikaka Dhanamani	Dangar-II	1.35
57	16	A.J.A	Patra jungle	0.11
58/P	8	Sikaka Dhanamani	Dangar-III	2.08
59/P	16	A.J.A	Patra jungle	2.40
60/P	17	A.A.A	Pahada	0.20
63/P	8	Sikaka Dhanamani	Dangar-II	4.62
64/P	16	A.J.A	Patra jungle	5.57
65	14	Kumerika Reli & others	Dangar-III	5.67
66	2	Bhukuta Gouraya	Dangar-III	3.29
67/P	10	Sikaka Bada	Dangar-III	4.62
68/P	2	Bhukuta Gouraya	Dangar-II	2.27
69/P	8	Sikaka Dhanamani	Dangar-II	0.06
108/P	10	Sikaka Bada	Dangar-III	2.70
111/P	16	A.J.A	Patra jungle	6.52
112	10	Sikaka Bada	Dangar-III	0.81
113/P	10	Sikaka Bada	Dangar-III	1.38
123/P	16	A.J.A	Patra jungle	16.19
125/P	18	A.A.A	Bada Jungle	1.93
Total-				145.06 Acres or 58.704 Hects.

(Gadadhar Prusty),
Senior Surveyor,

O/o- the Dy. Director of Mines,
Koraput.

S.C. Nayak
Qualified Person

Tahasildar