

Government of Odisha
Forest & Environment Department

No.10F (Con) 280/2012 20682 -0-
/F&E, Bhubaneswar, dated the

05.10.13

ORDER

Sub: Proposal for diversion of 70.4221ha. of forest land for laying of Pipeline from Paradip to Raipur(Chhattisgarh) via Sambalpur and from Sambalpur to Ranchi(Jharkhand) by M/s Indian Oil Corporation Ltd. for transportation of Petroleum Product from their Refinery Complex at Paradip to Raipur and Ranchi through 10 districts such as Jagatsinghpur, Cuttack, Khurda, Puri, Dhenkanal, Angul, Sambalpur, Bargarh, Jharsuguda and Sundargarh of Odisha

WHEREAS, M/s Indian Oil Corporation Ltd, has applied for diversion of 70.4221ha. of forest land for the purpose of non-forestry use, namely for laying of Pipeline from Paradip to Raipur(Chhattisgarh) via Sambalpur and from Sambalpur to Ranchi(Jharkhand) for transportation of Petroleum Product from their Refinery Complex at Paradip to Raipur and Ranchi through 10 districts such as Jagatsinghpur, Cuttack, Khurda, Puri, Dhenkanal, Angul, Sambalpur, Bargarh, Jharsuguda and Sundargarh of Odisha

And whereas, the Ministry of Environment & Forests(hereinafter referred to as MoEF), Government of India has accorded 'in-principle' approval on the proposal vide its letter F. No. F. No. 8-01/2013-FC dt. 22.2.2013(ANNEXURE-1).

And whereas, the MoEF, Government of India, in consideration of the compliance of the conditions of the 'in-principle' approval, has accorded final approval to the diversion of forest land in favour of abovementioned user agency vide its letter F. No. 8-37/2012-FC dt. 4.9.2013(Annexure-2) under Section 2 of the Forest (Conservation) Act, 1980;

Now therefore, the Government of Odisha, do hereby allow diversion of forest land, details of which are given in the schedule (extracted from the Diversion proposal received from Pr. CCF, Odisha at page 122(a) to 304 vide his letter No.14189 dt.29.8.2012) appended as Annexure-3, in favour of user agency for the purpose of laying of Pipeline from Paradip to Raipur(Chhattisgarh) via Sambalpur and from Sambalpur to Ranchi(Jharkhand) by M/s Indian Oil Corporation Ltd. for transportation of Petroleum Product from their Refinery Complex at Paradip to Raipur and Ranchi through 10 districts such as Jagatsinghpur, Cuttack, Khurda, Puri, Dhenkanal, Angul, Sambalpur, Bargarh, Jharsuguda and Sundargarh of Odisha subject to fulfillment of the conditions stipulated by the MoEF, Government of India subject to availability of all other required statutory clearances.

The District Collectors/DFOs, concerned, as the case may be, are authorized to handover the forest land described in the Schedule to the user agency.

The Divisional Forest Officers concerned also directed to monitor compliance to the conditions stipulated for such diversion and to report violations, if any, to the Nodal Officer, O/O Pr. CCF, Odisha and to the Forest & Environment Department.

By order of Governor


(S.S. Srivastava)

Special Secretary to Government

Memo No. 20683 /F&E, Dated: 05.10.13

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 Officers concerned and user agency may be imparted for required follow up action at their end.


Special Secretary to Government

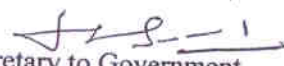
Memo No. 20684 /F&E, Dated: 05.10.13

Copy along with the copy of annexures as above forwarded to the Asst. Inspector General of Forests, Government of India, MoEF(FC Division), Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi, Pin-110003/Addl. Principal Chief Conservator of Forests(Central), MoEF, 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.


Special Secretary to Government

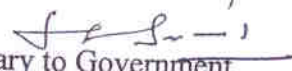
Memo No. 20685 /F&E, Dated: 05.10.13

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.


Special Secretary to Government

Memo No. 20686 /Dt. 05.10.13

Copy with copy of the enclosures forwarded to the Regional Chief Conservator of Forests, Rourkela Circle/ Regional Chief Conservator of Forests, Angul circle/ Regional Chief Conservator of Forests, Sambalpur Circle/Regional Chief Conservator of Forests, Bhubaneswar Circle for information and necessary action.


Special Secretary to Government

Memo No. 20687 /Dt. 05.10.13

Copy with copy of enclosures forwarded to the Divisional Forest Officer, Rajnagar(Mangrove)Division/ Divisional Forest Officer, City Forest Division/ Divisional

Forest Officer, Khurda Division/ Divisional Forest Officer Cuttack division / Divisional Forest Officer, Athagarh division/ Divisional Forest Officer, Dhenkanal Division/ Divisional Forest Officer, Angul division/ Divisional Forest Officer, Athamallik Division/ Divisional Forest Officer, Rairakhol division/ Divisional Forest Officer , Sambalpur Division,/ Divisional Forest Officer , Jharsuguda Division/ Divisional Forest Officer , Bargarh Forest Division/ Divisional Forest Officer , Sundargarh division/ Divisional Forest Officer . Rourkela Division/ Divisional Forest Officer , Bamra(WL) Division for information and necessary action.


Special Secretary to Government

Memo No. 20688 /Dt.

05.10.13

Copy with copy of enclosures forwarded to the Industries Department/Commerce & Transport Department/Revenue & Disaster Management Department for information and necessary action.


The Revenue & Disaster Management Department may impart necessary instruction to Collectors concerned for handing over the diverted forest land in favour of user agency after fulfillment of procedural formalities prescribed under relevant Act/Rules.


Special Secretary to Government

Memo No. 20689 /Dt.

05.10.13

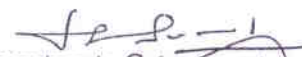
along with copies of enclosures
Copy forwarded to the Collector, Jagatsinghpur/Collector, Cuttack/Collector, Khurda/Collector, Puri/Collector, Dhenkanal/Collector, Angul/Collector, Sambalpur/Collector, Bargarh/Collector, Jharsuguda/Collector, Sundargarh for information and necessary action.


Special Secretary to Government

Memo No. 20690 /Dated.

05.10.13

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


Special Secretary to Government

Memo No. 20691 /Dated.

05.10.13

Copy along with the copy of the enclosures forwarded to Chief Construction Manager, Indian Oil Corporation Ltd., PRRPL Project, Plot No. 325, District Centre, Chandrasekharpur, Bhubaneswar-16 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, 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.

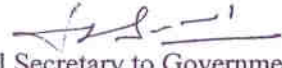
- (iii) *Detailed action taken in compliance to the above order of State Government shall be intimated to the Divisional Forest Officer, Rajnagar(Mangrove)Division/ Divisional Forest Officer, City Forest Division/ Divisional Forest Officer, Khurda Division/ Divisional Forest Officer Cuttack division/ Divisional Forest Officer, Athagarh Division / Divisional Forest Officer, Dhenkanal Division/ Divisional Forest Officer, Angul division/ Divisional Forest Officer, Athamallik Division/ Divisional Forest Officer, Rairakhol division/ Divisional Forest Officer, Sambalpur Division,/ Divisional Forest Officer, Jharsuguda Division/ Divisional Forest Officer, Bargarh Forest Division/ Divisional Forest Officer, Sundargarh division/ Divisional Forest Officer, Rourkela Division/ Divisional Forest Officer, Bamra(WL) Division/Regional Chief Conservator of Forests, Rourkela Circle/ Regional Chief Conservator of Forests, Angul circle/ Regional Chief Conservator of Forests, Sambalpur Circle/Regional Chief Conservator of Forests, Bhubaneswar Circle / Pr. CCF, Odisha/F&E Department for reference.*

Memo No.

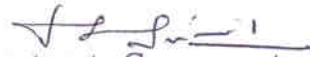
20692

Dated-

05.10.13


Special Secretary to Government

Copy with copy of enclosures 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 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 unfailingly.


Special Secretary to Government.

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Annexure - 1

183

F. No. 8-01/2013-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi -110003.

Dated: 22nd February, 2013

To,

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

Stage - I approval order

Sub: Diversion of 70.4221 ha. of forest land for laying of Pipeline from Paradip to Odisha Boarder near Sohela on the way to Raipur (Chhattisgarh) via Sambalpur and from Sambalpur to Odisha Boarder near Biramitrapur on the way to Ranchi (Jharkhand) by M/s. Indian Oil Corporation Ltd. for transportation of Petroleum Product from their Refinery Complex at Paradip to Raipur and Ranchi through 10 districts such as Jagatsinghpur, Cuttack, Khurda, Puri, Dhenkanal, Angul, Sambalpur, Bargarh, Jharsuguda and Sundargarh of Odisha.


Sir,

I am directed to refer to the State Government of Odisha's letter No 10F (Cons) 280/2012- 127 / F & E dated 2nd January 2013 on the above mentioned subject, seeking prior approval of the Central Government 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, the Central Government hereby agrees to accord **stage-I approval** for the diversion of 70.4221 ha. of forest land for laying of Pipeline from Paradip to Odisha Boarder near Sohela on the way to Raipur (Chhattisgarh) via Sambalpur and from Sambalpur to Odisha Boarder near Biramitrapur on the way to Ranchi (Jharkhand) by M/s. **Indian Oil Corporation Ltd.** for transportation of Petroleum Product from their Refinery Complex at Paradip to Raipur and Ranchi through 10 districts such as Jagatsinghpur, Cuttack, Khurda, Puri, Dhenkanal, Angul, Sambalpur, Bargarh, Jharsuguda and Sundargarh of Odisha, subject to the fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land twice in extent to the forest land being diverted (i.e. $2 \times 70.4221 = 140.8442$ hectares) shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

22/2/2013

- (iv) The State Government shall charge the Net Present Value (NPV) of the forest land being 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 (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;
- (v) 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;
- (vi) Wherever possible and technically feasible, the user agency shall undertake afforestation along the pipeline within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
- (vii) The funds realised from the user agency shall be transferred to the ad-hoc CAMPA in the concerned saving bank account in the Union Bank of India, Sunder Nagar Branch, New Delhi;
- (viii) The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (ix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (x) No labour camp shall be established on the forest land;
- (xi) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person.
- (xii) The user agency shall provide 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;
- (xiii) 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, forward and back bearing and distance from pillar to pillar;
- (xiv) The user agency shall ensure that because of this project, no damage is caused to the flora and fauna available in the area;
- (xv) In the portion of the pipeline passing through elephant corridor/ habitat the pipeline shall be laid at at-least 2 meter depth below the ground level and the user agency shall undertake appropriate measures to ensure that the landscape of the RoW in such stretches, to the extent possible, merge with the surrounding landscape;
- (xvi) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;
- (xvii) 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 letter No. 11-9/1998-FC- (pt.) dated 5.2.2013, in support thereof;
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- (xviii) Any other condition that the Regional Office (Eastern Zone), Bhubaneswar may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xix) The user agency shall submit the annual report on compliance to conditions stipulated in the approval to the to the State Government and the concerned Regional Office of this Ministry; and
- (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.

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Odisha, final/ stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be affected by the State Government of Odisha till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,

H. C. Chaudhary
(H. C. Chaudhary)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, Forest Department, Government of Odisha, 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
(H. C. Chaudhary)

Assistant Inspector General of Forests



F. No. 8-01/2013-FC
Government of India

Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi -110003.

Dated: 4th September, 2013

To,

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

Annexure - 2

Sub: Diversion of 70.4221 ha. of forest land for laying of pipeline from Paradip to Odisha Boarder near Sohela on the way to Raipur (Chhattisgarh) via Sambalpur and from Sambalpur to Odisha Boarder near Biramitrapur on the way to Ranchi (Jharkhand) by M/s. Indian Oil Corporation Ltd. for transportation of petroleum products from their Refinery Complex at Paradip to Raipur and Ranchi through 10 districts such as Jagatsinghpur, Cuttack, Khurda, Puri, Dhenkanal, Angul, Sambalpur, Bargarh, Jharsuguda and Sundargarh of Odisha.

Sir,

I am directed to refer to the State Government of Odisha's letter No 10F (Cons) 280/2012-127 / F & E dated 2nd January 2013 on the above mentioned subject, wherein prior approval of the Central Government for the diversion 70.4221 ha. of forest land for laying of pipeline from Paradip to Odisha Boarder near Sohela on the way to Raipur (Chhattisgarh) via Sambalpur and from Sambalpur to Odisha Boarder near Biramitrapur on the way to Ranchi (Jharkhand) by M/s. Indian Oil Corporation Ltd. for transportation of petroleum products from their Refinery Complex at Paradip to Raipur and Ranchi through 10 districts such as Jagatsinghpur, Cuttack, Khurda, Puri, Dhenkanal, Angul, Sambalpur, Bargarh, Jharsuguda and Sundargarh of Odisha, was sought, in accordance with Section 2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under section 3 of the said Act, in-principle approval for the said diversion was granted vide this Ministry's letter of even number dated 22nd February 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 the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government of Orissa vide their letter No. 10F (Cons)-85/2013-17604/ F & E dated 23rd August 2013, approval of the Central Government is hereby granted under section 2 of the Forest (Conservation) Act, 1980 for diversion of 70.4221 ha. of forest land for laying of pipeline from Paradip to Odisha Boarder near Sohela on the way to Raipur (Chhattisgarh) via Sambalpur and from Sambalpur to Odisha Boarder near Biramitrapur on

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the way to Ranchi (Jharkhand) by M/s. Indian Oil Corporation Ltd. for transportation of petroleum products from their Refinery Complex at Paradip to Raipur and Ranchi through 10 districts such as Jagatsinghpur, Cuttack, Khurda, Puri, Dhenkanal, Angul, Sambalpur, Bargarh, Jharsuguda and Sundargarh of Odisha, subject to fulfillment of the following conditions

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land twice in extent to the forest land being diverted (i.e. $2 \times 70.4221 = 140.8442$ hectares) shall be raised and maintained by the State Forest Department from funds realised from the user agency;
- (iii) The State Government shall realise the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (iv) Wherever possible and technically feasible, the user agency shall undertake afforestation along the pipeline within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
- (v) The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (vi) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (vii) No labour camp shall be established on the forest land;
- (viii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person.
- (ix) The user agency shall provide 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;
- (x) 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, forward and back bearing and distance from pillar to pillar;
- (xi) The user agency shall ensure that because of this project, no damage is caused to the flora and fauna available in the area;
- (xii) In the portion of the pipeline passing through elephant corridor/ habitat the pipeline shall be laid at at-least 2 meter depth below the ground level and the user agency shall undertake appropriate measures to ensure that the landscape of the RoW in such stretches, to the extent possible, merge with the surrounding landscape;
- (xiii) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;
- (xiv) Any other condition that the Regional Office (Eastern Zone), Bhubaneswar may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;

22.4/9/2017

- (xv) The user agency shall submit the annual report on compliance to conditions stipulated in the approval to the to the State Government and the concerned Regional Office of this Ministry; and
- (xvi) 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.

Yours faithfully,

[Signature]
24/9/2017

(H. C. Chaudhary)
Assistant Inspector General of Forests

Copy to:

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

[Signature]
(H. C. Chaudhary)
Assistant Inspector General of Forests