

**OFFICE OF THE DIVISIONAL FOREST OFFICER & WILDLIFE WARDEN
CHANDAKA WILDLIFE DIVISION, GAJA VIHAR
BARAMUNDA BHUBANESWAR-751003**

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No. **05** 4F (F.C.Act & Lease) - 189/2019

Dated, Bhubaneswar the **05th** January, 2019

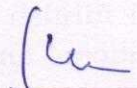
REASONED ORDER

Sub : Diversion of 10.617 ha. forest land under Chandaka Wildlife Division for construction of 200 feet Master Plan road over a length of 1.930 Km. from Utkal Health Care Hospital to Rail Vihar within Left Side Road Network (LSRN) (Modified CDP -02/2017) in Bhubaneswar City coming under Bhubaneswar Tahasil of Khordha District, Odisha by Executive Engineer, Bhubaneswar (R & B) Division No. III, Bhubaneswar.

Whereas, Forest Diversion Proposal bearing **Proposal No. FP/OR/ROAD/ 31840 /2018, State Sl. No.OR-016/2018 dated 22.03.2018** for diversion of 10.501 ha. of forest land as per DGPS Survey out of applied area 10.617 ha. under Chandaka Wildlife Division, Bhubaneswar for construction of 200 feet wide Master Plan Road over a length of 1.930 Km. from Utkal Health Care Hospital to Rail Vihar within Left Side Road Network (LSRN) (Modified CDP -02/2017) in Bhubaneswar city coming under Bhubaneswar Tahasil of Khordha District, Odisha was submitted by the Project proponent i.e. Executive Engineer, Bhubaneswar (R & B) Division No. III, Bhubaneswar and the said proposal was processed under the Forest (Conservation) Amendment Rule, 2003.

And whereas, the said diversion proposal over 10.617 ha. of forest land involves Reserved Forest Land – 9.197 ha. and Revenue Forest Land – 1.420 ha. under Chandaka Wildlife Division, Bhubaneswar.

And whereas, the aforesaid diversion proposal submitted over 10.617ha. has been accorded '**Stage- I/in-principle**' approval under Sec - 2(ii) of the Forest (Conservation) Act, 1980 by the Ministry of Environment, Forest and Climate Change, Government of India vide their *Letter No. 5-ORC350/2018-BHU dtd. 18.07.2018.*


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And whereas, the User Agency has deposited the Compensatory levies in compliance with condition No. 2(ii), 2(viii), 2(xxiii)(d) & (g) of in-principle approval order as detailed below.

Sl. No.	Condition No. of Stage - I approval Order	Particulars	Amount demanded Letter No. & Date	Details of deposit of Compensatory levies by the User Agency (Letter No. & Date)
1	2(ii)	Cost of Net Present Value (NPV)		
		a. Over 9.197 ha. of Reserved forest land coming <i>within</i> Chandaka-Damapara Wildlife Sanctuary.	₹ 2,87,86,610/-	₹ 6,58,79,130/- vide Challan dated 28.12.2018 (Letter No. 14 dtd. 02.01.2019 of the Executive Engineer, Bhubaneswar (R&B), Division No. III , Bhubaneswar)
		b. Over 1.420 ha. of Revenue forest land <i>outside</i> of Chandaka-Damapara Wildlife Sanctuary.	₹ 8,88,920/-	
	₹ 2,96,75,530/- (Letter No. 4973 dtd. 15.09.2018 of DFO, Chandaka Wildlife Division)			
2	2(xxiii) (d) & (g)	Cost of activities to be implemented in project impact area under Site Specific Wildlife Conservation Plan.	₹ 3,11,31,000/- (Letter No. 4889 dtd. 15.09.2018 of DFO, Chandaka Wildlife Division)	
3	2(viii)	Cost of Compensatory Afforestation (CA) over 10.724 ha.	₹ 50,72,600/- (Letter No. 4889 dtd. 15.09.2018 of DFO, Chandaka Wildlife Division)	

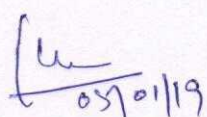
And whereas, the User Agency has undertaken to comply the other stipulated conditions of '**Stage- I/ in-principle**' approval under Sec - 2(ii) of Forest (Conservation) Act, 1980 imposed by the Ministry of Environment, Forest and Climate Change, Government of India vide their Letter No. 5-ORC350/2018-BHU dtd. 18.07.2018 as detailed below.

Sl. No.	Condition Number of Stage -I approval Order	Stipulated Conditions	Compliance made / to be made
1	2(i)	Legal Status of Forest land proposed for diversion shall remain unchanged	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
2	2(iii)	At the time of payment of the Net Present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19

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3	2(v)	The revenue forest land identified for raising Compensatory Afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage-II approval.	The Revenue forest & non-forest land in Mouza – Bhuasuni in Bhubaneswar Tahasil has been transferred and mutated in favour of State Forest Department vide Alienation Case No. 35/2018 of Bhubaneswar Tahasil in Khordha District.
4	2(x)	The user agency shall also comply the recommendations of the State Government.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
5	2(xi)	The designing of new culverts/bridges and redesigning the existing ones over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, so that it does not hamper movement of wild animals including fishes & amphibians migration.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
6	2(xiv)	The user agency shall use fly ash for the road construction and for filling up of void created due to soil borrows which will be followed by compaction and spreading of top soil over it as per Fly Ash Notification No. S.O. 254 (E) dated 25.01.2016.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
7	2(xv)	The user agency shall submit an undertaking to ensure that flanks of roads should be filled by transported soil and not with soil dug from the side of the roads.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
8	2(xvi)	No additional or new path will be constructed inside the forest area for any activity related to the project work.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
9	2(xvii)	No labour camp shall be allowed in the forest area.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
10	2(xviii)	The user agency shall provide LPG or alternate fuel to labourers working at the site to avoid damage/tree felling and ensure no fuel wood use.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
11	2(xix)	The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
12	2(xx)	The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19

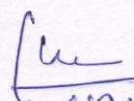
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		transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.	
13	2(xxii)	The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
14	2(xxiii)	The State Government/User Agency shall comply the recommendations of NBWL in its 49th meeting held on 13.06.2018 which is as follows:	
	a)	Construction of RCC wall of specification 8 feet height with concertina fencing 2 feet is essential all along the road passing through the sanctuary by the user agency before demolition of Elephant Proof stone wall guard concertina fencing to prevent stray of elephants, wild pig & other animals to Bhubaneswar city and loss of life and property of the inhabitants due to Human-Wildlife interface	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
	b)	The existing 10 ft Murrum patrolling path over 1.930 Km is coming along the proposed alignment of the new road. Alternate patrolling path need to be constructed to ensure unhindered patrolling for protection of wildlife and their habitat.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
	c)	Two fly over bridges need to be constructed at elephant crossing points i.e. one at Jagannathprasad on Kalinga studio Chhak- Chandaka road and another at Kujimahal on Baranga-Pitapalli road to facilitate safe passage for elephants.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
	e)	The existing deep bore well, pump house and drip irrigation facility done under MCL - CSR Afforestation Scheme during 2017-2018 is coming within the alignment of proposed new road. The same facilities need to be provided by the User Agency for watering of the plantation.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19 

	f)	The user agency and other concerned agencies need to take proactive measures to prevent light & noise pollution so as not to cause any disturbance to wildlife. To ensure the same, a green belt plantation along both sides of the road would be taken up.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
	g)	Site Specific Wildlife Conservation Plan is required to be prepared incorporating the aforementioned interventions for implementation at the project cost after approval of the Competent Authority.	Site Specific Wildlife Conservation Plan approved by the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha, Bhubaneswar vide his letter No. 7964 dtd. 31.08.2018. The User Agency has furnished undertaking to implement the approved Site Specific Wildlife Conservation Plan.
15	2(xxiv)	Any other conditions that the Ministry of Environment, Forest & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19
16	2(xxv)	The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	The User Agency has submitted undertaking to this effect vide their letter No. 55 dtd. 04.01.19

And whereas, the guideline vide letter No.II-306/ 2014-FC of MoEF&CC, Govt. of India dated 07.05.2015 on simplified procedure for grant of permission for felling of trees standing on forest land to be diverted for execution of linear projects depicts the procedure to be followed to that effect and the State Govt. vide letter No. 10F(Con)92/2015(pt.)-11624/F&E dated 04.07.2015 has inter alia authorized the Divisional Forest Officer, (T & WL) to accord permission for tree cutting from forest land and allow commencement of work on forest land proposed for diversion for linear projects after compliance to conditions stipulated in Para 3(i) of Government of India guidelines dated 07.05.2015.

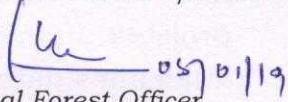
And whereas, the guideline vide letter No. 11-306/2014-FC(Pt) of MoEF & CC, Government of India dated 28.08.2015 on simplified procedure for grant of permission for felling of trees standing on forest land to be diverted for execution of linear projects states inter alia that the order for tree cutting and commencement of work of a linear project in forest land shall be for a period of one year i.e. from date of issue of this order.


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Now therefore, the Project Proponent i.e. Executive Engineer, BBSR (R&B) Division No. III, Bhubaneswar is hereby allowed for tree cutting as per procedure laid by relevant Rules to the bare minimum out of total enumerated trees i.e. **2734** nos. of trees under the strict supervision of Forest Department and commencement of work in the forest land over **10.617 ha.** under Chandaka Wildlife Division subject to strict compliance of the order of the Hon'ble National Green Tribunal vide order dated 13.03.2015 in O.A No. 52 of 2015 before commencement of tree felling in forest land as summarized hereunder-

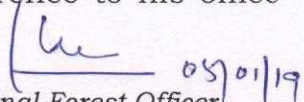
- i. The project proponent shall publish the entire forest clearance granted in verbatim along with conditions and safeguards imposed by the Central Govt. in Stage-I forest clearance in two widely circulated daily Newspapers, one in vernacular language and the other in English language so as to make people aware of the permission granted to the project for use of forest land for non-forestry purposes.
- ii. The project proponent 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 relevant offices of State Government, who in turn shall display the same within 30 days from the date of receipt.
- iii. Detailed action taken in compliance to the above order shall be intimated to the Divisional Forest Officer, Chandaka Wildlife Division / Regional Chief Conservator of Forests, Bhubaneswar Circle, Bhubaneswar / Addl. Principal Chief Conservator of Forests (FD & NO, FC Act) Office of the Principal Chief Conservator of Forests & HoFF, Odisha, Bhubaneswar / Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha, Bhubaneswar/ Forest & Environment Department, Government of Odisha for reference before commencement of tree felling in respect of forest land involved in the project.

It is also pertinent to mention here that this order is subject to compliance of stipulated conditions of Stage-I approval of MoEF&CC, Govt. of India vide No. 5-ORC350/2018-BHU dtd. 18.07.2018 in respect of the aforesaid project proposal and non-compliance thereof within the deadline w.e.f. the date of issue-of this reasoned order i.e. 05.01.2019 as decided by the State Government vide letter No. 17194/F&E dated 28.09.2015 shall stand revoked on 04.01.2020.


Divisional Forest Officer
Chandaka Wildlife Division
Bhubaneswar

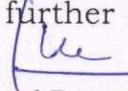
Memo No. 108 / dt. 05-01-2019

Copy forwarded to the Executive Engineer, Bhubaneswar (R&B), Division No. III, Bhubaneswar for information and necessary action with reference to his office letter No. 55 dtd. 02.01.2019.


Divisional Forest Officer
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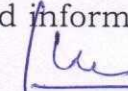
Memo No. 109 / dt. 05-01-2019

Copy forwarded to the Range Officer, Bhubaneswar Wildlife Range for information and necessary action. He is requested to report activities undertaken in the forest land by the project proponent in contravention of this order for further necessary action at this end.


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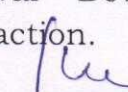
Memo No. 110 / dt. 05-01-2019

Copy forwarded to the Collector, Khordha for favour of kind information and necessary action.


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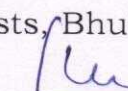
Memo No. 111 / dt. 05-01-2019

Copy forwarded to the Vice Chairman, Bhubaneswar Development Authority, Bhubaneswar for favour of kind information and necessary action.


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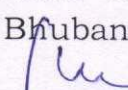
Memo No. 112 / dt. 05-01-2019

Copy forwarded to the Regional Chief Conservator of Forests, Bhubaneswar for favour of kind information and necessary action.


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Chandaka Wildlife Division
Bhubaneswar

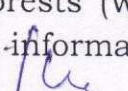
Memo No. 113 / dt. 05-01-2019

Copy forwarded to the Additional Principal Chief Conservator of Forests, (Forest Diversion & Nodal Officer, FC Act), Aranya Bhawan, Odisha, Bhubaneswar for favour of kind information and necessary action.


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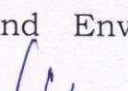
Memo No. 114 / dt. 05-01-2019

Copy forwarded to the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha, Bhubaneswar for favour of kind information and necessary action.


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Divisional Forest Officer
Chandaka Wildlife Division
Bhubaneswar

Memo No. 115 / dt. 05-01-2019

Copy forwarded to the Special Secretary, Forest and Environment Department for favour of kind information and necessary action.


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Chandaka Wildlife Division
Bhubaneswar

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