



No. J-13012/03/2017-IA.I (T)
Government of India
Ministry of Environment, Forest and Climate Change

3rd Floor, Vayu Block,
Indira Paryavaran Bhawan, Jor Bagh Road,
Aliganj, New Delhi-110003

Dated: 6.7.2017

To

M/s Surguja Power Pvt. Ltd.
Sambhaav House, Judges Bungalow Road,
Bodakdev, Ahmedabad-380015.

Tel: 079 25556900; Fax: 07925557155; Email: info@adani.com

Sub: 4x150 MW Coal Washery Rejects based Thermal Power Project at village Parsa and Kete, Tehsil Udaypur, District Surguja in Chhattisgarh- reg. Terms of Reference (TOR).

Sir,

This has reference to your online applications dated 6.2.2017 and EAC (Thermal Power) meeting held on 16.3.2017. It has been noted that you have submitted an application for grant of ToR for setting up of 4x150 MW Coal washery rejects based Thermal Power Project with Circulating Fluidised Bed Combustion (CFBC) Technology at Parsa and Kete Villages, Udaypur Tehsil, Surguja District, Chhattisgarh. It is informed that the project is proposed within the mine lease area of Parsa East and Kanta Basan Coal blocks of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited (M/s RRVUNL).

2. Total land requirement for the proposed project is 42.57 ha out of which 29.09 ha is the forest land (Protected forest: 19.64 ha and Revenue forest: 9.45 ha) and 13.48 ha is the private tenancy land. In the Form-1, it has been mentioned that Stage-II forest clearance has been obtained (1898.328 ha) vide Ministry's File No.8-31/2010-FC dated 6.7.2011. After careful examination, it has been found that Stage-I & Stage-II forest clearances for diversion of 1898.328 ha forest land has been given under Section-2 of FC Act, 1980 in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) for opencast coal mining project in the Parsa East and Kete Basan Captive Coal Blocks vide Ministry's letter dated 6.7.2011 and 15.3.2012 respectively.

3. It is to mention that, NGT Principal Bench, New Delhi vide order dated 24.3.2014 in Appeal No.73/2012 has set aside the Forest Clearance issued by the Ministry as well as consequential order issued by the Govt. of Chhattisgarh in regard to the diversion of 1898.328 ha forest land. Further, NGT in their order mentioned that MoEF&CC would seek fresh advice of the FAC within reasonable time on all aspects and directed MoEF&CC to pass the reasoned and appropriate order in accordance with law based on the advice of FAC. NGT also directed to suspend all the work taken up by M/s RRVUNL till further decisions by the MoEF&CC.

4. M/s RRVUNL has appealed vide Appeal No.4395/2014 before the Hon'ble Supreme Court for review of the judgment of the NGT dated 24.3.2014. Hon'ble Court vide their Order dated 28.4.2014 stayed the direction in the impugned order whereby NGT had directed that all works commenced by the RRVUNL pursuant to the order dated 28th March, 2012 passed by the State of Chhattisgarh under Section 2 of the Forest Conservation Act, 1980 shall be suspended till further orders are passed by the Ministry of Environment and Forests. However, the case is pending for hearing and sub-judice.

5. The proposal for diversion of 1898.328 ha forest land was placed before the FAC by MoEF&CC for re-examination. However, FAC in its meeting held during 29-30.4.2014 deferred the proposal for re-examination as the matter is sub-judice in the Hon'ble Supreme Court.

6. Meanwhile, M/s RRVUNL applied to the Nodal Officer, Forest Department, Government of Chhattisgarh vide their letter dated 4.10.2016 for changing the land use of 29.09 ha forest land (out of 1898.328 ha already diverted for opencast coal mining in favor of M/s RRVUNL) from mining to Thermal Power Plant. Subsequently, Government of Chhattisgarh (Forest Department) vide their letter dated 3.5.2017 recommended to MoEF&CC, New Delhi for change in landuse of 29.09 ha of forest land from mining to thermal power plant under the provisions of FC Act, 1980. The matter is under examination in the FC division of this Ministry.

7. The proposal for grant of ToR has been placed before EAC (Thermal) in its meeting held on 16.3.2017. EAC also noted that application for re-diversion of 29.09 ha forest land is yet to be submitted by M/s Surguja Power Pvt. Ltd.

8. As per the Ministry's Office Memorandum dated 9.9.2011, at the stage of consideration of proposals for ToR in respect of the projects involving forest land, the project proponent would submit a proof in support of the fact that they have already submitted their application to the concerned Competent Authority for diversion of the forest land involved in the project. It is evident from ToR application that there is no application has been submitted for diversion of 29.09 ha forestland for setting up of thermal power plant in favour of M/s Surguja Power Pvt. Ltd.

9. In view of the above, your request for application of ToR shall be considered only after submission of the credible proof of application submitted for diversion of 29.09 ha forest land in favour of M/s Surguja Power Pvt. Ltd. as well as FAC decision on diversion of forestland as discussed in paras 3 to 6 mentioned above.

This issues with the approval of the Competent Authority.

Yours faithfully,

N. Subrahmanyam
(N. Subrahmanyam)
Scientist 'C'

Copy to:-

1. The Additional Chief Conservator of Forests (C), Ministry of Env. Forest and Climate Change, Regional Office (WCZ), Ground Floor, East Wing, New Secretariat Building, Civil Lines, Nagpur- 440001.
2. Guard file/Monitoring file.
3. Website of MoEF&CC.
4. PPS to JS(GB).

N. Subrahmanyam
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Scientist 'C'